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**PLANNING COMMISSION MEETING**  
**Wednesday, November 16, 2022, at 7:00 PM**  
**Hamburg Township Hall Board Room**

**MINUTES**

**CALL TO ORDER**

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

**PLEDGE TO THE FLAG**

- 1) The Pledge of Allegiance was led by Commissioner Chair Jeff Muck.

**ROLL CALL OF THE BOARD:**

**1) PRESENT:**

Paul Bohn  
John Hamlin  
Patricia Hughes  
Victor Leabu Jr  
Ron Muir  
Jeff Muck, Chair  
Joyce Priebe

**2) ABSENT:**

None

**APPROVAL OF MEETING AGENDA for tonight.**

Motion made by Commissioner Hughes to approve the agenda as presented. Seconded by Commissioner Bohn.

VOTE: MOTION CARRIED UNANIMOUSLY

**APPROVAL OF THE MEETING MINUTES**

Motion made by Commissioner Hamlin to approve October 19, 2022, Planning Commission Meeting Minutes, as presented. Seconded by Commissioner Priebe.

VOTE: MOTION CARRIED UNANIMOUSLY

#### CALL TO THE PUBLIC

None

#### OLD BUSINESS

- 1) **Zoning Text Amendment {ZMA/ZTA22-0003}**: Planning Commission to hold a **public hearing** to consider the Zoning Amendment ZTA 22-0003 that would amend the current regulations regarding keeping of poultry under Chapter 36 Zoning; Article VI; Section 36-187 (3) Raising and Keeping of Poultry.

A citizen filed a zoning text amendment to amend the poultry ordinance at the last Public Hearing of the Planning Commission. The PC directed staff to look at the poultry regulations. Staff presented 2 possible options; Exhibit A, a less restrictive ordinance for chickens on water front properties or Exhibit B which is more restrictive ordinance. Backyard chickens might not be appropriate on water front property, based on the use and the value of the property. Preserving the environmental quality of the land between the home and the water. Our ordinance does not allow fences to be put up within 50' of the water. Another option from staff is just leave the poultry ordinance as it is, without an amendment to the ordinance. Exhibit A shows pictures on how this less restrictive ordinance would work on the three properties that we currently have current code enforcement on, showing where the chickens would need to be located. Exhibit B is less restrictive than the current regulations and allows more properties to have chickens in the Waterfront and NR districts, but it would still limit chickens on two of the three properties that currently have code enforcement actions on them regarding chickens due to the size of those properties.

Open to Public Hearing for Comments.

- (1) Lee Haden- Had concern over the advertising of the public hearing: staff described the required public hearing notice procedures. During public comments, Ms. Haden expressed support for the original proposed amendments to the Poultry Ordinance submitted by Cindy Voigtman & Shannon.
- (2) Jeff Cooper- 8732 River Valley, Brighton, MI 48116 see card in file. Jeff Cooper let the PC know that Pete and Faith Miller, as well as Elson and Petosa Assini, were neighbors who couldn't make this meeting, but gave him permission to speak for them. We have all consistently complained about Ms. Haden and do not support any amendment changes to be made to the Poultry Ordinance.
- (3) Cindy Voigtman & Shannon -Mrs. Voigtman was the citizen that submitted the original amendments to the ordinance. She stated concern over the date of the planning commission hearing, both Mrs. Voigtman and Shannon had concerns over the staff's Exhibit A and B proposed zoning text amendments and expressed their support for their original proposal.
- (4) Jeff Bowersox-8700 River Valley, Brighton. Stated he had submitted a code enforcement request regarding the keeping of chickens and stated concern with the code enforcement process with the Township. Mr. Bowersox then expressed his concerns with the proposed

amendments that would allow chickens and supported no amendments to the current regulations.

Close to the Public Hearing...

Township Staff then presented the planning commission staff report and addressed some questions. Staff stated concerns with allowing the keeping and raising of chickens on lots that abut a waterbody and how lots that abut a waterbody are more sensitive than other sites within the township and have different uses.

Council discussed the proposed amendments.

- Commissioner Muir stated that he could support Exhibit B.
- Commissioner Leabu asked for clarification between Exhibit A, and Exhibit B.
- Commissioner Priebe clarified with staff that the front yard is the streetside of a property. Stated that the township might need to look at our requirement of 125' setback in NR.
- Commissioner Hamlin stated that he doesn't have strong feelings of support for any amendment exhibits.
- Commissioner Hughes stated that code enforcement is done by complaint. We have had 3 complaints about chickens out of all of our residential properties. She supported keeping the Poultry Ordinance as is.
- Commission Bohn stated that anyone has the right to bring in an ordinance change. The water setbacks were established, historically so that nutrients released from an operation were absorbed within that area before reaching the water body. He expressed that he would support a reasonable ordinance that allowed chickens on residential lots. Maybe we could utilize a special land use permit for site specific issues, with limitations due to the size of the parcel. Our township is special because we look for creative use and ways to accommodate those things. He stated he would support any ordinance that would allow for needed setbacks, not in the front yard due to road issues, that is special land use driven if needed.

Staff agree that they could take what they have heard at tonight hearing and take another attempt to amend the regulations regarding the keeping and raising of poultry, it would take more staff time to research and prepare.

- Commission Chair Muck summarized the support for the different options that were presented.

Motion made by Commissioner Muir that no change be made to the current regulation regarding the Keeping and Raising of Poultry. Seconded by Commissioner Hughes.

Roll Call VOTE:

Ayes (5: Hughes, Hamlin, Priebe, Muck, Muir)

Nays: (2: Leabu and Bohn)

Absent: (0)

MOTION CARRIED: 5 to 2

## NEW BUSINESS

- 1) **Special Use Permit (SUP 22-0002):** Planning Commission will hold a public hearing to consider the Special Use Permit (SUP22-0002) to allow a storage facility use on a portion of the property at 10776 Hall Rd (parcel #15-25-400-014).

Planning Staff stated this is a Special Use Permit, not a site plan, to allow 5.5 acres of site to be used as a storage facility on the property. This storage facility would have to come back at a future Planning Commission Meeting to go through a Site Plan Review which does not require a public hearing.

David Leclair, of Livingston Engineering representing the applicant presented. In August 2022 for the special land use of a larger portion of the site was presented to Planning Commission for use as a storage facility and at that time that application was denied. It was expressed at that original meeting that 500' depth from the right-of-way on Hall Road would be a more appropriate area for the storage facility use on this parcel of land. This land is zoning as General Industrial, and it located between two active general industrial sites. This site has some contaminated issues on site.

Open to Public Hearing for Comments.

- (1) Winona Smith-7820 Pintail Lane, Whitmore Lake works from home now, and faces this empty, vacant building every day. She expressed her support for having this building redeveloped for aesthetics and safety of neighborhood children. Concerned of possible traffic and bright lights.
- (2) Brenda Vibbart-10564 Hall Rd, Whitmore Lake, stated that she was concerned that this contamination site might disturb the soil.

Close to the Public Hearing...

Commissioner Chair Muck open discussion to commissioners and Scott.

- Scott presented the staff report and the recommended conditions one of the recommended conditions is that the SUP approval is only valid based on final site plan review.
- Commissioner Bohn thanked the applicant for listening at the last PC Meeting and all his work on this proposal. He supports it.
- Commissioner Muir asked for clarification on the case number which was 22-0002.
- Commissioner Hughes supports that there are fewer storage units then originally proposed in August 2022, but she expressed her concern with the contaminated area on the undeveloped parcel.
- Commissioner Hamlin supports this special use permit because the uses in the Village Center Master Plan is flexible, not casted in stone. The township should conduct an annual review of this master plan to ensure it matches surrounding uses. He stated he is not supported of making this applicant to build a roadway based on the master plan.
- Commissioner Leabu supports leaving the easement on this parcel and approving the special use permit to the applicant.
- Commissioner Priebe shared her support for this project. It is the best use of the parcel.
- Commissioner Chair Muck shared his support for this project as well.

Motion made by Commissioner Bohn to recommend approval of this special land use permit to the township, with the conditions set forth in the planner's report 1 toS because the proposed storage facility use as presented will meet the zoning regulations and the special use permit standards under section 36-36 (c)(l-8) as discussed at tonight Planning Commission, seconded by Priebe.

Amendment 1: To amend Condition 3 so it read the future roadway through the site will be reviewed with the Site Plan Review application. Seconded by Priebe

Amendment 2: To amendment Condition 5 to allow two years instead of one year. Seconded by Priebe.

Roll Call Vote: Ayes (6) Hamlin, Priebe, Muck, Leabu, Bohn and Muir. Nays (1) Hughes. Absent (0)

MOTION CARRIED: 6 to 1

- 2) **Final Site Plan (SP 22-002):** Planning Commission will have a public meeting to consider the change in use from a residential use to a commercial use at 7878 M-36. This change will also include the conversion of the existing residential home on the site into a commercial facility with a 1,391 square foot showroom and 961 square foot of office space. The project also will include the addition of a new 5,000 square foot pole barn to the rear of the existing structure for storage of products sold from the site.

Commissioner Chair Muck opened the discussion to Scott:

- This final site plan review of utilizing a home, converting it into commercial. He reviewed the 10 conditions in his staff report for site plan approval. Approval should include that applicant will need to apply for a variance for driveway spacing.
- Applicant Doug Hill and Jesse of Green Tech- spoke about landscaping and minimizing the slope of the detention pond to avoid the fence in front of the building.
- Commissioner Leabu spoke on the signage height and landscaping.
- Commissioner Hughes spoke about additional commercial renters with this proposal found in the documents that Doug handed out.

Motion made by Commissioner Bohn to approve the final site plan SPA22-0002, to the Township Board with the following conditions; because as conditioned the project meets the site plan review standards A-Lin section 36-73 (7) and the additional approval standards of the Village Center District under section 36-187 (i)(2) (a-g) as discussed at tonight's meeting and as presented in the Staff Report, with the exception to condition #2. Also recommending approval of the landscaping waivers. Seconded by Commissioner Priebe.

Ayes (7); Nays (0); Absent (0)

VOTE: MOTION CARRIED UNANIMOUSLY

- 3) Zoning Administrator Report- None (Chris Madigan is no longer with the township). Pat Hughes talked about the Township Board Meeting. There was a motion to look for a full-time Planning and Zoning Director who will do site plan reviews. The Planning Commission chair could be a part of that search. Large site plans would utilize an outside consultant.

**ADJOURNMENT**

Motion to adjourn at 9:15 pm.

Motion made by Commissioner Bohn for adjournment. Seconded by Commissioner Muir.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,


**Lisa Perschke**

*Planning/Zoning Coordinator & Recording Secretary*

**Scott Pacheco**

*Zoning Administrator*

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



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Commissioner Jeff Muck, Chairperson