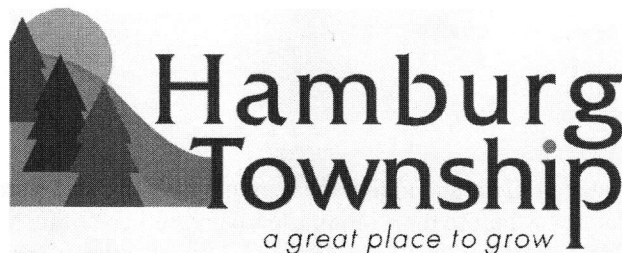


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P.O. Box 157  
10405 Merrill Road  
Hamburg, Michigan 48139

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**Planning Commission  
Hamburg Township  
10405 Merrill Rd., P.O. Box 157  
Hamburg Township, Michigan 48139  
December 19, 2018  
7:00p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Hamlin, Menzies, Muir & Priebe

Absent: Leabu & Muck

Also Present: Amy Steffens, Planning & Zoning Administrator, Scott Pacheco, Planning & Zoning Director, and Brittney Stein, Zoning Coordinator

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Chairman Goetz stated that we need to add Old Business for discussion of a letter regarding Water's Edge.

Motion by Hamlin, supported by Priebe

To approve the agenda as amended

Voice vote: Ayes: 5                      Nays: 0                      Absent: 2                      MOTION CARRIED

**4. APPROVAL OF MINUTES: None**

**5. CALL TO THE PUBLIC:**

Chairman Goetz opened the call to the public for any item not on the agenda.

Mr. Bill Riffe, 5560 Pointe Pele Ct. stated that this is a great idea. It has a lot of merit. It will help the township and its residents, and will bring people into the community. His major concern is water. They have two six inch wells that serve the Mystic Ridge area. This plan is going to need a lot of water for whatever facilities they will have, including their growing facilities, structures and event facilities. Since the Township does not have its own water supply, they are going to have to get their water from a well. His concern is what will happen when they draw all that water down. With all of the paving going on, all of the rain and run-off will be drained away and not refill the ground water table.

Chairman Goetz stated that there will be opportunity for public comment after the Special Use Permit presentation. Hearing no further public comment, the call was closed.

**6. OLD BUSINESS:**

- a. Letter regarding Water's Edge

Planning & Zoning Administrator Steffens stated that the remonstrators for the Water's Edge Village have asked that the correspondence and petitions now before the Commission be presented at this meeting. It is a petition signed by residents of Hamburg Township opposed to the Open Space PUD application. There are also letters included from people opposed.

## **7. NEW BUSINESS:**

- a. Special Use Permit (SUP18-002) and Site Plan Review (SPR 18-001) applications to consider allowing a major agricultural commercial/tourism business on the 98-acre property at 5550 Strawberry Lake Road (TID 15-34- 200-003). The proposed business will include a u-pick apple orchard, u-pick pumpkin patch, corn-maze, raised gardens, nature-based kid play area, hiking trail, a sign, a farm market retail/restaurant structure, a 300-person wedding barn, and other agricultural based amenities.

Lauren & Scott Tharp introduce their Engineer, Brian from Powell Engineering. Ms. Tharp stated that when they first approached the Township with their vision for their farm, they asked if there was an ordinance that would include something like this, and the answer was no. This is uncharted territory for the Township and with that comes a lot of planning and discussion. They appreciate all the work and time that has gone into getting them to where they are today. She stated that in 2015 they had the opportunity to buy the property at 5550 Strawberry Lake Road and they began to dream about what to do with the land. They want to preserve the land and came up with the idea of opening a seasonal farm market/cider mill as well as a wedding barn. They are hoping to have a discussion and find a way to move forward with their project. Mr. Tharp stated that in watching the Board meeting last night, what they heard from the residents was their desire to preserve the rural character of the community. Their plan does exactly that for the township. Developers would be interested in developing this property, but that is not the path that they want for their property. Long term this is a better choice for the Township.

Ms. Tharp stated that the first waiver they are asking for is for signage. They would like to do a post and beam sign at the entrance which will add to the farm atmosphere. The second sign is a vinyl sign to hang on the fence along Strawberry Lake Road. They are proposing a seasonal business offering different things throughout the year, and the vinyl sign would allow them to tell the public what they are offering in each of those seasons. The ordinance allows this type of sign for 45 days. They are requesting it for June through December. Mr. Tharp stated that the next item is the waiver of an annual review by the Planning Commission. He stated that they do not have a problem being called in for review, but what they do want is something measurable and something they can control. Complaints from neighbors is not something they can control or a neighbor's dislike of their farm. What they can control are violations. If they add a statement such as "review of complaints from neighboring property owners regarding specific violations". They do not want a broad complaint being a reason to bring them in for review. Ms. Tharp stated that the final waiver they are asking for deals with the number of guests and number of events for the wedding barn. They are asking to host events for up to 300 people and have up to 30 events per year. The ordinance limits events up to 150 people and a maximum number of events of 20 per year. She discussed text that was written at the time a bed and breakfast with a wedding venue was proposed. She stated that they are asking that the Commission look at their site individually and not the same as a previous request. They have some commonality, but they are very different. Sunset Cove has 2 acres, they have 98 acres. They have residential properties very close to them. Their barn would be several hundred feet from any property line and even further from a dwelling unit. They are located in a low density zoning area. Given their unique circumstances, they feel their request is reasonable. Mr. Tharp stated that they look forward to providing something that adds value and character and brings people into the Township and showcases the Township for what it is.

Planning & Zoning Director Pacheco gave a history of the Agricultural Commercial/Tourism Business Ordinance. He discussed the intent and the reasons why these ordinances were adopted including the difficulty in farming larger pieces of property and make an economic profit. This was to help farmers and preserve open space areas. We looked at a lot of different things when we went through the process including where they should be located, how big of an area should be, setbacks, buffer areas, etc. This project will use approximately 15 acres of the existing 100 acre

property. Six of those acres will be planted with an apple orchard, 1.5 acres planted with a pumpkin patch and 4 acres planted with corn until they create a corn maze. That leaves approximately 5 acres for the more intense use. The farm center will house the donut hut, ice cream at certain times of the year and cider mill. In that area is the wedding barn proposal as well as the parking. In developing the ordinance, they decided that they would allow for waivers in certain situations. In the Tharp's proposal, one of the reasons they are asking for the waivers is because their lot size is much greater than what we require. We require 40 acres, their site is 98 acres. He discussed the requested sign waiver. He stated that the ordinance states that the signage shall meet the requirements of the zoning district. That district is RAA. For commercially used property in the residential district, we would allow a 20 square foot monument sign no greater than 6 feet in height. They are not requesting an increase in size, but rather that it not be a monument but a "ranch type" sign. That maintains the rural characteristic of the community and blends in well with the neighbors. He does not have too many concerns with that request. The other part of the sign waiver request is that we allow a 20 square foot sign up to 45 calendar days per year. They are asking to be able to put up a 15 square foot vinyl sign any time they are open between June and December. Because of the size of their property, a 15 foot sign hanging on their proposed rural fence is not a big concern. They are just trying to get the information out to the public. Our ordinance requires that no more than 20 events shall be held on a site per calendar year. They are asking for 30 events per calendar year. Also, our regulations limit the number of attendees to 150 persons or the maximum occupancy of the space where the event is held, whichever is less. They are asking to increase that size to 300 persons. The site is large, but his suggestion is to limit the number now and have them come back in the future. Once the operations are under way we can make sure that site can handle 150 people prior to going to more than our code allows or allowing more events. He stated that the Commission can review annually any special use permit but there has to be a violation of the approved special use permit. It can't be just because the neighbors are complaining. There is a yearly review required under 8.29.7 by our Zoning Administrator. If the Zoning Administrator deems it necessary, it can be pushed up to the Planning Commission. They have to have a yearly land use permit. They need to tell us when their events are happening and outline anything that has changed from the year before. We have not had any complaints regarding the Sunset Cove location, which is a much smaller site. Therefore, he would suggest that we not waive the yearly review.

Pacheco stated that we received three letters concerned about the project or opposed to the project from Caron Wiesner Wainwright, Bob Finn and Lynn Riel. There were five letters received in favor of the proposed use and location from Tom Garcia, Ryan Schacht, Amber Demears, Susan Lupo, and Jeremy Jeruzal. He stated that the applicants did have an open house meeting where they sent notice to all of the neighbors.

Pacheco stated that the project does meet the zoning regulations with the exception of the proposed waivers. They do have to go through the Site Plan review and Special Use Permit review. There are discretionary standards for both of those. He does have suggestions if the Commission decides to approve the project based on these standards. The Livingston County Health Department will be required to do a well permit for this use and will have to approve the septic as well. There is no requirement that they hook up to sanitary sewer. He further stated that he has heard concerns about the natural features and the traffic. This property could be used at a higher, more intense use. The reason why we approve these Agricultural Commercial businesses is to reduce the use of these larger properties.

Chairman Goetz opened the public hearing.

Mr. Phil Wagner of 10967 Pine Bluff stated that he owns the property that abuts the proposed project, and he is completely good with the project. He has had discussions with the Tharps and feels they are sincere. This project will take time to build. He is northeast of the property and would be most impacted by the noise from the prevailing wind. He would guess that it will be less noise than what we currently get from the lake with the parties and fireworks. He has heard concerns about the water yet he has a pond with about 50 springs that feed it, and the water table is so high he could only build a crawl space. There are wetlands which are buffered between the operation and the road. He is perfectly fine with the proposed signs. He has looked at other wedding venues. Although they are requesting up to 300 people, not every event will have that many, and there are already large parties on the lake. This is a positive land use compared to the recent discussions about another development on Winans Lake Road. In terms of traffic, you are talking about an occasional use versus the number of houses that could be put on the property. This is a good use that will not destroy the nature of the neighborhoods.

Brian Totten of 5184 Strawberry Lake Road stated that he understands that it is required to notice property owners within 300 feet of the proposed property, but 300 feet does not speak to the impact on the larger community. He does have issue with the project. The nature of the area will change as a result of the proposed use. The noise from a 300 person wedding, the lights from the parking, etc. will have an impact. He moved here because he likes the Strawberry Lake Road pasture feeling, and that will change as a result of this. He does question why a septic system would be allowed rather than tapping into the sewer system. He would have liked to have known about this long ago and would hope that the Zoning Department would consider the impact to the residents beyond the 300 feet. Mrs. Totten stated that they applaud the creativity of the Tharps, but they are very concerned about their source of water. They ask that you slow down this process. She stated that good government looks out for our interests. Studies show that land around an aquifer needs to be undisturbed.

Deb Mardeusz stated that they take their grandchildren to cider mills all over the area. They moved here because of the environment. They want to be able to sit on their deck and not see anything and hear the frogs.

Richard Arnold of 5569 Seney Circle stated that this is not going to keep the nature of the neighborhood. He is concerned about the wetlands. The proposed barn is on the edge of the wetlands. He assumes that the Tharps will be good neighbors and check with the DEQ before they do anything here. He would think that most of the people in the area would be fine with the project without the wedding barn. It will bring in a lot of people and a lot of pollution.

Steve Harrison of 3245 Orchard stated that he feels that the project overall is fantastic and will provide something to do with your kids and family that the Township is lacking. When he and his wife got married last year, they would have loved to have a farm setting. They had approximately 250 people and there is not an opportunity for that anywhere near here.

Mary Roleson of Mystic Ridge stated that she would agree with the project without the wedding barn. But asked if this would be organic farming and if there would be fertilizers that will get into the wetlands and water. She stated that there are a lot of deer in the area and asked if they planned on shooting them or it will increase the car-deer accidents on Strawberry Lake Road. She discussed the extra traffic that will result on Strawberry Lake Road.

Dianna Kriebel of 5679 Trailside stated that they are directly behind the proposed venue. She is fine with the market, etc., but she is very much against the wedding barn. They would try to enjoy their summer, but have to listen to music. They would have the traffic to contend with for 30 weekends.

Joe McFarland of Loon Lake stated that his biggest concern is the wedding barn. You are talking about 300 people traveling Strawberry Lake Road every weekend after a reception.

Aaron Machnik of 5609 Seney Circle stated that every year they appreciate the Township's fireworks and activities at the park. They accept that as a condition of what they bought their property under. His reading of the ordinance would lead him to believe that this project is not ready to be approved for a special use permit. Several of the criteria deal with traffic, public impact, etc. This should be demonstrated before a special land use permit is granted. He discussed the deer population and stated that the traffic is the largest concern. There is a place for this type of facility, but it has to be done safely.

Cecil Lindsey of 5588 Seney Circle stated that in reading the reports, he was pleased to see that the Township is addressing some of the major concerns. Traffic is still a concern. He quoted from the applicant's proposal: "The special land use permit for Strawberry Creek Farm (Cider Mill/Farm Market and Wedding Barn) should be granted for the life of the business, without further review of the Planning Commission and without the possibility of the special use permit being revoked due to complaints by neighbors." He stated that this board has a duty to do justice, and that is not acceptable. People have a right to voice their opinions. He suggested a meeting with the Township, applicant and neighbors to work out a compromise.

Karen Falbo of 5554 Crane Creek stated that she administers two websites Mystic Ridge Community on Facebook and NextDoor.com After publishing the proposal, there were many comments against the party barn. Someone did a survey of party barns in the area and there were 35 in a 25 mile radius of Ann Arbor. The concerns are drunk drivers



leaving the facility and noise. She commends the applicants for trying to do something nice. The parking lot is too large and the party barn is not a good idea. The Township recently sent out a 2020 Master Plan survey and the responses implied that we want to stay a rural area with no commercialization of Strawberry Lake Road.

Linda Bauby of 5948 Strawberry Lake Road stated that she is very concerned about having a wedding barn with a 300 person capacity. Noise and traffic are her main concerns.

Bill Roleson of 5493 Crane Creek stated that he previously lived near the Barnstormers, which is a similar venue. The noise and ruckus was an issue. He is concerned about the traffic and water situation. A wedding barn is not something they are interested in.

Hearing no further comment, Chairman Goetz closed the public hearing.

Commissioner Menzies stated that we knew that the traffic would be a concern. He has no problem with the apple orchard, pumpkin patch, etc. We don't have anything like that in the area. Obviously, the noise with the wedding barn is a big concern. If this is approved, he would agree that we should start small and see how it works. He does feel that there should be a traffic study. As far as the well goes, it all would have to be tested. He does not feel that this is ready for approval.

Commissioner Hamlin stated that usually these are re-purposed existing barns used to augment what a farm is making. He discussed the size of the barn and the size of barns in the area. He spoke with the owners of a wedding barn in Ann Arbor, and after eight years in business, they have not had a lot of complaints. They have a limit of 300 people, but they indicated that typically they have 175 people plus 20 staff, and they do 30-35 events per year. Building a new barn does meet our ordinance. Our ordinance allows the ability to grant waivers. He does feel that it is important to have an annual review by the Planning Commission, not complaint driven, simply a review to see how things are going. We need plans for the barn, lighting information, and storm water information. They need to add a restroom facility in the farm market. He would also like to see a report from the Fire Department. It was stated that they did review the project and requested the road widths, etc.

Commissioner Hamlin asked the applicants if they have experience farming. Mrs. Tharp stated that they have a hobby farm at home and they did try to plant pumpkins one year and learned a lot. Discussion was held on the separate entrance and exit. Hamlin stated that he would like to see information about the clearing of the woods and impact on the wetlands. He further stated that he does not have a problem with the number of events at 30, but he does not think that there will be many events with 300 people.

Mrs. Tharp discussed the size of the barn. She stated that they wanted a larger barn so that they could house everyone within the building. A lot of event barns have limited size so they use a seasonal tent. When you use a seasonal tent that brings the amplified music outdoors and greater impact on the neighbors. The question was asked if they plan to have a commercial kitchen. Mrs. Tharp stated that they plan to have a prep kitchen, which is a basic area where caterers can bring in their food. The question was asked if they are planning on having events throughout the year. Mrs. Tharp stated that they are. Hamlin stated that he would suggest that the grass parking be changed to gravel. He stated that he would like to see what the plan is to control noise. One thing with a new barn is that it will be insulated as compared to an old barn. He stated that according to the people he spoke to, they indicated that people leave in layers from an event, not all at once. He would encourage the applicant to tie into the sanitary sewer. Finally, he does not think that the patio with string lights would meet our ordinance.

Pacheco discussed the traffic. He stated that the traffic would be different than the peak hours for residential traffic. Although some people believe that there is a traffic problem on Strawberry Lake Road, the traffic studies show that there is not. The studies show that the traffic has actually gone down since 2008 for specific reasons. For the short time the barn would impact the road, it would be much less than traffic from 48 single family homes over the entire day. The applicant's engineer, stated that they have provided a review from the Livingston County Road Commission about the two entrance locations that have been approved subject to site distance field review. Based on traffic counts, etc. they did not find this to be a heavy use. It was stated that this is not a traffic study.

Pacheco stated that the Road Commission, Drain Commission, all of the local, State and Federal approvals will be required. It will probably not need MDR review because they will show that they are not going to impact the wetlands. The barn is approximately 120 feet from the wetlands. If it was determined that the wetlands were impacted, the wedding barn would simply be moved a few additional feet. These approval would be required prior to any land use permit.

Commissioner Muir stated that the Township is currently looking for ideas for large parcels of land to preserve the natural landscape. This happens to be one such idea where we can take 100 acres and turn it into 15 acres of development and preserve the balance. The potential exists to put up 50 homes on this property which would lead to clear cutting, roads and more traffic. He stated that he does not believe that we should grant the waivers at this time for the number of events, attendees and yearly review. However, it may be open for re-visit once we get a couple of yearly cycles through. There are a number of local, state and federal reviews that need to be done before any building can start. They will be addressing the things that have been brought up such as the well, septic, and traffic. There was recently a traffic study on Strawberry Lake which resulted in the four-way stop. The only issues was making a left turn from Merrill Road onto Strawberry Lake and the through from the dirt portion to the paved portion of Merrill. Although it is not required, he would like the applicant to consider hooking into the sewer. Further, he stated that he is not sure about the vinyl sign and asked if there was an alternative. Commissioner Muir stated that the Township has a strict noise and lighting ordinance. He agreed with the gravel parking versus the grass.

Commissioner Priebe stated that the proposal is exciting. She is not sure about the 300 people per event waiver. The farm market, orchard, corn maze, etc. is exactly what we are looking for in that area. She does not have a problem with the Special Use Permit, but she is not sure that the site plan is quite ready for approval. There are still some things that need to be done. She looks forward to seeing more detail.

Chairman Goetz stated that the one thing that he would disagree with is the waiver of the yearly review. It does not mean that they necessarily have to come before the Planning Commission, but it should be reviewed to ensure that all of the requirements are being met. He does not have a problem with the sign at the entrance. Although, he would agree with Commissioner Hamlin that they would not see too many events with 300 people, he would like to take a "wait and see" approach and start with a lesser number. That would allow us to see if we are going to have any issues.

Mr. Tharp stated that with regards to the review waiver, it is not their intent to circumvent the Planning Commission or the residents, but rather protect their investment based on tangible items. It was stated that again, the review would go before the Zoning Department, and if there were an issue, it would be brought before the Planning Commission. It would be an administrative issue.

Discussion was held on the applicant's request. Pacheco stated that they have requested both the preliminary and final site plan approval. They will be required to have a final lighting study prior to the land use permit and would have to meet the requirements of the Zoning Ordinance. He further discussed the requirements. They will be able to meet the requirements fairly easily because they are not close to any of their property lines with the lights. He discussed the patio lights and stated that our ordinance does not address this type of lights. They may have to get some type of lighting to direct the light towards the ground. What they have proposed is not going to cast light, but it is not directly shielded. They are also required to have the lights turned off by 10:00 p.m. It says 10:00 p.m. unless they are open, and they can stay open until 11:00 p.m. with a wedding event. It was stated that you don't want to see the glow of the lights either. Pacheco stated that they are proposing full cut-off and the height of the poles are lowered to 15 foot for the parking lot lights and 12 foot for the lights along the roadway back to the wedding barn.

Commissioner Hamlin stated that he does not think that they have what they need for final site plan. We do not know what the building looks like or the materials. Pacheco suggested that the Commission request the items you believe they need to submit. The applicant can request preliminary approval. Mrs. Tharp stated that they are fine with doing some additional homework. They did submit some pictures to give a general overview of the architecture of the barn. It was stated that the Commission is looking for more. It was stated that because it is going to be approximately two years before the wedding barn, the Commission could approve something and require that the

architectural designs of the building come back prior to final land use permit for the wedding barn. At the time of the wedding barn, we would require a drainage plan as well.

Discussion was held on approval of the waivers. Pacheco stated that you do not want to approve the waivers until you approve the special use permit.

Commissioner Hamlin stated that he does not have a problem with the 30 events. He does not have a problem with the signs, however you could do a wood sign versus vinyl that could be put up as seasons change. He would agree with starting with the lower number of attendees and see how it goes. Our ordinance requires 150, but he would be comfortable with 200. Discussion was held on enforcement of the number of people. Pacheco stated that if there were an issue, we would go and count the number of people. Commissioner Muir stated that he still feels that 20 events and 150 people is reasonable, but he will go along with the consensus of the Commission.

Commissioner Priebe asked if we would approve the Special Use without the site plan. Pacheco stated that you can. The Commission should tell them what they would like improved on the site plan to be resubmitted.

Commissioner Menzies stated that he still has concern about the wedding barn including the parking, traffic and noise. He would like to see something like this. However, this is brand new and should be looked at closely. It was stated that the special use approval includes the wedding barn. It was stated that the wedding barn would be a large economic part to allow them to survive. The question is if this is appropriate use for the site. Commissioner Menzies stated that it is a great location for this and it would fit in with the area. But, there are concerns of the neighbors and it has never been done here before. Menzies stated that he does not have a problem with the special use. It does meet the criteria.

Discussion was held on requiring well and septic studies. Pacheco stated that usually that happens before building permit approval. The Commission can request that information if they would like. Commissioner Hamlin asked the applicant if they looked at hooking into the sewer. Mrs. Tharp stated that it is more expensive. They have very sandy soil and perks very well. They would like to go with septic. Mr. Tharp stated that they own a septic and excavating business. They have met with the Health Department who has laid out exactly what is required. If it is not possible based on the engineering, then they would have to look at the sanitary sewer.

Motion by Muir, supported by Priebe

To approve Special Use Permit (SUP18-002) for the property at 5550 Strawberry Lake Road with the number of events to be limited to 30 per calendar year with a maximum of 200 attendees with an administrative yearly review, and approve the signs as submitted

Commissioner Menzies stated that he still has concerns regarding the wedding barn.

Voice vote: Ayes: 4                      Nays: 1                      Absent: 2                      MOTION CARRIED

Discussion was held on the permitting process for the well including analyzing the aquifer, test well, etc.

Discussion was held on the location of the wetlands in relation to any of the activities. It was stated that the wedding barn would be 120 feet from the wetlands.

Motion by Muir, supported by Priebe

To table Site Plan Review (SPR 18-001) and request the following information be provided for re-submittal:

- Architectural plans for the wedding barn, which could be delayed based on the timing of the building of the barn
- Stormwater plan for the parking and wedding barn
- Lighting detail

- Well testing and permit information

Pacheco stated that this information is being requested before approval of the site plan. It will be brought back before the Commission. No public hearing is required. They will review the plans to make sure that it meets the requirements of our Ordinance and then make a recommendation to the Township Board. It would then go to the Township Board for final approval. Mr. Tharp asked if, in two years they go to build the wedding barn and the plans change slightly, can it be brought back for an amendment. It was stated that it would be an amendment to the site plan.

Voice vote: Ayes: 4                      Nays: 1                      Absent: 2                      MOTION CARRIED

**8. ZONING ADMINISTRATOR'S REPORT:**

Amy Steffens, Planning & Zoning Administrator stated that we are putting plans together for our yearly joint meeting with the Township Board, ZBA, Parks and Rec and Planning Commission. If there are issues you would like to see addressed at that meeting such as zoning text amendments, etc. please let them know within the next few weeks. They will be working on the year in review and work plan for 2019. Also, if there is any training you would like to pursue, please let her know and as things become available, she will let you know.

**9. ADJOURNMENT:**

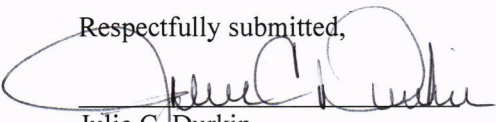
Motion by Menzies, supported by Muir

To adjourn the meeting

Voice vote: Ayes: 5                      Nays: 0                      Absent: 2                      MOTION CARRIED


The Regular Meeting of the Planning Commission was adjourned at 9:04 p.m.

Respectfully submitted,

  
Julie C. Durkin  
Recording Secretary

The minutes were approved

As presented/Corrected: 2-20-19

  
Fred Goetz, Chairperson