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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, May 31 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
Victor Leabu Jr
Deborah Mariani
Ron Muir
Jeff Muck, Chair
Joyce Priebe

2) ABSENT:

APPROVAL OF MEETING AGENDA for tonight.

Approval Motion made by Commissioner Mariani, seconded by Commissioner Priebe, to approve the agenda as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF THE MEETING MINUTES

Approval Motion made by Commissioner Muir, seconded by Commissioner Hughes, to approve April 19, 2023 Planning Commission Meeting Minutes with corrections as noted by Commissioner Muir.

VOTE: MOTION CARRIED UNANIMOUSLY

CALL TO THE PUBLIC- No public response

OLD BUSINESS

None

NEW BUSINESS

1. **Site Plan Review (SPA 22-0007)** to consider the remodel of the existing building and construction of 10 new storage buildings at 10776 Hall Road (parcel number 15-25-400-014).

Chair Muck opened the public hearing to the applicant's architect, David LeClaire. He reviewed the process thus far with this project, which began in August of 2022. David got guidance to reduce the size of the project, moving it to the east side of the property which they did. On November 16, 2022, the project was granted special land use approval with 5 conditions. The only thing that changed in the plan was that the road extension was removed, due to a consensus of the Planning Commission excluding Commissioner Hughes. A full landscape that meets the General Industrial zoning was submitted along with a photometric plan that met Scott Pacheco's recommendations as well as the General Industrial zoning of Hamburg Township's Ordinance. David said they would like to get approval to move forward on this site plan at tonight's meeting.

Chair Muck opened the hearing next to Amy Steffens, the Planning and Zoning Director. Amy presented her staff report to the PC board. She stated that due to the contamination from the prior use of this site that approval from EGLE, and other federal and state agencies may be needed before we could issue any land use permits for building at this location. The special land use permit will become null and void unless a land use permit is issued within 2 years of this approval. She read through our commercial standards for exterior lighting, sign lighting and signs, general parking, as well as the site plan review standards. Our township engineer has reviewed this project a few times, and his comments are attached to this report. No street trees or street lights have been proposed with this project. She reviewed the General Industrial supplementary standards in Section 36-187 (f) as well. She provided some suggested conditions for approval of this site plan as well.

Chair Muck again invited LeClaire to the podium. He stated that for storage facilities there were no parking requirements of anything greater than 6 parking spaces for this type of use. In most instances storage users pull up to their unit to load and unload their things. David stated regarding the road extension that they had considered that the road and the detention onsite would be extended sometime in the future. The depth of the storage units was based on the consensus of the PC members to use the building to the south as a gauge of 500 ft of building depth. This design has not changed since

the first meeting. He covered a few other items in the staff report that he did not support. Chair Muck then recommended that he turn the public hearing over to the PC members.

Commissioner Leabu started. He stated that he was on the PC when the Village Center Master Plan was created, and this road requirement was very vague at the time. Many board members thought this Industrial Zoning area would transition to something more residential, but it has not over the years. He said he would like to see the fence details, but he did not support a sidewalk due to the industrial use of the site. He said that he would like to see the architecture design of the remodeled existing building to see what kind of windows would be used there.

The owner of the property, Tim Purzycki addressed the PC members. He mentioned that they could use black out windows, but he wanted to create an inviting business establishment.

Commissioner Hamlin said that the township engineer's report stated that the septic system was going to be removed but no bathrooms were being proposed. He asked what staff would do to relieve themselves. David explained that many of the current storage facilities being built today are managed remotely rather than onsite. He said a customer pays online and receives a code with a unit number. Commissioner Hamlin also mentioned that moving the entrance gate back, increasing the landscaping, and fence aspects would be helpful for site review.

Commissioner Hughes asked Amy if this evening's site review was preliminary or final, since there is nothing noted in the project site plans as to how the existing building will look once the project is completed. Amy recommended that it be preliminary. Commissioner Hughes agreed with Hamlin, that she wants to see what the existing building will look like in the site plan before final approval due to the homes on the east side. She agreed that the PC should require that the road be developed now rather than just require a road easement to be shown on the site plan. She projected that if homes are built west of this site, having this road built to Hall Road would give the homeowners the ability to access other streets in the surrounding area. She suggested that it could be a private dirt road to provide protection and provision for this road. She mentioned that the six parking spaces that would normally be available for onsite staff might not be needed if this facility utilizes off site remote customer service.

Chair Muck asked if Amy wanted to address the issue of the road. Amy stated that the road should be built now since it is part of the Village Center Master Plan. She said that we either enact the Master Plan as we go through the site plan process for individual projects, or we don't. Master Plans are for long-range planning. Commissioner Hughes mentioned that this is a brown field site and there has been talk about splitting the property in half. She shared her concerns with the board on what type of housing will be introduced on that portion of the parcel and feels that the PC should be prepared for such development.

Commissioner Priebe stated that she agrees with Commissioner Leabu regarding the Village Center Master Plan. This area is industrial, it should be industrial. To try to change the area to residential is very difficult to do. Commissioner Priebe stated that she would like to see how the building will look before approval. She shared her doubts about whether there will be residential development on the west side of this parcel due to the contamination. She stated the PC needs to realistically look at what the site is to ensure that it will be planned for the best use. A residence might not be the best choice. She said she would not want her home to be built on that site.

Commissioner Muir stated that he agreed with Amy, either the PC follows the VC Master Plan or does not. He believes that the road should be required to be put in now. The west side of the parcel could be used for a park that does not disturb the soil. He also agreed with Commissioner Leabu that a sidewalk is not needed here as well. Commissioner Leabu stated the cost of putting in a road would cost as much as the self-storage project itself. He stated that both Commissioner Priebe and he felt that an emergency road easement would be more beneficial since no homeowner is going to go out of their way to drive through an industrial area. He asked David if the project plan would build anything within the road easement area.

David stated that the road is not needed to access the site once you get past the curve. That is where they are proposing to build the road. David stated they could leave a road easement to the end of the 5.3-acre property.

Commissioner Hamlin stated that he does not support building the road. He asked David how they could dedicate this easement to this future road extension. David said that is what they could do and would do here. David confirmed that this parcel would be split in the future, and they would plan to dedicate a road easement between these two split parcels. Commissioner Leabu stated there is no benefit to the road especially when you consider its cost.

Commissioner Hughes shared that she appreciates Commissioner Leabu's longevity with the township development and planning. She also shared that many of the homeowners off Livingston St really do not want any more homes built near them or increase density in the Village Center or Village Residential districts. She reminded the PC members that Amy might need to remind the group what the area on Hall Road is supposed to be. Currently, many companies are working remotely and closing their onsite work in office spaces. She reminded the group that even though we might have a Master Plan from 10 years ago, it might not make sense for today's business operations. These businesses might not be there in the future. Since this project is a brown field project, the owner has been given plenty of incentives regarding the price of the property, what has been allowed to be constructed on this parcel. The PC is fine with not requiring remediation of the soil on this parcel before any construction. This is saving a great deal of money.

Commissioner Leabu stated that it isn't economically justifiable to require this owner to build out this road for storage units. If he was proposing 50 condos on this parcel, then it would be more justifiable to require the road build-out. Commissioner Hughes stated that the cost of the road build-out will be placed on whomever purchases the remaining acreage from this parcel split for a different project. Commissioner Leabu followed back up to her comment that if any future projects that would require such a road would have that existing declared easement to utilize for their proposed project. He expressed gratitude that this owner and developer are still pursuing this project. Commissioner Mariani expressed her support of Commissioner Leabu's comments regarding the road easement and building of an unneeded road. She stated that she also would like to see what their building design will be for the existing building before final approval.

Amy expressed her concern about a future road across a road easement. She asked Commissioner Mariani how a future developer would be able to construct such a needed road to gain access across this owner's parcel and connect to Hall Road. Commissioner Leabu asked David about such a future scenario.

Say a new residential development on the west side needed such a road to be built. Would this road easement legally allow a new developer authority to access a road across this declared road easement across your property? This road easement would allow me to build the road straight through, correct? David said yes. Leabu stated that David would never build anything in that declared road easement and that the township attorney would review this agreement to ensure that this is established. This would be a utility, as well as an egress and ingress easement. David said it would be a 66-foot standard easement for utilities and road travel. Whoever needs the road, would build-out the road.

Commissioner Muir asked David if they knew exactly where the land split would occur. David showed that the future split would be around 497 feet from the end of their self-storage unit project, or fence line. David pointed to the map diagram on the easel showing where that area was defined. David showed where the split is being proposed and stated that it meets the industrial zone rear yard setback of our ordinance. This reference point came from the earlier Planning Commission meetings.

Amy asked for clarification from David regarding this proposed split. Will the balance of the two properties stay as one parcel? David affirmed that was the case. She asked him if he was proposing to split the residentially zoned portion. David said no. Commissioner Leabu and David had some more back and forth deliberation regarding this proposed road easement and connecting the future apartments to the north. Chair Muck said we are spending a lot of time debates on roads verses easements, but we need someone to make a motion regarding this project.

Amy then asked for some more clarification on the landscaping plan. She let David know that the 50-foot buffer zone is a requirement of the GI (general industrial) district in our ordinance. David asked if this area is along the east property line. Commissioner Chair Muck said that he agreed that this needed to be in the site plan. David said he thought their site plan showed that they meet the GI landscape requirements. Amy stated that the site plan meets the general landscaping requirements but not the supplementary landscaping requirements in Section 36-187 (f). This requires a 6 ft high wall or berm plus 24 canopy trees. Commissioner Leabu asked if we are talking about the road frontage on Hall Road. Amy said yes. Leabu clarified that the PC would not want a fence out there but would want landscaping. Amy reminded the PC members that they can waive the fence requirement. Commissioner Hamlin stated that it was Amy's condition #7. She said yes. Commissioner Priebe went over what a motion should include.

Approval motion was made by Commissioner Hamlin, seconded by Commissioner Priebe, that the Planning Commission recommends approval of the preliminary site plan (SPA 22-0007) for a self-storage facility to the Township Board with the following conditions, because (as conditioned) the project meets the site plan review standards (Section 36-73), and additional approval standards for the GI district as discussed at tonight's meeting and in the staff report, with the following conditions: 1) because the location of contamination from the prior use of the property before the issuance of a land user permit the approval of the project by the Michigan Department of Environment, Great Lakes, and Energy and any other federal or state agencies that may be required shall be received, 2) fence details shall be submitted for final site plan review, 3) site signage shall be submitted for final site plan review. Signage shall conform to Article XIII, Signs and land use permits shall be issued prior to installation of signage, 4) prior to issuance of a land use permit the applicant shall review approval from all required agencies including, but not limited to, Hamburg Township Fire Department, Hamburg Township engineer, Utilities Department, Livingston County Drain Commission, Livingston County Road Commission, and Livingston County Health Department, 6) architectural elevations of the existing building shall be submitted for

final site plan review, 7) the required landscaping along the east buffer strip shall be provided, 8) the gate on the south side of the existing building should be moved to the rear line of the building, 9) the final site plan shall note that "all lighting shall be turned off between 11:00 PM and Sunrise except when used for commercial and industrial uses, such as in the sales, assembly and repair areas, where such use is open for business after 11:00 PM but only for so long as such use open for business. Lighting used for security between 11:00 PM and sunrise shall be controlled by a motion sensor, 10) a 66-foot wide easement along the north property boundary line shall be provided from Hall Road to the existing west property boundary. Easement is subject to township attorney review and approval.

Roll Call Vote: **Ayes (5);** Priebe, Mariani, Leabu, Muir, Hamlin **Nayes (2);** Muck, Hughes

Motion carried.

2. **Site Plan Review (SPA 23-0001)** for the construction of a 27,461 multi-tenant commercial building, with associated parking and site improvements. The applicant is requesting waivers to the landscaping standards. Site location 7749 E M-36; TID 15-25-200-068.

Chair Muck opened the public hearing to the applicant. Next he opened the meeting to Amy Steffens. She reminded the PC members that this is the first time that this proposed project has been presented to the board. It has been through detailed reviews with our township engineer. Amy read through her staff report. The ZBA board granted a variance in April 2023 for the relocated driveway location to be less than 225 ft to the commercial driveways to the east and the west. Table 2 goes through the VC setback requirements. The project does meet all of the zoning ordinance setback standard requirements. Table 3 goes through the landscaping requirements. Amy walked the PC through Section 36-295 Exterior lighting requirements. No parking lot lighting was proposed on the site plan. No signs have been proposed in this project which is typical. This is in the Village Center District so staff recommends some signage detail is provided for final site plan review, to ensure they work with the architecture of the building. Without specific user types for this proposed site, it is difficult to determine if the proposed parking will be adequate for its future use.

Nick Zander stated that the building square footage was reduced on the east side to make room for the detention pond onsite, making it around 22,000 sq. ft. Amy said she would have to take a closer look at the site plan to determine that this is accurate.

Amy then walked the PC members through the VC and VR Residential District regulations (Section 36-73 (7)). Discussion was held on applicable zoning standards for this Village Center-zoned parcel: setbacks (which all comply), installation of a pedestrian pathway along M-36 (complies), and parking counts (complies). The plans are deficient in required parking stall sized (185 sq. ft. provided whereas 200 square feet is required), four landscaped islands, parking area screening from M-36 and pathway, Village Center-style lighting, and lighting along pathway. The Commission granted waivers to the parking stall size and the landscaped parking islands. Much discussion was had on staff's and Commissioner's concerns on the proposed architecture of the commercial structure.

Nike Zander came to the podium to explain that they had originally wanted to create a wood frame commercial building but wood was very high. As a steel building, it is type two non-combustible building. Tenants would not be retail or office space oriented since they are in decline. Their focus would be on tenants that provide gymnastics or exercise studios, and flooring showrooms. The building would be steel and glass. The Commission indicated that as proposed the building is not acceptable due to this site being in the gateway to the township and in the Village Center zoning district.

Commissioner Hughes mentioned that this structure resembled a warehouse. She felt this was a great idea in a wrong spot. Commissioner Mariani stated that she like the architecture photos in Amy's staff report and she hoped that Mr. Zander would use those as guides. He said he was.

Approval Motion was made by Commissioner Muir, seconded by Commissioner Priebe, that the Planning Commission recommend approve of the Preliminary **Site Plan (SPA 23-0001)** to the Township Board with the following conditions, because as conditioned, the project meets the site plan review standards A-L in Section 36-73 (7) and the additional approval standards of the Village Center district under section 36-187 as discussed at tonight's meeting and as presented in the Staff Report.

The Planning Commission approves that landscaping waiver for the four parking lot islands because it meets the standards in section 36-283. 1) Cross access easement for the pedestrian pathway shall be submitted for the township attorney approval and recorded prior to issuance of a land use permit for any site improvements. 2) A floating easement to allow cross-access subject site from adjacent properties should the subject site be redeveloped shall be submitted for township attorney approval and recorded prior to issuance of a land use permit for any site improvements. 3) All sewer fees shall be paid in full prior to issuance of a land use permit for any site improvements. 4) Prior to issuance of a land use permit, the applicant shall submit a photometric plan that shows that the intensity of light within a site does not exceed ten (10) footcandles or one (1) footcandle at any property line, except where it abuts a residential used or zoned site whereby a maximum of 0.5 footcandles is permitted. Applicant shall propose an exterior light that is similar to the suggested Village Center lighting. 5) Final site plan shall indicate required lighting along M-36 pathway and parking area. Light fixtures to match approved Village Center fixtures and shall comply with light intensity requirements. 6) The final site plan shall note that "All lighting shall be turned off between 11:00 pm and sunrise except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use is open for business after 11:00 pm but only for so long as such use open for business. Lighting used for security between 11:00 pm and sunrise shall be controlled by a motion sensor." 7) Prior to issuance of a land use permit the applicant shall receive approval from all required agencies including, but not limited to, Hamburg Township Fire, Utilities Department, Livingston County Drain Commissioner, MDOT, and Livingston County Water Authority. 8) A sign program meeting the standards of Section 36-479 shall be submitted for approval by the Planning Commission prior to the issuance of a land use permits for signage. 9) Tree preservation location and details shall be delineated on the final site plan. 10) A change of use permit shall be issued for every occupant of the structure. At the time of the permit application, a parking count shall be provided by the property owner indicating the available parking for each use. 11) Parking space size can be reduced to 185 sq. ft. 12) Final site plan shall show required screening of parking area and mechanical and electrical equipment, plus one more tree along M-36. 13) No outside storage areas are permitted. 14) Prior to final site plan review, the architecture has to be reviewed and approved by the planning commission. 15) Shrubs must be maintained at 3 ft. tall and additional screening is required along the eastern property boundary.

Roll Call Vote: Ayes (7); Muck, Hughes, Priebe, Mariani, Leabu, Muir, Hamlin

Motion carried unanimously.

3. **Special use permit (SUP 23-002)** for a public hearing for Special use permit review to allow an addition to the Hamburg Township Police Department building located at 10409 Merrill Rd (TID 15-26-100-017) per Sections 36-171 and 36-36 of the Township Zoning Ordinance.

Chair Muck opened the public hearing for public comment. No one from the audience came forward to speak so he closed the public hearing.

Approval motion made by Commissioner Hamlin, seconded by Commissioner Muir, the Planning Commission approves Special Use Permit (SUP 23-002) to allow a 2,100 square foot addition to the Hamburg Township Police Department building located at 10409 Merrill Rd (TID 15-26-100-017) per section 36-171 and 36-36 of the Township Zoning Ordinance, with the following conditions; 1) The special land use permit for the proposed addition to the Hamburg Township Police Department buildings is only valid with approval of a final site plan from Hamburg Township. The site plan submitted for the project on this site shall not increase the size or significantly change the location of the proposed use on the subject site and 2) The special land use permit shall be null and void unless a land use permit for the addition on the site is granted within one year from the date of this approval.

Roll Call Vote: Ayes (7); Muck, Hughes, Priebe, Mariani, Leabu, Muir, Hamlin

Motion carried unanimously.

4. **Final Site Plan Review (SPA 23-0004)** for a 2,100-square foot addition to the Hamburg Township Police Department building at 10409 Merrill Rd (TID 15-26-100-017) per Sections 36-171 and 36-36 of the Township Zoning Ordinance.

Chairman Muck opened the public meeting to Carl Wilmer, the architect. He introduced himself. Then Chairman Muck opened the meeting to Amy. She reviewed her staff report with the PC members. Commissioner Hughes asked the architect for clarification on how large the addition to the police department was. He walked the image of the building design over to her. He explained that the room is for police training.

Approval motion made by Commissioner Mariani, seconded by Commissioner Priebe, that the Planning Commission recommends approval of the **Final Site Plan (SPA 23-0004)** for an expansion of the Hamburg Police Department building located at 10409 Merrill Rd to the Township Board with the following conditions because as condition the project meets the site plan review standards A-L in section 36-73 (7) and the additional approval standards of the RA zoning district under section 36-187 as discussed at tonight's meeting and as presented in the staff report, with the following conditions; 1) prior to issuance of a land use permit that applicant shall receive approval from all required agencies including, but not limited to, Hamburg Township Fire, Engineering and Public Works Departments, Livingston County Drain Commissioner, Livingston County Road Commission and the Health Department.

Roll Call Vote: Ayes (7); Muck, Hughes, Priebe, Mariani, Leabu, Muir, Hamlin

Motion carried unanimously.

5. **Final Site Plan Review (SPA 23-005)** to amend Ore Lake Estates site condo development to reduce the number of lots to 7, removing a portion of the common elements, and adding a portion of the property formerly unit 8) to the common area. Parcel IDs (15-13-204-901, -001, -002, -003, -004, -005, -006, -007).

Chairman Muck opened the public meeting to the applicant, Logan explained that this project was hybrid of development and family enterprise for their residence. Chairman Muck then opened the meeting to Amy. She reviewed her staff report with the PC members. Logan explained

Approval motion made by Commissioner Priebe, seconded by Commissioner Hughes, that the Planning Commission recommends approval of the **Final Site Plan (SPA 23-0005)** to the Township Board with the following conditions because the project meets the site plan review standards A-L of Section 36-73 (7) and Section 18-78 as discussed at the tonight's meeting and as presented in the staff report.

Conditions are; 1) an administratively complete land division application for Parcels A and B shall be made to Hamburg Township. The master deed and by-laws shall be viewed and approved by the Hamburg Township attorney and recorded upon approval of the land division for Parcels A and B, 2) the Hamburg Township fire marshal shall approve the removal of the fire suppression tank prior to the completion of site improvements, and 3) State of Michigan permits will be obtained for any impact to the wetlands, work below the OHM, or occupation of a state-regulated floodplain prior to issuance of a land use permit for site work or construction of a single family dwelling, as deemed necessary by the township zoning administrator.

Roll Call Vote: Ayes (7); Muck, Hughes, Priebe, Mariani, Leabu, Muir, Hamlin

Motion carried unanimously.

ADJOURNMENT

Approval motion made by Commissioner Priebe, seconded by Commissioner Muir for adjournment.
Adjourn at 9:26 pm.

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: 6/21/23

A handwritten signature in dark ink, appearing to read 'Jeff Muck', is written over a horizontal line. The signature is stylized with a long, sweeping underline that extends to the left.

Commissioner **Jeff Muck**, Chairperson