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

PLANNING COMMISSION MEETING

Wednesday, March 20, 2024, 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

ROLL CALL OF THE BOARD:

- 1) **PRESENT:**
 - John Hamlin
 - Patricia Hughes
 - Deborah Mariani
 - Ron Muir
 - Jeff Muck, Chair
 - Joyce Priebe

- 2) **ABSENT:**
 - Victor Leabu Jr

APPROVAL OF MEETING AGENDA for tonight.

Approval Motion made by Commissioner Mariani, seconded by Commissioner Muir, to approve the agenda as amended with roll call and adjournment.

Vote: Ayes (6) Absent (1) Leabu Jr

Motion carried.

APPROVAL OF THE MEETING MINUTES

Approval Motion made by Commissioner Mariani, seconded by Commissioner Hamlin, to approve February 21, 2024, Planning Commission Meeting Minutes with corrections as noted by Commissioner Priebe.

Vote: Ayes (6) Absent (1) Leabu Jr

Motion carried.

CALL TO THE PUBLIC- No public response.

OLD BUSINESS

None

NEW BUSINESS

1. **Zoning Map Amendment 24-0001** to change the zoning of the parcel commonly known as 9300 Hamburg Rd. (TID 4715-24-103-038) from Medium Density Residential (RA) to Neighborhood Service. (Zoning Ordinance Section 36-177).

Chair Muck opened the public hearing to any audience members that wanted to comment on this action item.

- i) **Joseph Monroe-9309 Hamburg Rd** stated that he had dropped off a letter to the Planning Department earlier this week, but he wanted to discuss that he was against this because he defines it as Spot Zoning. He explained that he felt that the nearby property values will decline if this rezoning is granted, due to increased traffic and spacing issues onsite.
- ii) **Jerry Bennett- 8820 Hendricks Dr** stated that he felt that the area could use a convenience center and was in favor of this zoning change.

Chair Muck closed the public hearing. Chair Muck invited the applicants to come to the podium. Patricia Weeks explained that this site housed Advanced Countertops which is not currently in business. She explained that no decision has been made as to how this rezoning will be used for the future proposed projects. Currently the building is being used as a storage unit since their primary residence is on the lake. According to the Master Plan, this area is slated for Neighborhood Services, which this rezoning would comply with.

Chair Muck opened the meeting to David Rohr, the Planning and Zoning Director. David reminded the commissioners that what is important regarding a rezoning is to follow the community Master Plan. This request does support our comprehensive master plan. The future land use maps from 2010 and 2020 do envision this parcel as neighborhood commercial classification as neighborhood service uses. David provided the commissioners with the Permitted Use Table that was recently updated in Municode. Staff believes that this request is reasonable because it fits in with our Master Plan and the future use map.

Chair Muck opened the meeting for commissioner questions and comments. Commissioner Muir started by mentioning that he wished Commissioner Leabu Jr had been there since he knew the history of this site. David explained that the reason the current owners were petitioning for a rezoning, is that they are not allowed to do

anything to expand their business-related features, since the parcel is zoned residential. The current use is nonconforming as it exists. It had been grandfathered in before the zoning ordinance came into effect.

Commissioner Hughes stated that since the parcel is zoned as RA-Medium Residential, and if she had owned it, she would want to know what type of commercial use they would be proposing. She said she didn't know if the current owner would have more economical benefit to keep the parcel as it is or change it to neighborhood commercial.

Chair Muck said that is not what the commission is to answer. He asked David to explain if the current owners sold this property to someone that wanted to develop a commercial use what would that look like for the commissioner's process. This meeting is just a recommendation, then this rezoning would go to the Livingston County Planning Commission for review and recommendation. Then this rezoning case, with these two recommendations would go to the Hamburg Township Board of Trustees for approval, who are the only body that can amend or change the zoning map. If they determine that this parcel should be rezoned, and at some future date a business or neighborhood convenience came in to apply for something, they will need to go through a traditional site plan or a special use approval process. A business can't just open on the next business day. Modern zoning has so many requirements such as noticing public hearings, parking, and storm retention which would require a site plan review process to be completed before it is approved. Chair Muck reminded the commissioners that a commercial site would involve a lengthy process before such a development is approved.

Commissioner Hamlin said that a gas station couldn't go here since it is not permitted to use. A restaurant or a retail store could be sited here. The process to approve such a use would involve a full site plan review where they would need to provide the required parking, 20 ft of vegetative screening from the road and the neighbor side yards, and retention for storm runoff. Commissioner Hamlin reminded the owners that if something like that was proposed, then those people would need to go through a full site plan review process.

Commissioner Priebe mentioned that a bicycle repair shop would be a great use here, since it would not have a large negative impact on the neighborhood. She said she has lived in Hamburg for about 50 years and that site has always been commercial. The size of the lot would limit many uses that would be allowed, such as a church.

Commissioner Hamlin returned to the subject of spot zoning. Spot zoning occurs when the rezoning is not consistent with the municipalities comprehensive Master Plan, which in this case this rezoning request is in accordance with our master plan. Commissioner Hamlin confirmed that this rezoning is not spot zoning.

Commissioner Mariani said she agreed with Commissioner Priebe, that this is a small parcel which will not be allowed for an incompatible use here. Nothing elaborate will be allowed here, and there are so many processes that will require community comment, and site plan requirements and review. She agreed that anything would be better than the abandoned building that exists there right now.

Chair Muck said that he agrees with previous comments that this rezoning request is appropriate. He strongly urged that the owners of the property consider everything they heard at tonight's meeting regarding their neighbor's concerns and ensuring that all future decisions will be submitted to the township planning and zoning department for site plan review.

Approval motion made by Commissioner Hamlin, seconded by Commissioner Priebe, to recommend approval of Zoning Map Amendment #24-0001 to change the zoning of the parcel commonly known as 9300 Hamburg Road (TID 4715-24-103-177) from RA medium density residential to Neighborhood Service in accordance of Section 36-177 for the following reasons;

- It is following the comprehensive master plan of the township and the future land use map.

Roll Call Vote: Ayes (6) Muir, Hughes, Hamlin, Priebe, Muck, and Mariani Absent (1) Leabu Jr

Motion carried.

ZONING ADMINISTRATOR'S REPORT

Joint Meeting on Tuesday, April 2 at 7pm at which we will go over everything that has happened in 2023, as well as a review of what has happened over the past few months in 2024.

ADJOURNMENT

Approval motion made by Commissioner Priebe, seconded by Commissioner Hughes to adjourn at 7:25pm.

Roll Call Vote: Ayes (6) Absent (1)

Motion carried.

Respectfully submitted,


Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: _____

 4/18/24
Commissioner Jeff Muck, Chairperson