
PLANING COMMISSION REGULAR MEETING

Wednesday, June 19, 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. May 15, 2024 Planning Commission Meeting Minutes

CALL TO THE PUBLIC

OLD BUSINESS

NEW BUSINESS

2. Proposed text amendments (**PZTA24-0002**) to Zoning Ordinance Article 3, Section 36-429, Elderly Cottage Housing Opportunity (ECHO) Planned Unit Development.
3. General discussion of PUD Regulatory flexibility standards

ZONING ADMINISTRATOR'S REPORT

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PLANNING COMMISSION MEETING

Wednesday, May 15, 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
Ron Muir
Jeff Muck, Chair
Joyce Priebe

2) **ABSENT:**

Deborah Mariani

APPROVAL OF MEETING AGENDA for tonight.

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

VOTE: MOTION CARRIED

APPROVAL OF THE MEETING MINUTES

Approval Motion made by Commissioner Hughes, seconded by Commissioner Priebe, to approve April 17, 2024, Planning Commission Meeting Minutes with recommendation from Commissioner Hughes for staff to review the verbiage regarding age and income level from the recording.

VOTE: MOTION CARRIED

CALL TO THE PUBLIC- No public response.

OLD BUSINESS

None

NEW BUSINESS**1) Preliminary Site Plan Review (PPAM24-001): The Crossing at Lakelands Trail**

Chair Muck opened the public hearing to the public.

- 1) Brenda Vibbart- 10564 Hall Rd is requesting a fence to separate her property from the development that wouldn't kill her trees. She would like it to be put up before the development begins. Requesting that the pool is indoor to buffer the residential noise from development. Traffic will also be a concern to the neighborhood.
- 2) Sarah Bennett- 10582 Livingston St is pleased with the emergency only gate at the Washington St. entrance and the lift station has been moved from the existing residents. Her current concerns is the density request over by 26% of the master plan. Providing a 26-foot road would be possible with less buildings. A bigger setback could be provided if more landscaping were required between this development and the existing residential homes. The engineer said that the pool can't drain into the sanitary sewer so she is concerned that they will drain it to the nearby detention basin. The house at 7452 Washington St. which is in line with the proposed detention pond is on a well. Will this pond impact the water quality of their well water? The elevation drawings presented to the boards will not resemble the largest buildings onsite, the club house and the apartment building with a 16-unit design. These buildings are going to be very huge, about 150 feet in length. This architecture will not blend in with the surrounding residential neighborhoods.
- 3) McKenzie Johnson- 10603 Livingston St is appreciative that the applicant is willing to utilizing the feedback of surrounding residents. She stated that a GPUD shouldn't be used to increase the density or intensity of the development in the ordinance, in section 36-442 (6). She is worried that this will change the character of Hamburg Township in this neighborhood.
- 4) Dustin Hitchings-10530 Hall Rd is concerned with the 34% increase of the number of units that will be built on this site. He also referenced Section 36-442 (6) in Hamburg Township's ordinance. He said they are under the required amount of open space requirement by a quarter acre. Many Hamburg residential properties are about a quarter of an acre. They have proposed 407 parking spaces compared to the 312 required. This additional parking will consist of 5.85 acres of paved asphalt in the field. The GPUD should not allow any development that add public service & utility loads beyond those contemplated in the master plan. The village core consists of 7 acres in the master plan, but this development is twice this amount. The required lighting for 5.85 acres of pavement will impact adjacent residents from enjoying the ability to see the stars at night. We will have many new additional people who will be starting up their cars at odd hours of the day and will impact on residents' enjoyment of their land.
- 5) Erin Gottbreht- 7930 Forest Creek Ct moved her 20 years ago from Grand Rapids to raise their children in a country feel township. This proposal for 208 apartments is concerning since we need to grow, but this doesn't seem to be the best way to go about it. This density proposal seems overwhelming to our community here.

- 6) Loretta Brighton- 7869 Howard St moved from Grass Lake to Hamburg. She has lived in this community for many years to raise her five children. She is concerned with the possibility of increasing crime in the community by having these apartments.
- 7) Lisa Johnson - 6683 Alta Dr has moved to the township because of the open space community that exists here. She is concerned about what the future will look like if we allow this dense development in the community, for her children. She is hoping that the committee will consider any possible increase in crime, and over demand of roads and infrastructure.

No one else commented so Chair Muck closed the public meeting. He invited the applicant to the podium to speak to the commissioners. **Bob Langet** showed the overview site plan, stating that they eliminated the 3 story buildings proposed at an earlier meeting, replacing them with 2 story buildings. They eliminated the sport court due to noise. They moved the pump station to a remote location on the side. Washington St entrance will only be utilized for emergency access. The plan that was approved 7 years ago was utilized in this development. Open space has been added to the center of the development. They added a dog park, EV charging stations and bike racks. Located parking in close approximation to the front doors of units without parallel and angled parking. The exterior of the buildings has been modernized, utilizing stone and siding in the architecture. This development will attract individuals who want to live in Livingston County off the highway. We believe these individuals will be young medical professionals who have younger children who don't wish to own their own place but want to live in Hamburg Township. Being in close approximation to the Lakeland Trail is important to this development.

Chair Muck opened the meeting to David Rohr for his staff report. He briefly went over the report and asked if the Commissioners had any questions. Chair Muck then opened the meeting to the commissioners for their questions and comments.

Commissioner Hughes said she did not have any questions at this time. Commissioner Muir asked for clarification of the safety concerns for Hall Rd from the applicant. The applicant stated that the development will increase traffic flow onto Hall Rd and M-36. There is an old traffic study. Bob asked Cliff to speak about this concern. He said that there was a center left turn lane will be provided off Hall Road for residents turning left off Hall Rd into the community. Commissioner Muir asked about the fence being along only one boundary. The applicant had the landscape plan pulled out to discuss with the commissioners. Commissioner Muir mentioned there was no buffering between the gravel road and the local residential neighbors. Bob said he believed that the fence was only required along that one location, and there is landscape buffering along the remainder of the site. Bob explained that the gravel will only be used as a maintenance pathway for retention pond overflow only. Muir repeated that there is no buffering landscape between the gravel road along the boundary line and the local community. The applicant said that the gravel is adjacent to vacant land and is not a road. Commissioner Muir explained that the PC usually requires landscape buffering around the whole GPUD community to buffer it from the rest of the community. The applicant said he will be sure to add such landscape to this area if the PC agrees that this is required.

Commissioner Hamlin stated that this GPUD is in the Village Center District zone, where apartments are a permitted use. One review standard in our ordinance is that a GPUD shall not be created where the same land objectives can be accomplished with conventional zoning provisions. The only reason for the GPUD on this project is to get 54 more apartments added, which is a 35% density increase over the allowable 154 apartments. He said that this development is not eligible to be submitted as a GPUD. It is not a village, mixed use, or exemplary. This should be submitted as an apartment complex with an apartment density of 154 units. Commissioner Hamlin stated his concern that if this project is approved as a GPUD, what precedence will they be setting up for the future development of more apartment and multifamily unit projects in Hamburg to the east and north. Hamlin discussed a few things that he would like to see added as a condition to this project, if approved. The fencing needs to be discussed. Our ordinance requires a 20-foot buffer in which a 6-foot masonry wall is required. We can allow a wooden fence. He said we don't want a vinyl fence. There are numerous single-family homes that are

adjacent to this development that require a fencing buffer. A second request, he wants to see the Washington St. entrance only be used as an emergency access point with a locked gate and a Knox box for the police and fire to have access to, as a condition for approval or in the GPUD agreement. The final request, Commissioner Hamlin requested that the access path to the Lakeland Trail should have safety bollards to keep the trail to bike and pedestrian traffic.

Commissioner Leabu stated that he was on the PC when this was approved the first time, and he wished he had been built so there were more housing available to people to rent. McKenna had stated ten years ago that we were 300 apartment units short of a normal mixed community. He stated he has two daughters who are aged 26 and 32 years old. Today homes are selling for over \$400,000. Having these apartments built could provide them with a safe place to live. Leabu said he felt that this newer design is much better than the old plan.

Commissioner Priebe was in support of Leabu's comments. She was on the PC when it was approved over seven years ago. She appreciates the newer design and that they eliminated the 3 story unit buildings. She stated that no one likes to change, and she moved here over 50 years ago when it was a lot more rural. She has seen many changes over the years. When people own property they have a vested interest in developing that parcel. She said that she supports this project.

Commissioner Hughes asked for clarification regarding the apartment buildings, asking if there will be indoor stairwells to get the renters from level to level or will each apartment unit exist on the whole level. Bob stated that a three-bedroom apartment will exist at one level. If the unit is upstairs, then that renter will access their apartment on that second story level, and each apartment unit will have their own private entrance. Their building company works hard to soundproof each unit, floors and walls, from each other. They do wall separation and light creek floors to deaden the sound between units. Hughes stated that she grew up in a rural community on 10 acres and it seems that living in Hamburg Township requires us to work with our connection with M-36 whether for the good or the bad.

Chair Muck stated that he moved to Livingston County over 25 years ago as a single man. He took a job in Brighton while he tried to find an apartment on that income level was very difficult 25 years ago. Fast forward to today, I have a co-worker who grew up in Pinckney Township, her parents still live in Hamburg Township, and she is a single mom. She can't afford to live out here. She is very hopeful at what these new townhouses and apartments could bring to the community, allowing her to move here near her parents. Currently she must make the trip every day from Livonia to go to work and see her parents. I think of her when I vote yes on this project. We will want to ensure that we create some stipulations regarding the fencing, screening, and green buffering around the development. There will not be any expansion of this development. What you see is what is being reviewed.

Commissioner Hamlin stated that the fencing should be a 20-foot buffer and a masonry wooden fence should be required everywhere there is a single-family home. Then an emergency gate and a Knox box will be required at Washington Street (west entrance) and used only for emergencies. Hamlin had mentioned connecting a pedestrian path to Lakeland Trail. Chair Muck stated that he had brought this up at the last meeting. Muck asked Bob if he had talked with the neighbors to the north and south to see if they showed any interest in connecting the pedestrian path to the Lakeland Trail. Bob said yes, they are willing to assist in this effort. Bob was in support of making this a condition as well. Hamlin and Muck stated they wanted it as a condition, so it is controlled.

Approval motion made by Commissioner Priebe, seconded by Commissioner Muir, to recommend approval of the **Preliminary GPUD Site Plan (PPAM24-001)** as shown on the project plans, in Exhibit A, to the Hamburg Township Board because the project as conditioned is consistent with requirements of the

GPUD 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 for approval:

Condition 1: A lighting plan that meets all the regulations 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.

Condition 2: A detailed sign plan should be submitted for final site plan review.

Condition 3: Prior to the review of the final site plan or the 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, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department; and the Michigan Department of Environment, Great Lakes, and Energy, and the Michigan Dept. of Transportation shall be received.

Condition 4: Fencing and buffering will be required along all residential properties as required by the ordinance.

Condition 5: Emergency gate and Knox box will be required at the Washington Street Emergency Exit.

Condition 6: A dedicated access to the Lakeland Trail shall be established.

Roll Call Vote: Ayes (5); Hughes, Muir, Muck, Leabu, Priebe Nays (1); Hamlin.
Absent (1) Commissioner Mariani

VOTE: MOTION CARRIED

2) Elderly Cottage Housing Opportunity (ECHO) Discussion. Consider changes to the ECHO Zoning Ordinance Amendment.

Chair Muck opened the meeting to David Rohr. He said that he met with Commissioners Leabu and Hamlin three weeks ago. They spoke about how, why, and when we should amend our current ECHO regulations to allow for smaller residents on Chilson Road in Hamburg. There is a red lined version of these regulations. They agreed that amending the ECHO regulations was the most straightforward and timely way of changing this ordinance. They agreed that the name should change from ECHO to just CHO Planned Unit Development. They added in Section 36-432 the Neighborhood Service (NS) as a permitted district for potential housing types for the CHO. We wanted to bring it to the PC for their comments, concerns, and changes. The Planning Commission discussed many aspects of this CHO amendment to allow attainable housing in our community. David Rohr took notes on this discussion so he will share his final version with the PC before it is sent to the Hamburg Township Board for approval.

ADJOURNMENT

Approval motion made by Commissioner Muir, seconded by Hughes for adjournment at 8:40pm.

VOTE: MOTION CARRIED

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

Sec. 36-429. ~~Elderly~~ Cottage Housing Opportunity (~~ECHO~~CHO) Planned Unit Development; intent.

- (a) It is the intent of this section and sections 36-430 to 36-433 to offer an alternative to traditional single-family detached or attached housing developments ~~for elderly persons~~ through the use of planned unit development legislation as authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended for the purpose of:
- (1) Encouraging the construction of more affordable-attainable single-family residential detached or attached dwelling ~~for elderly persons~~ units utilizing public sewer cluster-septic tank drain fields and common water supply systems;
 - ~~(2) Facilitating the construction of affordable single-family residential detached housing units for elderly persons on a smaller scale than conventional multifamily developments that require public infrastructure improvements such as roads, and public water and sewer to accommodate higher density and lower cost dwelling units;~~
 - (3) Offering an alternative to multifamily residential developments in order to provide attainable affordable housing ~~for elderly persons~~ in a small scale, less dense neighborhood setting;
 - ~~(4) Preserving the rural character and appearance of the Township through the construction of small scale environmentally sensitive elderly person developments on scattered sites.~~
 - (5) Encouraging the clustering of detached or attached single-family ~~elderly person~~ dwelling units to promote the safety and security of the ~~senior citizen~~ residents.
- (b) ~~These regulations are intended to preserve a traditional rural character to the land use pattern in the Township through the creation of small elderly person residential nodes contrasting with open space and less intensive land uses.~~ This section is not intended as a device for circumventing the zoning regulations of the Township, the standards set forth therein, nor the planning concepts upon which this chapter has been based.
- (c) These regulations are intended to result in a specific development substantially consistent with zoning ordinance standards yet allow for modifications from the general standards.

(Zoning Ord. 2020, § 14.2.1, 1-5-2021)

Sec. 36-430. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~ECHOCHO~~ community lot means land occupied or to be occupied by ECHOCHO units and accessory buildings permitted herein, together with such open spaces as are required under this chapter and having its principal frontage upon a street.

~~ECHOCHO~~ unit means a single-family residential dwelling unit with full facilities for residential self-sufficiency in each individual dwelling unit, ~~which has a resident who is an elderly person.~~

~~ECHO village~~ community means a housing development which meets the unique needs of the elderly through the provision of significant facilities and services specifically designed to meet the physical or social needs of such residents.

(Zoning Ord. 2020, § 14.2.2, 1-5-2021)

Sec. 36-431. Zoning.

An ~~ECHOCHO villagecommunity~~ may be located in the following zoning districts: ~~RAA~~, RA, RB, RC, NS, CS, VC, VR, ~~OH~~ or MD, or ~~WFR-WFR~~ provided the development does not have riparian rights (i.e., does not have shoreline along a lake or river).

(Zoning Ord. 2020, § 14.2.3, 1-5-2021)

Sec. 36-432. Development design standards.

~~ECHOCHO villagecommunity~~ housing shall meet the following criteria:

- (1) On-site ~~public sewage disposal and common~~ water supply. On-site ~~public sewer and common watersewage disposal and water supply~~ must be approved by the Livingston County Health Department.
- (2) ~~ECHOCHO villagecommunity~~ size. No fewer than four ~~ECHOCHO~~ units nor more than 20 ~~ECHOCHO~~ units shall be permitted per ~~community~~lot.
- (3) Acreage and density requirements. An ~~ECHOCHO villagecommunity~~ development may be approved upon any residentially zoned land with density as permitted below:

District	Minimum Acreage	Minimum Density determination for CHO community. Minimum Density per ECHO Unit
RAA	3 acres	15,000 square feet
RA * (Special Use Permit)	2 acres	10,000 square feet
RB	2 acres	5,000 square feet
WFR * (Special Use Permit)	2 acres	10,000 square feet
CS	1 acre	5,000 square feet
RC	1 acre	5,000 square feet
VR	1 acre	5,000 square feet
VC	1 acre	5,000 square feet
MD	1 acre	5,000 square feet
NS	1 acre	5,000 square feet

- (4) Unified control. The ~~ECHOCHO villagecommunity~~ shall be initially under single ownership or control, so there is a single person, entity or condominium having proprietary responsibility for the development of the ~~ECHOCHO villagecommunity~~ as evidenced by a title company licensed to do business in Michigan. In the event, all or any portion of the development changes ownership or control prior to completion of the project, the terms and conditions of this Planned Unit Development shall be binding on any successor owner of all or any portion of the property.
- (2)5 Guarantee of open/common space. At least 15 percent of the total site area shall be reserved as open space. This open space shall be held in common ownership by all residents of the ~~ECHOCHO villagecommunity~~. This open space shall be utilized for recreation facilities such as picnic areas, walking trails or other open space uses which provide ~~elderly~~ residences the opportunity to enjoy the natural features of the site. The open space shall be configured to be integrated with the individual units and

maximize the proximity of each housing unit to natural open space. If the open space is close and accessible for residents of all individual units, it need not be owned in common. A guarantee to the satisfaction of the Township Planning Commission that all open/common space portions of the development will be maintained in the manner approved shall be provided. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the ECHOCHO villagecommunity plan.

(63) *Area, height, bulk and layout regulations.*

Minimum <u>ECHOCHO</u> unit floor area:	400 square feet
Maximum <u>ECHOCHO</u> unit floor area:	980 square feet
Maximum building height:	<u>1-1.5</u> story
Required roof pitch:	4:12 or greater
Minimum building width, any dimension:	14 feet
Distance between roof overhangs of buildings:	10 feet
Handicap ramps:	May encroach into any setback space
Basement:	Optional
Shed:	Optional
Garage:	Optional
Covered parking:	Optional
Minimum setbacks:	15 feet from street or private road right-of-way 10 feet from side and rear lot lines 5 feet from common access drives <u>(20 feet from shared/adjacent parcel lines)?</u>
Common access drives:	4 feet from all lot lines

(74) *Attached units.* No more than four units shall be attached in a single structure.

(85) *Garages.* Detached garages can be located no more than 100 feet of walking distance from the ECHOCHO unit which it serves.

(96) *Porches.* Each ECHOCHO unit shall have at least one covered porch ~~of at least 24 square feet in area.~~

(107) *Common area.* Each ECHOCHO villagecommunity which contains five or more ECHOCHO units shall have a common area ~~containing at least one gazebo, deck, patio or terrace that shall be covered with a roof, be a minimum of 60 square feet, and be of the same architectural style and design as the ECHO units located on the lot.~~

(118) *Storage sheds.* Any storage sheds shall be so designed as to have the same roof pitch and architectural style as the ECHOCHO units in the development. Storage sheds may be linked so as to have common walls; however, each shed must have its own private, lockable access door. The dimensions of any shed servicing an ECHOCHO unit shall conform to other size provisions of this chapter.

(129) *Water and septic system service.* If there is public sewer and common water and/or sewer service available to the lot or in the area on which an ECHOCHO development is located, connection into the system may be required.

(130) *Roads.* The ECHOCHO villagecommunity shall have paved access designed and constructed to AASHTO standards and shall provide adequate access for emergency vehicles.

- (141) *Parking requirements.* The parking standards for an **ECHOCHO villagecommunity** shall be two spaces per unit. Each parking space shall have a minimum size of 16280 square feet (~~nineten~~ feet by 18 feet) and may be located either on-site or within 100 feet of the site.
- (152) *Construction drawings required.* Scaled floor plan and building elevation drawings shall be presented for each **ECHOCHO** unit within the **ECHOCHO villagecommunity** that has a different interior layout and square footage of living space.
- (163) *Sidewalks and access ramps.* All pedestrian circulation walkways and sidewalks shall be hard-surfaced with either asphalt, concrete or brick paving, ~~and be accessible to the handicapped according to the standards set forth in the Americans with Disabilities Act. Handicapped access ramp structures may encroach into any required setback space.~~
- ~~(14) Interior design.~~ The interior of each **ECHO** unit shall be designed to provide ease of mobility by seniors who may have mobility limitations. The units shall meet the International Code Council (American National Standards Institute) Accessibility Standards for Type B units.
- (175) *Design compatibility.* The exterior of each **ECHOCHO** unit shall be compatible in terms of architectural design, materials and color with the residential structures in the immediate neighborhood within 300 feet of the development parcel or lot. However, all housing units shall be a minimum of 14 feet wide at their least horizontal dimension and attached to a permanent foundation. The roof pitch of an **ECHOCHO** unit shall be at least a 4:12 pitch. Accessory buildings for an **ECHOCHO** unit, such as a detached garage and shed, shall also conform to the minimum roof pitch and be architecturally compatible with the design and style of the **ECHOCHO** unit. Compatibility of design shall be decided by the planning commission.
- (186) *Waiver of standards.* The planning commission is hereby empowered to waive site design standards and development area requirements if public health and safety are not compromised. The planning commission is further empowered to specify conditions in issuing any special use permits as may be required.

(Zoning Ord. 2020, § 14.2.4, 1-5-2021)

Sec. 36-433. Project standards.

In considering any application for approval of an **ECHOCHO villagecommunity** site plan, the planning commission shall make their determinations on the basis of the standards for site plan approval set forth in article III of this chapter, as well as the following standards and requirements:

- (1) Compliance with the **ECHOCHO** concept. The overall design and land uses proposed in connection with an **ECHOCHO villagecommunity** shall be consistent with the intent of the **ECHOCHO** concept, as well as with the specific design standards set forth herein.
- (2) Compatibility with adjacent uses. The proposed **ECHOCHO villagecommunity** site plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location and screening of vehicular use or parking areas.
 - d. The provision of landscaping and other site amenities.

- (3) Protection of natural environment. The proposed ~~ECHOCHO villagecommunity~~ shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.
- (4) Common area and unit maintenance. The ~~ECHOCHO villagecommunity~~ shall include in the master deed, community bylaws or covenant provisions, as applicable for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors, in a form approved by the Township Attorney.
- (5) Compliance with applicable regulations. The proposed ~~ECHOCHO villagecommunity~~ shall comply with all applicable federal, state and local regulations.
- ~~(6) Because of the specialized character of such uses, the limited class of occupants and the potentially limited market for such units, the planning commission may require a market study and or surveys of elderly residents in the vicinity of Hamburg Township as to documenting the long term marketability of the development and which supports both the need and market for the development. The planning commission may require written supporting evidence from national elderly assistance groups, such as American Association of Retired Persons (AARP), that units of such floor area and density, and developments of such an arrangement are attractive and feasible for the elderly.~~
- ~~(7) The planning commission may require the submission of letters of endorsement or support for the development from public and private elderly service provider agencies as to the suitability of such dwellings for elderly persons.~~
- (68) The planning commission may base its action on experience with and competition from similar developments in the area.
- ~~(9) The planning commission may base its approval on the long term availability of senior services to be provided by the developer, operator, government or private elderly support agencies, such as medical assistance, meals assistance, proximity to shopping, personal services and medical care, transportation (including access to major roads), recreation and other elderly needs.~~

(Zoning Ord. 2020, § 14.2.5, 1-5-2021)

Sec. 36-439. General planned unit development (GPUD); intent.

- (a) The intent of the general planned unit development in this section and sections 36-440 to 36-442 is to permit, with Township approval, private or public development which is substantially in accordance with the goals and objectives of the Township master plan which and the Township village center master plan, which may be amended from time-to-time.
- (b) The development permitted under this section and sections 36-440 through 36-450 shall be considered as an optional means of development. The availability of the option imposes no obligation on the Township to encourage or foster its use. The decision to approve its use shall be at the sole discretion of the Township. Consequently, in this section, the development opportunities made available under this section may be referred to as the GPUD.
- (c) A GPUD is intended to permit regulatory flexibility to achieve development that is in accord with the Township's master plans; to achieve economy and efficiency in the use of land, natural resources, energy and in the provision of public services and utilities; to encourage the creation of useful open space particularly suited to the proposed development and parcel on which it is located; and to provide appropriate housing, employment, services and shopping opportunities to satisfy the needs of residents of the Township of Hamburg.
- (d) It is further intended that the development of a GPUD be laid out so that proposed uses, buildings, and site improvements relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
- (e) The GPUD option is further intended to permit reasonable development or use of parcels of land that were subdivided and/or developed prior to adoption of the ordinance from which this chapter is derived, or amendment thereto, and which would otherwise be restricted from development or use because of existing or resulting nonconformities.

(Zoning Ord. 2020, § 14.4.1, 1-5-2021)

Sec. 36-440. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

General planned unit development means a specific parcel of land or several contiguous parcels of land, which has been, is being, or will be developed in accordance with a site plan approved by the Township Board, following a recommendation from the planning commission, where the site plan meets the requirements of this section, proposing permitted land uses, density patterns, a fixed system of streets (where necessary), provisions for public utilities, drainage and other essential services and similar features necessary or incidental to development.

Underlying future land use means the future land use designation identified in the Township master plan, or the village center master plan, which the Township Planning Commission has determined is applicable to a parcel of land that is proposed to be developed in accordance with the general planned unit development regulations.

Underlying zoning means the zoning classification assigned in the Hamburg Township zoning ordinance to a parcel of land that is proposed to be developed in accordance with the general planned unit development regulations.

(Zoning Ord. 2020, § 14.4.2, 1-5-2021)

Sec. 36-441. Project characteristics.

- (a) *Location.* A GPUD shall only be created on development sites within the Township which have a portion of the property located within the NS Neighborhood Service, CS Community Service, MD Mixed Use Development, VR Village Residential, or VC Village Center zoning districts.
- (b) *Size.* A GPUD shall only be created on development sites one acre in area or greater.
- (c) *Permitted uses.*
 - (1) Uses that are listed as permitted uses or special uses in the underlying zoning district or uses identified in the underlying future land use category of the Township master plans may be permitted in a GPUD development. Expansion of or renovation to a building containing a use that is not listed as a permitted use or special use may be permitted by the planning commission upon making the determination that:
 - a. The use has operated and will continue to operate in a manner that is compatible with surrounding and nearby land uses;
 - b. The proposed expansion or renovation will not impair the efforts of the Township and property and business owners and residents to further the goals and objectives of the Township master plans; and
 - c. The proposed expansion or renovation will have a recognized and substantial beneficial impact as a result of improved building design, site improvements that are consistent with project standards set forth in section 36-442 and the Township master plans, improved traffic and transportation patterns or other benefits.
 - (2) Uses that are listed as permitted uses or special uses in the VC Village Center Zoning District may be permitted in the GPUD, with the exception that residential uses as described in the VC Village Center shall not be permitted in a GPUD located outside the VC Village Center or VR Village Residential zoning districts. Upon the determination that the inclusion of residential uses shall aid the GPUD in meeting the project standards stated in section 36-442, residential uses shall comply with the density requirements of the underlying zoning district or master plan designation.
 - (3) The Township Board shall make the final determination, based on the recommendation of the planning commission, as to whether a specific use may be permitted in the CGPUD subject to compliance of the proposed uses with the project standards of section 36-442 and approval of a site plan, pursuant to the review procedures in sections 36-444 through 36-450.
- (d) *Regulatory flexibility.*
 - (1) A GPUD proposal shall comply with the height, bulk, density, and setback standards of the underlying zoning district except as specifically modified and noted on the GPUD site plan. Uses listed as special uses shall be subject to applicable height, bulk, density, area and use standards in section 36-36, unless such standards are modified and noted on the GPUD site plan.
 - (2) The Township Board may approve modification or waiver of one or more standards of the underlying district or standards for special uses, after reviewing the recommendation of the planning commission, upon making the determination that any such modification or waiver would be consistent with the land use goals and objectives of the Township and the intent of this section, and upon making the determination that the modification or waiver would be appropriate because of the particular design and orientation of buildings and uses. Any regulatory modification shall be approved by the Township Board based upon a finding by the planning commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory

modifications are not subject to variance approval of the zoning board of appeals. No part of a GPUD plan may be appealed to the zoning board of appeals.

- (3) A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this GPUD section. This specification should include ordinance provisions from which deviation are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought. Only those deviations consistent with the intent of this chapter shall be considered.

(Zoning Ord. 2020, § 14.4.3, 1-5-2021)

Sec. 36-442. Project standards.

In considering any application for approval of a GPUD site plan, the planning commission shall make their determinations on the basis of the standards for site plan approval set forth in article III of this chapter, as well as the following standards and requirements:

- (1) A GPUD shall promote the goals and objectives of the Township master plan, and village center master plan. Including the intent and guidelines related to site design as stated in the transportation section of the master plan, and the village design chapter of the Hamburg Township village center master plan, where applicable. Along with other appropriate site design standards, guidelines, and principles, the following site development elements shall also be reviewed for consistency with the applicable guidelines of the master plan and the village center master plan:
 - a. Sidewalks/pedestrian circulation.
 - b. Parking/loading areas.
 - c. Architecture.
 - d. Signs.
 - e. Street and access design.
 - f. Lighting.
 - g. Landscaping.
- (2) A GPUD shall result in a higher quality of development than could be achieved under conventional zoning.
- (3) A GPUD shall not be created in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards without the need for variances.
- (4) A GPUD may be created only when the proposed land use will not add public service and facility loads beyond those contemplated in the master plan or other applicable plans or policies of the Township unless the applicant can demonstrate to the sole satisfaction of the Township Board that such added loads will be accommodated or mitigated by the proponent as part of the GPUD or by some other means deemed acceptable to the Township Board.
- (5) Creation of a GPUD shall establish land use patterns which are compatible with and protect existing or planned use. The use of the GPUD option shall not be for the purpose of avoiding applicable zoning requirements of the underlying zoning district.
- (6) A GPUD shall not be allowed solely as a means of increasing the density or intensity of development.

- (7) A GPUD shall improve the appearance of the Township through quality building design and site development, the provision of trees and landscaping consistent with or beyond minimum requirements; the preservation of unique and/or historic sites or structures; and the provision of open space or other desirable features of a site beyond minimum requirements.

(Zoning Ord. 2020, § 14.4.4, 1-5-2021)

Sec. 36-443. Review procedures.

The following outlines the procedures and requirements which must be followed for all PUD development to receive approval under this article. Prior to all scheduled planning commission or Township Board meetings, the applicant shall submit ten copies of the completed site plan with the zoning administrator at least 21 days prior to the planning commission or Township Board meeting at which the site plan is to be considered. The zoning administrator shall determine the number of plans the applicant shall provide prior to any scheduled preapplication meeting.

(Zoning Ord. 2020, § 14.5, 1-5-2021)

Sec. 36-444. Preapplication meeting.

An optional preapplication conference can be held with Township Staff including Township Planner and Township Engineer as determined by the zoning administrator to review applicability of the PUD ordinance to the proposed site and uses.

(Zoning Ord. 2020, § 14.5.1, 1-5-2021)

Sec. 36-445. Conceptual review.

The applicant may submit a draft site plan for the optional conceptual review by the planning commission. The draft site plan shall include as much detailed information as needed for the applicant to convey to the planning commission how the applicant would like to utilize the site. Information should include potential building locations, vehicular parking areas, types of uses, road layouts, if applicable, and setbacks from property lines. The conceptual review allows the applicant to present the proposed project to the planning commission, at an early stage in the development process, prior to formal submittal of the project. This process allows the developer to receive comments and feedback from the planning commission based on the information submitted. No formal action is taken by the planning commission at this time.

(Zoning Ord. 2020, § 14.5.2, 1-5-2021)

Sec. 36-446. Preliminary PUD site plan review and public hearing.

- (a) The applicant prepares and submits a preliminary site plan. The preliminary PUD site plan shall contain enough detail to explain the proposed uses, relationship to adjoining parcels, vehicular and pedestrian circulation patterns, open spaces and landscape areas, and building density or intensity. The planning commission shall conduct a public hearing in accordance with section 36-36(b)(2). Following the public hearing, the planning commission gives direction to the applicant. The plan is revised, if necessary. The planning commission then takes action to recommend approval or denial of the preliminary PUD site plan to the Township Board based upon the preliminary PUD site plan meeting the eligibility requirements as outlined in this article. A recommendation of approval for the preliminary PUD site plan shall be accompanied by a description of the minimum conditions under which the proposal will be considered for

final approval. In describing such conditions, the planning commission may identify specific requirements or standards in this chapter which could be waived or modified upon approval of the final PUD site plan.

- (b) The Township Board shall consider the planning commission recommendation and public hearing comments and shall take action to approve, deny or remand the preliminary PUD site plan back to the planning commission for further review.

(Zoning Ord. 2020, § 14.5.3, 1-5-2021)

Sec. 36-447. Final PUD site plan review.

- (a) The applicant shall submit a final PUD site plan which contains all information required for site plan review under section 36-73(6) and approvals from all appropriate county, state and federal agencies, including, but not limited to, the county road commission, county drain commissioner, county health department and the Michigan Department of Transportation.
- (b) The planning commission shall review the submitted final PUD site plan to ensure compliance with all standards and criteria of the Hamburg Township zoning ordinance, the master plan, village center master plan, and the Southeast Livingston County Greenways Plan where applicable. The planning commission then shall take action to recommend approval or denial of the final PUD site plan to the Township Board based upon compliance with the above referenced standards.
- (c) Upon receipt of the report and recommendation of the planning commission, the Township Board shall review all findings. If the Township Board determines that approval would be appropriate, it shall work with the application and the Township Attorney to prepare a development agreement setting forth the conditions upon which such approval is based. Such conditions shall include, where appropriate, identification of the phases and timetable for development, and an estimate of the costs of implementing each phase.
- (d) After approval by resolution of the Township Board, the development agreement shall be executed by the Township and the applicant and recorded in the county records. Approval shall be granted only upon the Township Board determining that all qualification requirements, conditions of approval, and provisions of this and other Township ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. Approval shall further be subjected to the condition that the contract will be properly recorded.
- (e) Approval of a PUD site plan shall be effective upon recording the contract and filing proof of recording with the Township Clerk.
- (f) Once an area has been included, within the boundaries of an approved PUD, no development may take place in the PUD except in accordance with the Township Board-approved PUD site plan.
- (g) Prior to any development within the area involved, an approved PUD site plan may be terminated by the applicant or the applicant's successors or assigns, by filing with the Township and recording in the county records an affidavit so stating. The approval of the plan shall terminate upon such recording.
- (h) No approved plan shall be terminated after development commences except with the approval of the Township Board and of all parties having an equity interest in the land.

(Zoning Ord. 2020, § 14.5.4, 1-5-2021)

Sec. 36-448. General requirements.

- (a) *General application requirements.* The application for approval of a PUD shall be made according to procedures and guidelines adopted by resolution of the planning commission. The required materials shall be submitted to the Township Zoning Administrator with all required fees.
- (b) *Effect of approval.* Approval of a PUD proposal shall not require, nor shall it be construed as an amendment to this chapter. All improvements and uses of the site shall be in conformity with the approved site plan and comply fully with any conditions.
- (c) *Recording of action.* The applicant shall record a development agreement with the register of deeds containing the full legal description of the project site, specifying the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved PUD plan unless an amendment is adopted by the Township. In addition, all deed restrictions and easements shall be duly filed with the register of deeds of the County and copies of recorded documents presented to the Township.
- (d) *Land use permit.* Following final approval of the PUD site plan and final approval of the engineering plans by the Township Engineer, a land use permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable Township, county, state or federal permits.
- (e) *Initiation of construction.* If construction has not commenced within 24 months of final approval, all Township approvals become null and void. The applicant may apply in writing to the planning commission for an extension, not to exceed 12 months. A maximum of two extensions may be allowed.
- (f) *Continuing adherence to plan.* Any property owner who fails to maintain an approved site design shall be deemed in violation of the use provisions of this chapter and shall be subject to the penalties for same.
- (g) *Performance guarantee.* The planning commission may require a performance guarantee, in accordance with this chapter.
- (h) *Scheduled phasing.* When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the project and the residents of the surrounding area.
- (i) *Timing of phases.* Each phase of the project shall be commenced within 24 months of the schedule set forth on the approved site plan. If construction of any phase is not commenced within the approved time period, approval of the plan shall become null and void, subject to the requirements of subsection (e) of this section.

(Zoning Ord. 2020, § 14.5.5, 1-5-2021)

Sec. 36-449. Revision of approved plans.

- (a) *General revisions.* Approved plans for a PUD may be revised in accordance with the procedures set forth in section 36-444.
- (b) *Minor modifications.* Minor modifications to an approved PUD plan may be permitted following normal site plan review procedures outlined in sections 36-77 and 36-78 subject to the finding of all of the following:
 - (1) Such modification will not adversely affect the initial basis for granting approval;
 - (2) Such minor modification will not adversely affect the overall PUD in light of the intent and purpose of such development as set forth in this article; and
 - (3) Such modification shall not result in the reduction in the benefits and amenities the PUD provides to the community.

(Zoning Ord. 2020, § 14.5.6, 1-5-2021)