
PLANING COMMISSION REGULAR MEETING

**Wednesday, March 20, 2024 at 7:00 PM
Hamburg Township Hall Board Room**

AGENDA

CALL TO ORDER

PLEDGE TO THE FLAG

APPROVAL OF THE AGENDA

APPROVAL OF MINUTES

1. February 21, 2024 Planning Commission meeting minutes

CALL TO THE PUBLIC

OLD BUSINESS

NEW BUSINESS

2. 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).

ZONING ADMINISTRATOR'S REPORT

EnterTextHere



PHONE 810-231-1000
planning@hamburg.mi.us

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

ZONING AMENDMENT APPLICATION

Please note: All required information, copies, fees, and other materials as appropriate must be submitted and complete before the Township Planning Commission will set a public hearing date on the Zoning Amendment Application.

Application fees and review fees are required at the time of application.

Zoning Amendments have application fees and review fees. Review fees shall be placed into a non-interest bearing escrow account. Upon final review, review fee balances shall be returned upon receipt of final billing. The applicant shall be responsible for all costs incurred.

The undersigned hereby makes application for a Zoning Amendment for: (Check all that apply)

1. **TYPE OF PROJECT:** ☐ Zoning Text Amendment ☒ Zoning Map Amendment

2. **PROJECT NAME:** JOHN & PATRICIA WEEKS Submittal Date: 1/12/24

3. **PROJECT ADDRESS:** 9300 HAMBURG RD

Tax Code Numbers: 15 - _____ 15 - _____ 15 - _____
15 - _____ 15 - _____ 15 - _____

☐ Metes & Bounds Parcel ☐ Subdivision _____ Lot Numbers: _____

4. **ZONING MAP AMENDMENT:** (please attached the existing zoning map and a proposed zoning map as a separate document)

Existing Zoning District Classification: RA Proposed Zoning District Classification NS

Number of Lots Proposed: 1 Acreage of Project: .75

5. **ZONING TEXT AMENDMENT:** (please attached the existing zoning ordinance and the proposed revisions as a separate document)

Zoning Ordinance Section proposed to be amended _____

6. **PROJECT DESCRIPTION (reason for amendment):**

REQUESTING REZONING FROM RA TO NS

7. **OWNER/PROPRIETOR INFORMATION:**

Name: JOHN & PATRICIA WEEKS Phone Number(s): 734-637-1241
Email: pwirtz3@gmail.com Address: 9300 HAMBURG RD
City: BRIGHTON State: MI Zip: 48116

8. **APPLICANT:**

Name: SAME Phone Number(s): _____
 Email: _____ Address: _____
 City: _____ State: _____ Zip: _____

ZONING AMENDMENT PROCESS: (Zoning Ordinance, Article 12)

1. Application. Petitions for amendments by individual property owners shall be submitted to the Zoning Administrator on a standard application form provided and shall be accompanied by a fee in accordance with the duly adopted schedule of fees, to cover administrative and publication costs. No part of such fee shall be returnable to the petitioner if the public hearing is held.
2. Referral to Planning Commission. All proposals for amendment shall be referred to the Planning Commission for their review and recommendation. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal, the most likely effect on the community's physical development, and conformance with the Township Master Plan. The Planning Commission may recommend any additions or modifications to the original amendment proposal.
3. Public Hearing. Upon receipt of an application for an amendment, the Planning Commission shall hold a public hearing in accordance with the notification procedures described in Section 3.8.
4. Upon receipt of recommendation from the Planning Commission and the County Planning Commission, the Township Board shall consider the proposed amendment. The Township Board may hold additional hearings it deems necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper of general circulation in the Township not more than fifteen (15) days nor less than five (5) days before the hearing.
5. If the Township Board shall deem any changes to the proposed amendment advisable, it shall refer the same to the Planning Commission for a report within a time specified by the Township Board. After receiving the report, the Township Board shall grant a hearing on the proposed amendment to a property owner who by certified mail addressed to the Township Clerk requests a hearing. The Township Board shall request the Planning Commission to attend the hearing.
6. Thereafter, the Township Board may adopt the amendment with or without changes by majority vote in accordance with procedures of Act 184 of 1943, as amended.
7. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.
8. Amendments adopted by the Township Board shall be filed with the Township Clerk and one notice of amendment adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice of amendment adoption shall contain the following information: either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the amendment; and, the time and place where a copy of the amendment may be purchased or inspected.

APPLICANT CERTIFICATION:

I hereby certify that all uses for which this application is made shall conform to the Ordinances of Hamburg Township, Livingston County and the State of Michigan. All information submitted as a part of the zoning amendment application is to my knowledge accurate. If the information is determined either now or in the future to be inaccurate any permits granted for the incorrect information shall be void and any structures built or uses approved may be in violation of the required ordinances and must otherwise be brought into compliance with all regulations.

I further agree that any deviation from the application submitted or the breach of any additional safeguards, conditions or requirements the Hamburg Township may impose in granting this application shall constitute a violation of the Ordinance and invalidate the permit granted.

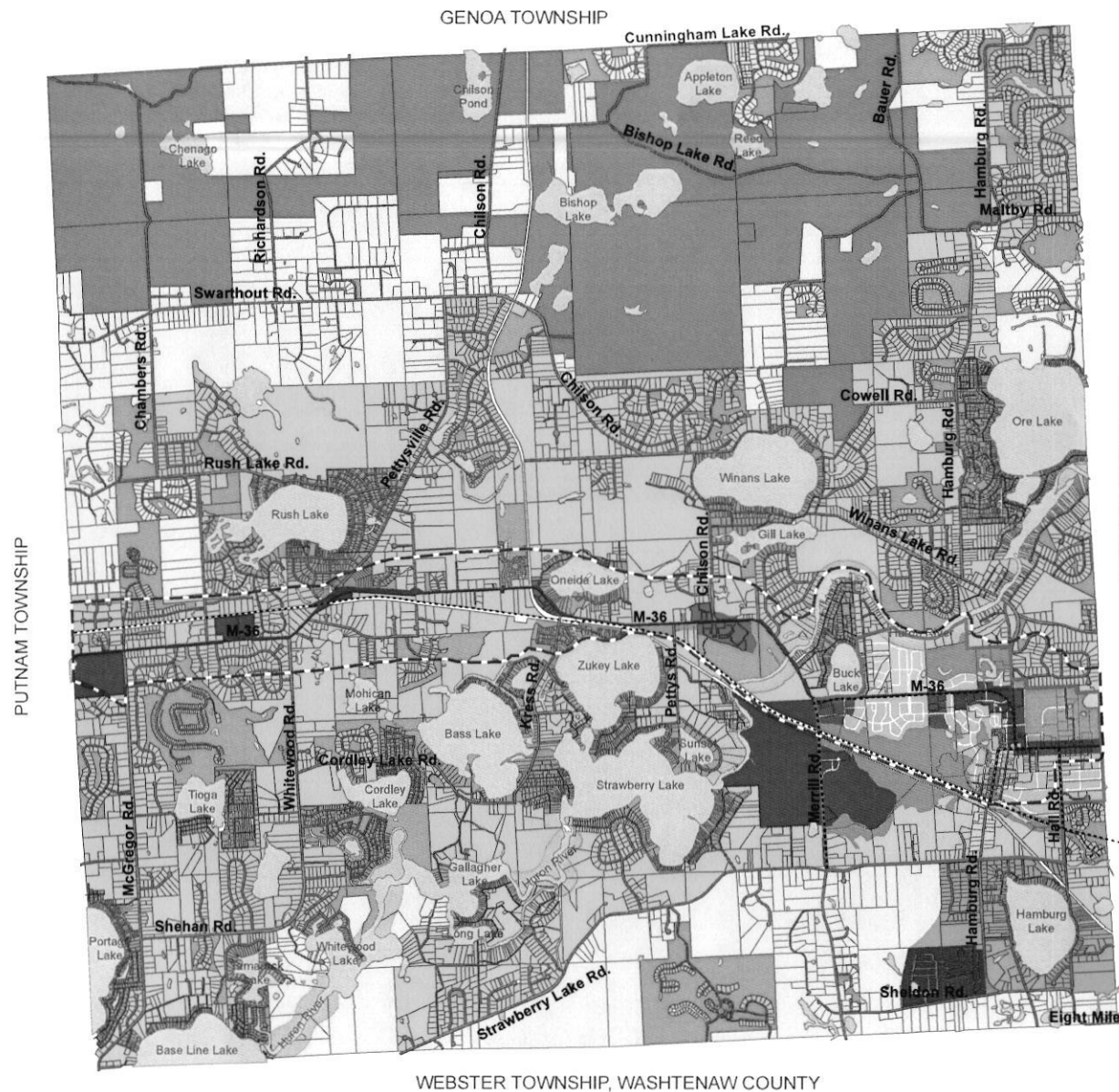
PROPERTY OWNERS SIGNATURE: _____

DATE: 1/12/24

*If an agent submits the project to the Township for the property owner a letter authorizing must be submitted.

Map 4 Future Land Use

Hamburg Township, Livingston County, Michigan



- High Density Residential
- Medium Density Residential
- Low Density Residential
- Multiple Family Residential
- Waterfront Residential
- Natural River Residential
- Neighborhood Commercial
- General Commercial
- Conserved Open Space
- Public and Private Recreational Facilities
- Public/Quasi-Public
- Water Bodies
- M-36 Corridor
- Trail
- Village Center Area**
 - Village Residential-2
 - Village Residential-10
 - Village Core
 - Village Gateway
 - Village Historic
 - Village Transition
 - Industrial
 - Conservation District
 - Parkland
 - Village Boundary

0 0.25 0.5 1 1.5 2 Miles



Source: Hamburg Township, 2020



08/2020

Sec. 36-177. - Schedule of use regulations—NS Neighborhood Service District.

Item 2.

(a) *Permitted uses.*

- (1) Planned neighborhood shopping centers are subject to the following conditions:
 - a. Only those uses specifically permitted in NS Neighborhood Service shall be permitted within such development.
 - b. Minimum lot size shall be one acre with not less than 150 feet of road frontage.
 - c. The exterior of all buildings within such development shall be of consistent architectural treatment so as to provide a unified appearance.
- (2) Retail stores for the sale of products such as hardware and paint, clothing, drugs, and notions, gifts, books and records.
- (3) Food and beverage stores for the sale of groceries; fruit and meat; baked goods; dairy products; beverages and liquor.
- (4) Food and beverage service establishments such as restaurants without drive-through service, dairy bars, and taverns provided all food and beverages shall be served from within an enclosed building.
- (5) Personal service establishments such as barbershops, beauty salons, laundry pick-up, and other similar uses.
- (6) Business and professional offices, such as legal, engineering, financial, insurance, accounting, medical, dental, government and other similar offices.
- (7) Banking and financial institutions without drive-through windows.
- (8) Repair shops for bicycles, appliances, shoes, jewelry, small motors, and other such items but not motor vehicles.
- (9) Public buildings, fire stations, community centers, and maintenance buildings.
- (10) Churches and other buildings associated with religious worship, but not including housing for religious personnel.
- (11) Signs subject to the provisions of article XIII of this chapter.
- (12) Accessory indoor uses subject to the provisions of section 36-215(12).
- (13) Essential services subject to the provisions of section 36-216.
- (14) Collection bins subject to the provisions of section 36-244.

(b) *Special uses.*

- (1) Open air business for the sale of products or the conduct of activities listed or performed in conjunction with a permitted use in NS Neighborhood Service.
- (2) Dry cleaning establishments subject to the following:
 - a. Dike containment area for storage of hazardous materials.

- b. No connections to waste water discharge in work area and no floor drains.
 - c. Dry to dry loop non-vent system equipment.
 - d. Compliance with all Michigan Health Department requirements.
- (3) Laundromats shall be connected to public sewer.
- (4) Drive-through establishments for the provisions of goods or services of a permitted use in NS Neighborhood Service (e.g., drive-through restaurant or drive-through bank) subject to the following conditions:
- a. Ingress and egress points shall be located at least 60 feet from the intersection of any two streets (measured from the nearest right-of-way line or further if necessary based on the required traffic impact study).
 - b. Any corner or double-frontage site shall be limited to one entrance/exit drive for each separate public road frontage. A site with only one public road frontage shall be permitted no more than two entrance/exit drives. Coordinated access with adjoining sites is encouraged and may be required.
 - c. Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
- (5) Apartments subject to the provisions of section 36-235.
- (6) Gasoline service stations subject to the following conditions:
- a. All activities, except those required to be performed at the service island, shall be conducted entirely within an enclosed building.
 - b. Bumping, painting, and major mechanical repairs are specifically prohibited.
 - c. Outdoor storage of wrecked or dismantled vehicles shall not be permitted.
 - d. Access points shall meet the standards of the Township and may be modified, as necessary, based on the required traffic impact study.
- (7) Bed and breakfast inn.
- (8) Marinas, subject to the following conditions:
- a. Docking space shall be limited to the maximum number of boats allowed by the EGLE marina operating permit and the standards of the Township common use (keyhole) regulations contained in section 36-291.
 - b. Access shall be provided only from the water and a major arterial road.
 - c. All piers and wharves shall be setback a minimum of 15 feet from any side lot line, provided further that such piers and wharves shall be installed such that the boat moored is a minimum of six feet from any side lot line.
 - d. The number of public launches shall be limited to the number of parking spaces available

for the storage of vehicles with boat trailers.

- e. Pump-out facilities shall be provided at the marina for disposal of refuse from boat holding tanks in a sanitary manner. Toilet facilities shall be provided meeting the requirements of the Livingston County Health Department.
- f. Refuse and garbage containers shall be provided and kept in clean and sanitary condition for the use of boat owners.
- g. Facilities shall be provided for the safe and sanitary disposal of oil and other engine fluids.
- h. Major repair or dismantling of boats shall be conducted within an enclosed building.
- i. All areas utilized for dry-docking/on-land storage of boats shall meet the requirements for boat dry-dock storage.
- j. Other related uses such as boat sales and service, food and beverage store, food and beverage service establishment or retail store may be located on the same site, provided such use is permitted in the zoning district and site meets the requirements for all applicable uses.

(9) Boat sales and service, subject to the following:

- a. Access shall be provided from a major arterial road.
- b. Repair or dismantling of boats shall be conducted within an enclosed building.
- c. All areas utilized for outdoor storage of boats shall meet the requirements for boat dry-dock storage, except that the planning commission may allow up to three boats located outdoors to be visible from the public right-of-way.
- d. All areas utilized for storage of boats shall be setback 50 feet from any residential zoning district.
- e. All boat or trailer storage areas shall be screened from view of any abutting residentially zoned or used land and the public road right-of-way by a continuous opaque visual barrier consisting of a row of evergreen trees or a masonry wall not less than six feet in height, or other screening approved by the planning commission. The planning commission may require additional screening and setbacks where outdoor multi-level boat racks are proposed.

(10) Adult foster care large and/or small group homes, subject to the provisions of section 36-237.

(11) Childcare center, subject to the provisions of section 36-219.

(Zoning Ord. 2020, § 7.5.1(l), 1-5-2021)

PHONE: 810-231-1000
FAX: 810-231-4295



P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

To: Planning Commissioners

From: David Rohr
Planning and Zoning Director

Date: March 20, 2024

Project address and Description: 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).

Owner: John & Patricia Weeks



The subject site (4715-24-103-038) total .75 acres at the intersection of Hamburg Rd. and Winans Lake Rd. The subject property is zoned in the Medium Density Residential (RA) district. The site is vacant of residential development but has been used historically for commercial purposes. There is currently a 1,700 sq ft structure on the parcel. In the [2020 Master Plan](#) the subject site has a Future Land Use Designation of Neighborhood Commercial.

PROJECT DESCRIPTION

On January 12, 2024, the applicant submitted a request to change the zoning district on this site from the RA district to the Neighborhood Service (NS) district.

The full list of permitted and special uses in the Medium Density Residential (RA) district is as follows:

Sec. 36-169. – Permitted Use Table - Medium Density Residential (RA); See attached.

The full list of permitted and special uses in the Neighborhood Service (NS) district is as follows:

Sec. 36-169. – Permitted Use Table – Neighborhood Service District (NS); – See attached.

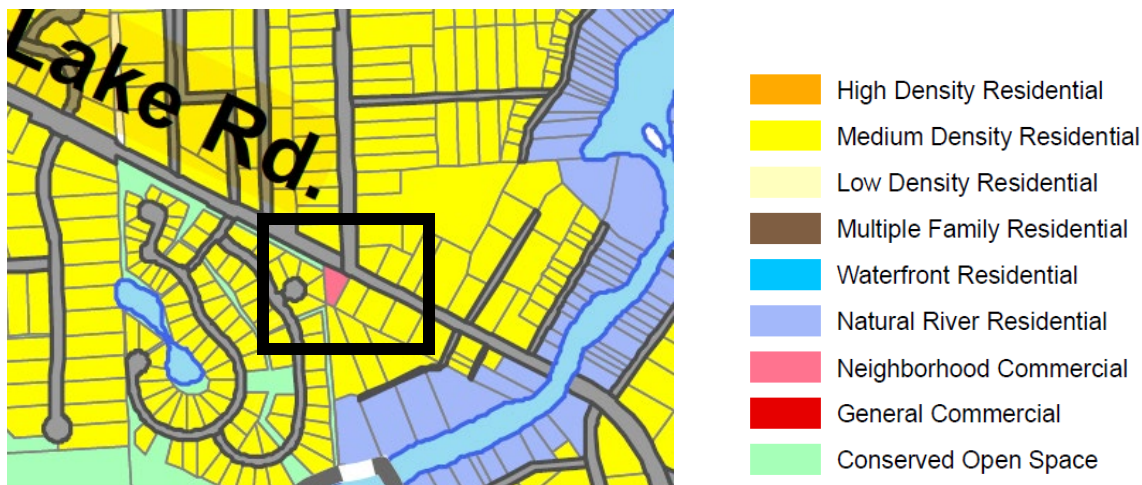
PROJECT ANALYSIS

The Hamburg Township Zoning Ordinance provides for a process, following [Public Act 110 of 2006](#), to change the zoning map but does not provide standards by which a map amendment should be considered. Staff offers the following for consideration by the Planning Commission.

1. The zoning map amendment should be compatible with the goals, policies, and future land use map of the Master Plan.

The 2020 Master Plan envisions 9300 Hamburg Rd. (TID 4715-24-103-038) as Neighborhood Commercial. Neighborhood Service (NS) district being the zoning map equivalent.

Future Land Use Map



Staff finds that the proposed NS could further the following goals and objectives of the Master Plan:

Goal 2: *Preserve the natural and historic character of Hamburg Township by accommodating a reasonable amount of development, but ensuring the development is in harmony with the natural features and the unique environmental requirements of the Township.*

Objective A: *Direct future development to areas most suited for that type of development.*

Section 36-71

A site plan approval shall be required prior to the issuance of a land use permit within all districts for the construction or expansion of any permitted or special use with the exception of individual single-family and two-family dwellings and general and specialized farming activities. A site plan approval shall also be required for all condominium projects as regulated under the Condominium Act. Site plan review shall be required for any of the following activities:

- (1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single-family dwelling.*
- (2) Any development which would, if approved, provide for the establishment of more than one principal use on a parcel, such as, for example, a single-family site condominium or similar project where a parcel is developed to include two or more sites for detached single-family dwellings.*
- (3) Development of non-single-family residential uses in single-family districts.*
- (4) Any change in use that could affect compliance with the standards set forth in this chapter.*
- (5) Expansion or paving of off-street parking and/or a change in circulation or access for other than a single-family dwelling.*
- (6) Any excavation, filling, soil removal, or mining or landfill, except as otherwise specified.*
- (7) The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single-family dwelling.*
- (8) Any use or development for which submission of a site plan is required by the provisions of this chapter.*

(Zoning Ord. 2020, § 4.3, 1-5-2021)

2. Compatibility of the site's physical, geological, hydrological, and other environmental features with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.

This site has been used for commercial use for several decades. No further expansion of the commercial structure is planned at this time.

3. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

There is no specific use proposed at this time, however rezoning in this case makes logical sense given the parcels historical use and future land use designation.

4. The parcel can meet the requirements of the proposed zoning district.

The parcel is conforming at .75 acres (32,474 sq ft) and is adequately sized to accommodate the current structure and any future utility/site improvements.

RECOMMENDATIONS:

Staff recommends the Planning Commission open the public hearing, take testimony from the applicant and staff as appropriate, discuss, and make a determination on zoning map amendment PZTA24-0001 to change the zoning of the parcel from RA to NS.

Example Approval Motion:

The Planning Commission recommends approval of Zoning Map Amendment 24-0001 to change the zoning of the parcel commonly known as 9300 Hamburg Road (TID 4715-24-103-038) from Medium Density Residential (RA) to Neighborhood Service (NS) (Zoning Ordinance Section 36-177) *for the following reasons* and directs staff to forward the request to Livingston County Planning for review.

Example Denial Motion:

The Planning Commission denies approval of Zoning Map Amendment 24-0001 to change the zoning of the parcel commonly known as 9300 Hamburg Road (TID 4715-24-103-038) from Medium Density Residential (RA) to Neighborhood Service (NS) (Zoning Ordinance Section 36-177) *for the following reasons*.

EXHIBITS:

- Application
- Zoning Ordinance Section 36-169 Permitted Use Table

Sec. 36-169. - Permitted use table.

Item 2.

(a) Residential use table.

Residential Uses	RAA	RA	WFR	NR	RB	MHP	PPRF	NS	CS	LI	GI	MD	VC	VR	Use Standards
Single-family dwelling	P	P	P	P	P			S	S				P	P	<u>36-170.1/36-170.4</u>
Accessory Dwelling Units	P	P	P	P	P								P	P	<u>36-170.2</u>
Farming	P	P					P								<u>36-170.3</u>
Roadside Farm Stand	P	P					P								
Community Supported Agriculture	P	P													
Raising of horses	P	P	P	S			P								<u>36-170.3</u>
Raising of Poultry	P	P	P	S			P								<u>36-170.3</u>
Two Family Dwellings		S			S			S	S				P	S	<u>36-170.4</u>
Multi-Family Dwellings								S	S			S	P	S	<u>36-170.4</u>

Apartments								S	S			S	S	S	<u>36-170.4</u>	Item 2.
Mobile Home Parks						P									<u>36-170.5</u>	
Live Work Unit								P	P			P	P	S	<u>36-170.6</u>	
Accessory Short-Term Rental Unit	P	P	P	P	P								P	P	<u>36-170.22</u>	
Primary Short-Term Rental Unit	P	P	P	P	P								P	P	<u>36-170.22</u>	

(b) Public/institutional/recreational use table.

Public/Institutional/Recreation Uses	RAA	RA	WFR	NR	RD	MHP	PPRF	NS	CS	LI	GI	MD	VC	VR	Use Standards
Government Buildings	S	S	S	S	S			P	P			P	P	S	
Schools	S	S	S	S	S				P				P	S	<u>36-170.7</u>
Public and private cemeteries	S						S								<u>36-170.8</u>
Radio or television stations or transmitters	S						S								<u>36-170.9</u>
Airfields and Helipads	S						S								<u>36-170.10</u>

Public or private golf courses	S	S	S	S			S								<u>36-170.11</u>	Item 2.
Public or private recreation clubs	S	S	S	S			S								<u>36-170.11</u>	
Religious Institutions	S	S	S	S				P	P				S	S		
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>36-170.12</u>	
Hospitals and Medical Centers	S															
Nursing or Convalescent Homes	S												S			
Public and Private Parks and Open Space	S	S	S	S	P											
Collection Bins								P	P	P	P		P		<u>36-170.13</u>	
Private Indoor and Outdoor Recreation Facilities							S		P				P		<u>36-170.14</u>	
Private and Public Campground and Lodges	S						S								<u>36-170.15</u>	
Gun/Archery Ranges and Hunt Clubs							S								<u>36-170.16</u>	

Off-road vehicle and go-cart courses							S									36-170.	Item 2.
--------------------------------------	--	--	--	--	--	--	---	--	--	--	--	--	--	--	--	---------	---------

(c) Commercial use table.

Commercial Uses	RAA	RA	WFR	NR	RD	MHP	PPRF	NS	CS	LI	GI	MD	VC	VR	Use Standards
Home Occupations	P	P	P	P	P								P	P	<u>36-170.17</u>
Minor Agricultural Commercial and Tourism Use	P														<u>36-170.18</u>
Major Agricultural Commercial and Tourism Uses	S														<u>36-170.18</u>
State Licensed Child Family Day Care Home	P	P	P	P	P									P	
State licensed Adult Family Care Home	P	P	P	P	P									P	
Group day care homes	S	S	S	S	S									S	<u>36-170.19</u>
Small and Large Adult Foster Care	S	S	S	S	S			S	S					S	<u>36-170.20</u>

Child Care or Day Care Centers								S	S				P		36-170.20 Item 2.
Kennels	S							S	S						36-170.21
Bed and Breakfast Short-Term Rental Unit	P	P	P	P	P			S	S				P	P	36-170.22
Firewood Sales	P	P						P	P						36-170.23
Outdoor Drive-in Theaters	S														36-170.24
Wholesale Stores									P	P	P				
Department Stores									P						
Retail Stores								P	P			P	P		
Food and Beverage Stores								P	P			P	P		
Restaurants w/o drive thru								P	P			P	P		
Service Businesses								P	P			P	P		
Business and Professional Offices								P	P	P	P	P	P		

Banks and Financial Institutions w/o drive-thru								P	P	P	P	P	P		<i>Item 2.</i>
Small Repair Shop								P	P	P	P		P		
Open Air businesses								S	S						<u>36-170.25</u>
Dry Cleaner								S	P				P		<u>36-170.26</u>
Laundry Mat								S	P				P		<u>36-170.27</u>
Drive-thru Establishments								S	S				S		<u>36-170.28</u>
Gasoline Service Station								S	S	P	P		S		<u>36-170.29</u>
Marinas								S	P						<u>36-170.30</u>
Boat Sale and Service								S	P	P	P		P		<u>36-170.31</u>
Motor Vehicle Sales									S	P	P	S	S		<u>36-170.32</u>
Motor Vehicle and Trailer Rental									S	P	P	S	S		<u>36-170.33</u>
Service Studio (music, dance, martial arts, yoga ect.)								P	P				P		

Funeral Homes/Mortuaries									P	P	P		P		<i>Item 2.</i>
Auto and Truck Washes									S				S		
Minor Automobile Repair									S	P	P		S		<u>36-170.34</u>
Major Automobile Repair									S	P	P		S		<u>36-170.34</u>
Lumber Yard and Building Supplies									S	P	P				
Greenhouses/Nursery/Garden or Feed Center								S		P		S	S		
Apartments								S	S			S	S	S	<u>36-170.34</u>
Motels									P				P		

(d) Industrial use table.

Industrial Uses	RAA	RA	WFR	NR	RB	MHP		NS	CS	LI	GI	MD	VC	VR	Use Standards
Motor Freight Depots and Terminals											S				<u>36-170.35</u>
Warehouses and Distribution Centers										P	P	P			

Manufacturing/Processing/Assembly of goods										P	P	S				Item 2.
Printing/Publishing and Related Activities										P	P	S				
Research and Testing Facilities										P	P	S				
Landscaping/Building and Other Contractor's Establishments											P					
Construction and Farm Equipment Sales											P					
Manufacturing of stone or tile											P					
Concrete or concrete products manufacturing											S					
Asphalt or Other Bituminous Plant											S					
Storage of Petroleum, chemical products, flammable liquids or gases											S					
Landfills, Incinerators, or Junk yards											S					

3/12/24, 10:20 AM

Hamburg Township, (Livingston Co.), MI Code of Ordinances

Quarries and Sand and Gravel Pits											S					Item 2.
Storage Facilities											S					
Outdoor Storage associated with an allowed use										S	S					
Adult Businesses											S					<u>36-170.36</u>

(Ord. No. 22-001, 9-5-2023)



10405 Merrill Road
P.O. Box 157
Hamburg, MI 48139
(810) 231-1000
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, February 21, 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
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 February 21, 2024, agenda as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF THE MEETING MINUTES

Approval Motion made by Commissioner Hughes, seconded by Commissioner Muir, to approve December 20, 2023, Planning Commission Meeting Minutes with correction to the spelling of Ronnie Hamama's name as noted by Commissioner Hughes.

VOTE: MOTION CARRIED UNANIMOUSLY

CALL TO THE PUBLIC- for Apartments

1. **Sara Bennett** – 10582 Livingston St. who mentioned that this new version of these apartments involved 3-story structures, where the past proposal did not. She said that these buildings should fit in with the existing architecture, and there currently are not any 3-story buildings. She was concerned about the entry into the community off M-36, with no left-hand turn lane. As a result, she felt it would help to increase traffic onto Livingston Rd because it would make it difficult to turn left out of the community. She felt there was not enough width to Livingston Rd to allow for 2 car passage while allowing for pedestrian walking along the road too. Traffic count studies stated that there will be increased traffic due to this community. She mentioned that traffic volumes from the new developments should not have negative impacts on the surrounding residential character. The location of the sewer lift station is not favorable being on the edge of someone's back yard.
2. **Dustin Hutchings**- 10530 Hall Rd. stated the has concerns with how the new apartment complex is being proposed behind Lucy's house, north of Hall Rd. They originally were proposed as 2-story buildings and now they are 3-story buildings. Trees were clear cut last year so it is obvious there will not be any tree coverage between the residents and these complexes. We see no improvements to traffic patterns and volumes onto M-36 from this complex. No traffic light, left-turn lane or yield signs are being implemented here. He also is concerned that there is no proposed fencing, and screening barriers between these new proposed communities and the existing single-family homes in the area. He stated that he feels these communities will change the aesthetics of Hamburg Township.
3. **Nicole Fanzine McClusky**- Old Hamburg Rd. stated she appeared before the PC seven years ago when this project was first proposed. She stated that she had sold her home nearby to avoid living next to this proposed complex. Now it is being repropoed at a higher density and it is nonconforming to the surrounding character of the single-family homes. There are affordable units here in Hamburg in the mobile home parks and nearby apartments in Whitmore Lake. She feels that the environmental impact is not being addressed in this proposal. Also, the increased cost of fire & police services is not being considered. She said she just wanted to remind the PC members that we love the community and please consider its value when reviewing such dense projects in this area.
4. **Christine Linsey**- 7750 E. M-36 called Genoa Group -CEI. She is concerned with the new proposed 3-story buildings that are directly behind their property. She said they have done a great deal to their properties, making them aesthetically pleasing to fit their surrounding community. The view of the existing residents will be impacted greatly by these 3-story buildings. Also, traffic volumes as well as the traffic patterns will become negatively averse to residents who live in this community, as they come and go, with an additional 208-unit community and retail gas station. Tree screening should be considered here as well.

OLD BUSINESS

1. **Preliminary Site Plan Application for General Planned Unit Development (PCPUD23-0001) -Hamburg Townhouses and Gas Station**

Project located at 10303 Hamburg Road (Parcel A) and 7620 M-36 (Parcel B). Parcel A will consist of 40 attached two-story multi-family units (38,800 SF) and a community center (1,400 SF). Parcel B will include a gas station building (2-story, 5,475 SF) attached to a mixed-use retail/residential building (2-story, 2,400 SF), as well as a gas station canopy with 12 stalls and a height of 17'. The Retail building will be used as offices for the apartment use.

CALL TO THE PUBLIC- Public Hearing

1. **Edward Nighswonger** -10484 Campbell Ct. Lives on the west side so his property abuts this new proposed complex and retail gas station. Originally purchased in this area because of its quiet and peaceful neighborhood, that abutted the woods. He discussed his displeasure that the woods would be removed, and a great deal of traffic flow would increase in their neighborhood. He requested that the PC members uphold the Zoning Ordinance requirements to protect the interests of the residents in this neighborhood.

The chair, Jeff Muck invited the applicant Ronnie Hamama to the podium who introduced his team to the members. He invited Hunter, the architect, to the podium next. Hunter did a site plan presentation on the proposed community and gas station. He explained that this new project is denser, but it also has more acquired land to work with. He shared in this new proposal the townhomes would be 50+ feet set back on the east side and 60+ feet on the west side. In the original proposal, the townhomes did not have as much setback distance as this newer project does. A solid cedar wood fence and landscaping are being proposed in this new plan to block noise and light pollution from the neighboring properties. Past meeting stormwater management and flooding concerns will be addressed by the detention pond that will be built behind the units. There is a MDOT permit that was submitted for a 4-way stop at the community entrance off M-36.

Chair Muck invited David to present his staff report. He debriefed the members about the past with the project. Chair Muck then opened the meeting up to the Planning Committee members, Commissioner Leabu being the first to speak. He said that the architect has come a long way in his design, having an entrance way facing the community. He mentioned that he would still like to see a roof line theme carried around the whole community complex.

Commissioner Hamlin expressed that he was concerned with the lack of the east and west buffers for this community, not just the east side. He read the township ordinance that states the natural resources such as woodlands are to be preserved to the maximum extent possible in the design. The Planning Commission shall require a 20-foot vegetative buffer and a masonry screen wall between multifamily developments and single-family homes. The PC may waive or modify if certain conditions are met. During the review of the previous proposed project the PC followed the recommendations of the township's planning consultant to only require a wooden fence without the 20-foot buffer. Commissioner Hamlin said that he thought this was a mistake. They did not grant a waiver because the consultant said one was not needed. The buffer requirement had not been met. These requirements are for the betterment of the township and the protection of the citizens. Also, a 20-foot buffer of planted trees will help mitigate the elimination of existing woodlands. These developments will result in extreme changes in this neighborhood. We need to ensure that rules are followed to ensure that these required protections are provided. The maturing buffers around these complexes will be an added benefit and value to the community and project.

Commissioner Leabu responded to Commissioner Hamlin's comments about this project needing a variance. Commissioner Leabu said in place of the buffer, there is the distance of a road between the two uses. He said the architect has moved the community units further from the single-family homes surrounding the proposed project. Hamlin responded that this still does not meet the ordinance requirements for granting a waiver. Commissioner Muir said that this project is a GPUD which allows them to do different things. David responded that there are

certain waivers that are permitted to the builder since this is a GPUD. Commissioner Muir stated that everything that the PC members had provided at the last meeting had been addressed. He said he appreciated the side-by-side picture comparisons of the previous and current proposals, and how they differed.

Chair Muck said he appreciated the changes that had been made since the last meeting as well, especially regarding the rear patios. He felt that it was important to provide these units with ample outdoor space in the rear. Commissioner Leabu clarified that there is a trail being proposed as a walking aesthetic around the retention pond. Commissioner Muir also clarified that there is no exit going out to Livingston Street now, but it had been turned into a path with trees.

Commissioner Leabu stated for the record that the PC members do not decide about the intersection off of M-36; that is in MDOT's jurisdiction. He said that they need to do something with this intersection since it is so dangerous.

Commissioner Hughes referred to when the Master Plan charettes were held and the residents who attended those meetings spoke of the type of look that you see in these proposed units. She said that trying to match the Master Plan, that there would be a park and trails for the surrounding residential owners to utilize. That connectivity would allow any new community development to become part of the whole Village area. She said that she didn't think that going from 24 to 48 units would allow for this transition and connectivity with the surrounding neighborhood. The detention open space and trails could only be accessed and used by the community's members and not connected with the surrounding homeowners.

Chair Muck asked how the builder would deal with the periods of stagnation and drought regarding the detention pond. Hunter stated that this pond was depicted incorrectly in the designs and is supposed to be a dry pond. It will only retain water with heavy rain events but over time the water will not stay there. There will be no fountain.

Commissioner Priebe read through the conditions issued at the last PC meeting regarding the specificity of the landscaping requirements that the architect wishes to have waived. She stated that this would be the 20-foot front landscape buffer. She had asked if they wanted to waive the east or west side buffer, or both. Hunter responded that they would look for a waiver from both east and west side buffers. Hunter stated that despite this waiver request, there would still be a 6-foot buffer. She asked if they should include the fence, but Commissioner Muir stated there were sections with blocks for the wall. Hunter said that the current proposal fence was all wood, and the block had been removed. He also stated they would be willing to work with the PC decisions on this aspect. Muir said that the blocks were proposed to block headlights from onsite vehicles at the community from surrounding homes. Hunter said that wood would look more natural and aesthetically pleasing than block. Ronnie stated from his seat that there would be blocks between the gas station convenience store and the townhomes. The cedar fence would be around the rest of the complex. Commissioner Mariani asked Hunter how tall the fence would be. He said 6 feet.

Commissioner Priebe asked David for some more clarification regarding the final conditions that needed to be removed for a motion, then she made a motion.

Approval motion made by Commissioner Priebe, seconded by Commissioner Leabu, to approve the preliminary GPUD site plan as shown on project plan (Exhibit A) to the Township Board because the project as conditioned it is consistent with the requirements of the General Planned Unit Development regulations and will be able to meet site plan review standards of the zoning ordinance as discussed at the meeting tonight and presented in the staff report with the following conditions of approval:

Condition 1: A more detailed landscaping plan that meets all the requirements. The 20-foot buffer on the east and west side will be reduced to permit a 6-foot buffer.

Condition 2: A lighting plan that meets all the requirements for the village center area shall be submitted as a part of the final site plan review. This plan should include pedestrian scale lighting in the park to allow safe pedestrian access to the front doors of the units facing this park.

Condition 3: Prior to the review of a final site plan or issuance of a land use permit as needed all appropriate approvals from local, county, state, and federal agencies, including, but not limited to, Hamburg Township Fire, Accessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department, and the Michigan Department of Environment, Great Lakes and Energy (EGLE), and Transportation shall be reviewed.

Condition 4: A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney. This agreement shall include a cross access agreement that allows public use of the private roadways, sidewalks, and parks within the project.

Roll Call Vote: **Ayes (6)** Hughes, Muir, Muck, Priebe, Mariani, Leabu **Nayes (1)** Hamlin

Motion carried.

NEW BUSINESS

1. **PPAM 24-001 Conceptual Site Plan** -GPUD Conceptual Site Plan review for a 208-unit apartment complex with a club house.

Chair Muck invited the applicant up to the podium to address the Planning Commission members. Cliff Seaber, the Elevate project engineer introduced Mat Lyons and Kim Thompson who are partners of this proposed conceptual plan. Cliff continued to state that this project was last proposed back on December 17, 2016. They found many problems with this 2016 approved plan such as parking distributions, configurations, and the compactness of the community. He then went on to show the approved plan on the presentation slide while explaining the parking was not located according to each building's needs. The club house has no parking on the past site plan rendering. There are parallel and 90-degree parking configurations located within the same space with is considered unsafe. Some dumpster corrals are positioned in locations where the large truck would not be able to get lines up to empty the dumpster safely. The open space behind the club house does not provide direct access to the community's buildings. There were only a few buildings that abut that park area and have easy access to the park. The remaining buildings are remote from this park area. We wanted to design something that would allow more open space. They installed some calming islands to slow traffic entering the community. They are proposing a dog park, two pickle ball courts, electrical vehicle charging stations, barbeque picnic areas as well as a continuous sidewalk network that connects all the buildings to each other. The two northern buildings would be 3-stories high, which is not compliant with the township zoning ordinance. This project proposes a left turn passing lane. The old, proposed plan only planned for 37% open space, but this new proposed plan is a little over 50% open space. There is also a secondary emergency exit being proposed to the south side, where a breakaway chain or gate would be provided, dependent on the fire marshal's approval. There is a proposed sidewalk extension off Washington St. that they would like to connect to the trails across a neighboring property. They are still in the process of working with that owner to make this connection.

Chair Muck invited David to speak to the PC members. He reminded the members this is only a conceptional site plan, and no formal actions will be taken tonight on this proposal. It is only to give the developer a chance to present his renderings to the community and PC members, so he can get some feedback.

Chair Muck then opened the meeting to the Planning Committee members. Commissioner Leabu began by asking Cliff why the 2 three story buildings to the north side. Cliff said they just built a 72-unit apartment complex in South Lyon that was 3- stories high and they rent out as soon as they are built. Cliff said that if that location of where they were proposing that 3-story building was undesirable in that spot, they could place it elsewhere in the complex. Commissioner Leabu agreed that moving these two buildings elsewhere in this proposed community would be more favorable moving forward for the commercial entities along the M-36 corridor.

Commissioner Priebe said she liked the layout much better than the previous project. Commissioner Hamlin asked David if this apartment project needs to go back through all the approvals again. David said yes, the original final site plan had expired. Hamlin asked David if our most dense zoning district was 10 units per acre, why is this project which is 25% greater than this being proposed here? David said maybe a waiver had been granted for the past project. Hamlin asked David if there was still a need for such a waiver here? David said yes, just like the landscaping buffer requirement from the previous project, they would need to get that from the PC. Hamlin mentioned that the required screening landscape where existing single-family homes exist should be required to buffer the different uses. Cliff mentioned that buffering was being proposed along the entry way where many single-family home garages are abutting their property. Cliff also mentioned that there were 17 storage buildings being proposed with this project for individual renters to use for the storage of extra stuff. He said they seem well received by the tenants. Hamlin asked Cliff if the pickle ball courts would be lit and hopefully, they wouldn't be close to the residents since they are so loud. Cliff said the courts would be near the retention pond to the south of the community. Hamlin asked Cliff if the sewage lift station was located by the residents. He said yes, it was located where it had been originally proposed in the earlier plan. Hamlin asked if they could investigate relocating it so it wouldn't impact too many residents. Cliff said he didn't think that these lift stations created much noise.

Chair Muck said he liked that the proposal for the connection at Washington to be an emergency exit only. He supported Commissioner Hamlin in his recommendation of the location of the pickle ball courts in relation to the nearest residents. Muck let him know that he should be at least 400 feet away from residents and recommended that he check his calculations with nearby single-family homes and building #12 in the community. Muck said that he really liked the amount of open space being proposed with this project, as well as the possible trail connection.

Chair Muck said that the applicant should take the provided feedback from the commissioners and utilize this information on further development of this proposal, so they could bring this back for a preliminary site plan review.

ZONING ADMINISTRATOR'S REPORT:

1. Future items:
 - i) March there will be a rezoning for a property on 9300 Hamburg Road, going from Residential to Neighborhood Service which meets the Master Plans goals. It is near the Hamburg Fitness Center.
 - ii) April 2 at 7pm - Year end review with all the boards.

ADJOURNMENT

Approval motion made by Commissioner Priebe, seconded by Commissioner Muir, to adjourn at 8:15pm.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: _____

Commissioner Jeff Muck, Chairperson