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

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**A GREAT PLACE TO GROW**

**HAMBURG TOWNSHIP PLANNING COMMISSION  
WEDNESDAY, FEBRUARY 20, 2019 7:00 P.M.  
HAMBURG TOWNSHIP HALL BUILDING  
10405 MERRILL ROAD, HAMBURG, MICHIGAN**

- 1. CALL TO ORDER**
- 2. PLEDGE TO THE FLAG**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES**
  - a. November 28, 2018 meeting minutes
  - b. December 12, 2018 meeting minutes
  - c. December 19, 2018 meeting minutes
- 5. CALL TO THE PUBLIC**
- 6. OLD BUSINESS**

None
- 7. NEW BUSINESS**
  - a. Special Use Permit and Site Plan Review applications (SUP and SPA 19-001) to consider allowing the outdoor use of the property at 5520 M-36 (TID#15-22-400-010) for training and outdoor event associated with commercial use of the property. The site plan review application also includes the demolition and replacement of the existing elevated deck and stairway off the rear of the structure and the existing fence around the property. The property is currently occupied by the offices for Stiggy's Dog's. This organization rescues and trains shelter dogs to be service dogs for military veterans living with posttraumatic stress disorder ("PTSD") or traumatic brain injury ("TBI").
  - b. Public hearing of a Zoning Text Amendment to codify the Hamburg Township Zoning Ordinance to include zoning text amendments adopted between May 6, 2009 and December 31, 2018 and to make administrative changes to correct for clerical errors.
- 8. ZONING ADMINISTRATOR'S REPORT**
- 9. ADJOURNMENT**



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**Planning Commission  
Hamburg Township  
10405 Merrill Rd., P.O. Box 157  
Hamburg Township, Michigan 48139  
November 28, 2018  
(moved from November 21, 2018 due to holiday)  
7:00p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Hamlin, Leabu, Menzies, Muck, Muir & Priebe

Absent: None

Also Present: Amy Steffens, Planning & Zoning Administrator; Scott Pacheco, Township Planner; Brittney Stein, Zoning Coordinator; John Jackson, McKenna Associates

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Menzies, supported by Priebe

To approve the agenda as presented

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

**4. APPROVAL OF MINUTES:**

- a. September 19, 2018 Planning Commission Minutes

Motion by Muir, supported by Priebe

To approve the September 19, 2018 minutes as presented

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

**5. CALL TO THE PUBLIC:**

Chairman Goetz opened the call to the public for any item not on the agenda. Hearing no public comment, the call was closed.

**6. OLD BUSINESS: None**

**7. NEW BUSINESS:**

- A. Site Plan (SP18-005) and Special Use Permit Applications (SUP 18-001) to consider a 4,800 square foot addition to the existing 6,720 square foot shop building on the southeast corner of the property at 7750 East M-36 (4715-25- 200-065). The project is considered a major amendment to the Special Use Permit granted in 2014 which allowed CEI an architectural sheet metal and roofing company, to be located on the subject property because the proposed addition will increase the buildings usable floor area by more than twenty five percent (25%) (Section 3.5.8 (A)(1)). The proposed addition is also considered a major amendment to the original approved site plan the addition because the project is larger than 2,000 square feet. (Section 4.9.4 (B)(1)).

Kristine Cook, applicant, stated that CEI is a roofing and architectural sheet metal operation and is applying to add a 60'x80' addition to the existing warehouse. They had a special use permit granted 2014. The additional square footage is to house a larger composite panel machine that they would like to purchase. The additional square footage is only cold storage. It is going to have metal racks for storage of flat metal sheet. They need it for the increase inventory that they will need for the additional business the new machine will generate. It will be attached to the warehouse and accessible through an interior garage door, and access from the outside will be on the west side. It will extend the profile from the southeast corner 60 feet and 80 feet to the west. It is not the entire length of the warehouse. They would be moving the existing downward directional LED lights that are currently in place to the south side of the building and a couple more lighting features will be added to the west and east sides, again pointing downward. The east side access to the building along Hall Road will be enclosed. They have never used the Hall Road entrance as access. Therefore, they are asking for a revised Special Use Permit to allow them to continue to do what they have been doing for the past four years and permit them to add the square footage. They have read through the report which included a number of recommendations. Their only question relates to the motion sensor lighting. They currently have four light poles which are not motion sensor. The other exterior lighting is the flag, the sign and two downward directional lights at the front door which are flanked by walls, and the same on the door on the north side of the building facing M-36. If it needs to go on motion sensor after 11:00 p.m. then they can do that. They would like to have their sign and flag lit all night. The only other issue is the eight-foot wide bike path. As part of the original Special Use Permit, they were given five years to figure out the path because of the proximity of the trees and the MDOT right-of-way. They have had it staked, but this fall, they missed the window for the concrete but it will be installed in the spring of 2019. The question is if the lighting is going to go off at 11:00 p.m., it is going to be very dark for anyone using the path.

Township planner Pacheco asked if all of the lights are on after 11:00 p.m. Ms. Cook stated that they are set on timers and go on at dusk. Pacheco stated that was not addressed on the original permit, and we do have lighting requirements that the lighting be shut-off at 11:00 or at the end of the business day or put on a motion sensor. He stated that the Planning Commission can issue waivers for those lighting requirements under our ordinance.

Pacheco gave a project description. He stated that it does meet most of the development review standards. There were a few things under the lighting section that have been brought up. We did not receive a lighting report with the site plan. There are requirements for footcandles at the property line. Prior to issuance of a building permit, they would need to submit that report. He stated that we have not received any complaints regarding the existing lighting, however this building does extend further to the south and closer to the residences on Hall Road. They do have an eight-foot fence between the edge of the property and the building. A light study should be done to make sure that it meets the footcandle requirement at the property line. They will be adding two lights to the east side of the new building, which is the most concerning. The lights on the south and the interior west side are far from the property line. Pacheco gave a history of the property. In 2014 CEI moved into the building and was granted a Special Use Permit. As a condition of project approval, an 8-foot multi-use path was required to be installed along the north portion of the site. At that time they were not changing any of the exterior structures. In 2015 they added a cold-storage barn in the back of the lumber yard area which was approved through site plan review. They are now coming and asking for a 60'x80' addition being added on to an existing paved area. No new drainage will be created as a result of the project. They are replacing an existing machine with a new machine that can do more. There will not be a net increase of employees so the existing parking is all that is required. He described the existing surrounding uses. He stated that he is recommending five conditions. The only condition the applicant had concern with is the lighting recommendations.

Pacheco reviewed the five conditions:

- 1) The final site plan shall include a note that states “All outdoor lighting shall be turned off between 11:00pm and sunrise and that all light fixtures used for security purposes are to be on motion detection devices
- 2) Prior to issuance of a land use permit by the Zoning Department, a lighting study shall be submitted that shows that light within a site shall not exceed ten (10) footcandles or one (1) footcandle at any property line, except where it abuts a residentially used or zoned site whereby a maximum of 0.5 footcandles is permitted. The only exception is with gas station canopy and automobile dealership lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above standards shall apply to intensity at the property line. He discussed the light study. It was stated that because of the 8-foot fence, hopefully the study should show 0 footcandles at the property line.
- 3) Prior to issuance of a building permit the building department will verify that all Federal and State requirements regarding handicapped parking, loading and access 18 are met.
- 4) As a part of the project the Zoning Permit shall include the removal of the driveway approach off of Hall Road. Once the approach is removed the area shall be graded and landscaped to match the rest of the shoulder along Hall Road. There is an existing apron on Hall Road from where the lumber yard used as access. They have closed that off with an 8 foot fence but they left the apron and you cannot plant landscaping along the drainage ditch like the rest of the site.
- 5) Prior to issuance of a land use or building permit all local, county and state regulations will need to be reviewed and approved for this project. A list of the agencies that may be required to review this project including but are not limited to; the Livingston County Drain Commission, Road Commission, Building Department, Health Department, and Water Authority, and the Hamburg Township Utilities and Fire Departments. We do have a letter from the Fire Department that has two common requirements dealing with fire lane and knox box.

Pacheco stated that the project appears to meet all of the zoning requirements which he has outlined in his report and meets all of the Standards for Approval of the Special Use Permit and Standards for Site Plan Review and for the additional Approval Standards for the Village Center requirements.

Chairman Goetz opened the call to the public. Hearing no public comment, the call was closed.

Menzies stated that with the fence, you can barely see the lighting. He stated that after the study, he feels that they can keep the lights on and not have the motion sensors. He stated that there is adequate land and will not require any variances and would not require additional parking.

It was stated that the parking lot lights were existing. The applicant did not add any poles. Leabu stated that you have to have a light on the flag or the flag cannot fly. He stated that he does not have a problem with the architecture or roof line. However as it relates to the lights, he has a problem with the new lights on the south. There is a difference between the light hitting the ground and just a light that you can see. He would like to see the new lights on the south and the east be put on a motion sensor after 11:00 p.m. Furthermore, if that is done, then you don't really need a study. The new lights on the west side are not an issue because of the distance from the property line.

Muir asked if the soil erosion and sedimentation sign-off should be included as a condition. Pacheco stated that is covered by the Livingston County Drain Commission and would be required prior to the issuance of a building permit. It was stated that there is no new impervious surfaces.

The question was asked if the Commission can approve the plan versus recommending approval. Pacheco stated that this is Planning Commission approval because it is an amendment to an existing site plan. Our code allows the Commission to approve the amendment and Special Use Permit.

Motion by Priebe, supported by Leabu

The Planning Commission approves the Special Use Permit and Site Plan Amendments (SUP18-001 and SP18-005) to allow the new 4,800 square foot addition to be built on the south side of the existing shop

building at 7750 E- M-36 (TID15-25-200-065); because the project with the following recommended conditions will meet all the discretionary standards for Special Use Permits under Article 3 , Site Plan Review under Article 4, Projects within the Village Center Area under Article 7 as described at this hearing and as presented in the November 28, 2018 Staff Report.

Conditions of Approval:

- 1) The final site plan shall include a note that states “all new outside lights on the east and south side used for security purposes shall be on motion detection devices.”
- 2) Prior to issuance of a building permit the building department will verify that all Federal and State requirements regarding handicapped parking, loading and access are met.
- 3) As a part of the project, the Zoning Permit shall include the removal of the driveway approach off of Hall Road. Once the approach is removed the area shall be graded and landscaped to match the rest of the shoulder along Hall Road.
- 4) Prior to issuance of a land use or building permit all local, county and state regulations will need to be reviewed and approved for this project. A list of the agencies that may be required to review this project including but are not limited to: the Livingston County Drain Commission, Road Commission, Building Department, Health Department, and Water Authority; and the Hamburg Township Utilities and Fire Departments.

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

- B. Preliminary Site Plan Application for an Open Space Planned Unit Development (OSPUD 18-001) to allow construction a 154 unit single family housing development on the properties at 4715-14-400-008 (8.5 Acres) and 4715-23-100-002 (77.19 Acres). This development proposes a mix of property sizes and types that will be clustered on the site in order to help preserve the existing wetlands and other sensitive areas of the site.

Mr. Rob Wagner, Civil Engineer from Midwestern Consulting stated that they have been working on this project for almost a year. He stated that the developer is Winans Lake Development. He introduced Ted Hirsh, Project Engineer. He stated that Todd Hallet from TK Design Associates is the architect, King & McGregor delineated the wetlands and the habitat species study and G2 Consulting Group did the geotechnical investigation.

Mr. Wagner presented a slide presentation which included:

**Site Location** – 92.5 acre site on Winans Lake Road east of Chilson Rd. west of Hamburg Road.

**Define the Project** – Clustered Single Family Residential with definable benefits to the community, interconnected open space for a cohesive neighborhood with active and passive recreation facilities and features. They are proposing to preserve wetlands and woodlands, consistent with the Township Master Plan which encourages open space communities.

**Site Analysis** – Gill Lake and the Huron River and preserving quality woodlands. They are not proposing to fill in any wetlands and proposing walking paths along the woodlands and access points to the river.

**Master Plan** – Future Land Use shows medium density with surrounding high density to the west.

**Zoning Map** – Existing zoning is Waterfront residential with Natural River zoning along the south end of the property.

**Water’s Edge Layout** – Mr. Wagner stated that they came in back in February, and at that time they proposed a permanent connection at Huron Highlands and at Lake Crest. However, after hearing the opposition, they changed the plan to an emergency access only, to Huron Highlands as which the Fire Department has approved. They are proposing access onto Winans Lake and their site distance has been approved by Livingston County.

**Private Roadways** – They are proposing 20 foot alleys to minimize the amount of pavement and 26 foot wide roads to meet the Fire Code

**Open Space Calculation** – They are proposing 56% open space when 40% is required by the Open Space ordinance. 25% is required to be upland and they have 89% of the open space as upland.

**Utilities-Water** – Mr. Wagner stated that during their pump tests, they did affect some neighboring wells. They could pump at a lower rate and get a permit from the DEQ for the community well. The developer has decided to pursue a public water main which is currently located next to the Hamburg Professional Center which would be

brought to the site. That would be in accordance with the Township's Utilities Master Plan for water and would also benefit future development.

**Exemplary Project Items** – They would be preserving natural features, providing natural river walking path, observation gathering points along the trail and overlook, three points of access to the Huron River for kayaks, canoes and paddle boats, three parks along Gill Lake, Gill Lake look-out area, and optional dock, not for motor boats but kayaks and canoes. They are preserving 3.68 acres of forest and adding a walking path through it. Extending three million dollars worth of water main to the site. Their storm water best management practices include infiltration, possible permeable parking areas next to the river. They will be providing more detention than the ordinance or the Livingston County Drain Commissioner requires.

**Exemplary Project Items 2** – They are proposing a public sanitary sewer and forced main. Instead of proposing grinder pumps at every home, they are proposing a lift station. With the tap fees, the Township would see \$390,000 worth of fees and \$462,000 water. They are proposing a diverse mixture of housing options and lot sizes. They are proposing 150 foot transition buffer around the development with a small exception. There are a number of community amenities including two fountains, large gazebo, pickle ball courts, picnic tables and benches throughout the site. There are a parks with dog waste stations and extensive landscaping along Huron River Highland and Winans Lake

**Justification of Density** – They are asking for a density bonus. There was a project recently approved with a 100 density bonus. They are seeking a 95% bonus and feel that their project is more exemplary than that one. He further reviewed the project features as well as the benefit to the homeowners to have reduced insurance rates because of the fire hydrants. He stated that the 56% open space calculates to 1/3 of an acre per unit and 4.2 miles of path ways or 140 feet of path per unit. They are proposing 43 acres of community park area or ¼ acre per unit. They have 25 acres of preserved woodlands or .15 acres per unit. They have mixed home typeology. Density allows opportunity for these unique design features. He showed the density bonus calculation.

**Socio-Economics** – The developer is not selling this as an empty-nester community, but that may be just who will buy it and may have disposable income to spend here. This is a \$50 million project that may take 5-10 years to build. They believe that when communities such as this are constructed, it actually increases neighbor's property values because the sales price will impact neighbors.

Todd Hallet of TK Design, a residential design firm out of South Lyon, stated that they have been commissioned to design the houses for Water's Edge. He presented a slide show presentation which included:

**Inspiration** – Community, lifestyle & retreat. They wanted to provide a retreat to go home to as opposed to just going to a house. They are targeting empty nesters and active adults, not necessarily young families. They are not restrictive, but that is who they are seeking. They have to make the site affordable and make it a leisure site that is walkable and provide recreation not just for people in the development, but the entire community. The homes and property are maintenance free. The association would take care of the house on the outside as well as the yards. They also want to provide social connectivity and the ability to walk around the site and talk to neighbors. He further reviewed the site features. They are providing a variety of different lot sizes and units. He reviewed the park features. He reviewed the home placement and design. He discussed the area at the river. He stated that they are not touching one tree along the river and plan to keep it as a natural barrier. They are trying to keep it as untouched as possible while still allowing the community to enjoy it by providing walking paths. The idea is connectivity whereby people can walk to this site and have access to the special things that make the site exemplary. He further discussed access to Gill Lake.

**Home Design** - They want to create designs in line with what they see in Hamburg. The style is craftsman, farmhouse and costal look, primarily one-story but also two-story. He stated that the open-space ordinance looks for innovation and greater flexibility in design. They feel like this is a very unique idea. The site will provide private roads and alleys. They want to put two fronts on the same home so it looks great from both the alley and the road. This will allow consistent aesthetic throughout the whole site. He provided some examples.

**Lot Orientation** – He provided an example of a high-density subdivision. He stated that they want to make sure that everyone who lives on the perimeter will see long views and vistas all the way around the site. He provided a sample lot diagram.

**Open Space Community Ordinance:** 1) Assuring permanent preservation of open space and other natural resources. He reviewed the open space throughout the site. 2) Provide recreational facilities within reasonable distance of residents in the development. He discussed the interconnection of their recreation/parks. 3) Allowing

innovation and greater flexibility in design. He discussed the two-front concept. He stated that they are working on defining that. They want everyone throughout the site to both look good and see the vistas. 4) Ensuring compatibility of design and use between neighboring properties. He stated that there are no neighboring properties that have this connectivity or open space properties, but they can make the architecture in context. 5) Encouraging a less sprawling type of development thus preserving open space. This site is the opposite of sprawl. He stated that this is the most interconnected site he has ever seen.

Mr. Hallet thanked the Commission and respectfully requested that the request be tabled to give them time to respond to the review.

John Jackson of McKenna, Planning Consultant, stated that the Township has had the open space option in their ordinance since 1992. It is an incentive based zoning approach. If a developer uses the option, they get a density bonus in exchange for providing a benefit to the Township. Since 1992, the vast majority of benefit provided by developments is the preservation of open space. That was the primary objective of the township. The Township has been recognized nationally for being innovative and creative in how they achieve objectives of the Master Plan and preserving the things that define the township, the natural features, open space, views, river areas, etc. The Township's Master Plan recognizes that we need a product that would appeal to empty nesters. As a result, we started to introduce alternative types of housing. As an option, developers can develop Elder Cottage Housing Option (ECHO). These are smaller homes clustered together at higher density. We have one of those developments, and that option has been in the ordinance for over 20 years. Another option is providing accessory dwelling units and yet we have very few. We don't have a lot of options for people who want to age in place nor do we have a lot of options for young families who want to move out here. We also don't have many options that appeal to young professionals. It is a goal of the Township to provide a greater range of housing options. People were not taking advantage of the open space option either. Now we are in a position to look at that approach to provide an alternative housing. The demographics show that the number of seniors and empty nesters is growing drastically. The ordinance allows the Planning Commission and Township Board to grant modifications to the zoning standards that result in an increase in density to encourage these types of housing. That is one of the first things we discussed with the developer. We are looking for multiple types of homes on multiple size lots. We are continuing to work with the developer and we are not there yet. We have identified a number of areas the developer still needs to work on. We have met with the developer to try to get them to a project that is acceptable to the Township. There have been a lot improvements since we first met and a lot of progress has been made. They have asked for more time to respond to the review letter.

Chairman Goetz opened the public hearing and asked that anyone wishing to speak should limit their comments to three minutes.

A number of residents spoke regarding the project:

Michelle Ormanian, 9497 Huron Rapids Drive, stated that she would like to correct the statement that Huron River Highlands is high density. It is not. It is medium density residential with water front as the lots are zoned Waterfront Residential and Natural Riverfront Residential. She presented a petition opposing the proposed 154 high-density housing development. They represent 552 property owners. She stated that the proposal is not consistent with the Hamburg Township Master Plan and not consistent with the Township Zoning Ordinance. The property is zoned for medium density housing with a maximum of 79 dwelling units. She further discussed their opposition and concern over the proper lot size, width and setbacks required. She discussed their calculation of the density bonus and other concerns about density. They demand that the Township Board and Planning Commission uphold its Master Plan and enforce its zoning ordinance.

Charles Simpson, 6182 Oak Valley, presented a petition by 162 residents of Huron River Highlands representing 89 of the 93 homes opposing a plan making the two cul-de-sacs becoming cut-through roads from the proposed high-density development. He stated that these roads are not consistent with the Township's Master Plan or Zoning Ordinance. He further discussed the Master Plan and the recently approved developments. He discussed the impact of traffic from the proposed development. He stated that the proposed development is detached condominiums.

Judy Urban, 8720 Tamarack Drive, stated that she likes the efforts that the developer has made to save the perimeters, ponds, etc. She stated that she does not think that trying to mix the single family and senior housing is going to work. Seniors do not want to live next to homes with families and children. We need to be concerned about the density, beauty and quality.

Lynn Riehl, 5842 Winans Drive, stated that she has lived here for 26 years. All she has heard about is the quality of life for the people who move into this subdivision. What about the quality of life for the rest of them? The traffic on Winans Lake Road is terrible and this development will only increase it and cause more trouble. They don't want to see the fountains, etc. What they care about is the wildlife and what they see now. She stated that she understands why Huron River Highlands does not want access through their subdivision, but that means it is all going to go through Winans Lake Road. She cannot see any benefit to the community.

Ellen Babas, 5476 Arapaho, stated that she is not a neighbor to this development, however she is a resident who is opposed to the development partially because of the traffic. She questioned how many empty-nesters and baby boomers are going to be able to afford these homes. Further, she stated that she can see promises similar to those we have received before and not realized.

Simon Ren, 8790 Hendricks Drive, stated that he has driven by this area for the past 25 years. He is in favor of the development. It is quite appropriate. Something is going to go there and this looks as good as anything we can expect. To him this is medium to low density with ½ acre lots.

Jeff Yeakey, 9305 Huron Rapids Drive, stated that he has been a resident in the area for 48 years. He lives at the cul-de-sac where they want to bring in the driveway. At the time he bought his house, he did his due diligence and talked to neighbors as well as the owner of the 100 acre parcel. For many years it has been leased to farmers. He looked at the Master Plan and knew that the worst thing that could happen would be medium density similar to Huron River Highlands. If this goes in, he will have a steel gate at the end of his drive-way and the "busy area" including the pickle ball courts in his backyard.

Jim Clement, 9361 Silver Maple, stated that it is not the intent of the open space ordinance to trump the existing zoning. He would like to see if they have tried to consider a conventional site, and if not explain why they did not. There is no mandate about who can buy there so it is just another subdivision and not worthy of changing the character of that area. He stated that there is already vacant land elsewhere for this type of high-density development. He discussed the vacant property next to the fire station designated for senior living. He discussed the purchase price and economics of the site. He stated that he went through the same due diligence when he purchased his home. He does not think this is a bad development, but does not feel that this is the place for it.

Mike Angell, 9017 Buckhorn Lane, stated that his subdivision is directly across from the proposed grand entrance. They have a small subdivision at a medium density setting. Across the street from his subdivision is a 95 acre producing farm with wildlife, etc. Although they would like to see it remain a farm, they don't expect that. They expect to have a development there, but let's make it reasonable and consistent with what is around it and in Hamburg. He does not want to live in Canton or that environment. It is not a good fit, and if you think that it is, then take out ½ of the lots and make it the density that it's rated for. Further, if not for the residents of Huron River Highlands, he would not have known that this was proposed.

Ron Brandt, 9429 Huron Rapids Dive, stated that if this goes through, we are going to be setting a precedent. He stated that he lives approximately 10 homes from a pickle ball court, and he can hear them playing from his home.

Bob Finn, 8610 Tamarack, stated that he is opposed to this development for environmental and economic reasons. He stated that the river has been designated by both the Township and the DNR as a natural river and with that designation comes certain restrictions. He reviewed those restrictions. The whole development will impact the river and violates the ideals the Township wants to uphold. He stated that the idea of a PUD is to cluster the homes to maintain natural features. This development clusters the homes, but almost doubles the number of homes allowed and clusters it around as if it were not an open space PUD. He expressed his concern over the increase in impervious surfaces and runoff draining into the river and Gill Lake. He expressed his concern over the increase in traffic and air

pollution, leakage from cars, etc. This is going to be costly to the township with other infrastructure costs and Township services that the tax increase will not cover adequately.

Diane Henry, 8024 Branch Drive, stated that the Huron River highly impacts her property. They flooded in February and May this year. She is wondering what type of flood mitigation plan will be put in place. She further stated that the river is contaminated to the point that you cannot fish in it anymore.

Jerry Bennett, 8820 Hendricks, stated that according to the Township numbers, this is not 95 acres, but rather 85 acres. He asked if there will be turn lanes installed.

Kevin Guthrie, 9421 Huron Rapids Drive, stated that he agrees with a lot of the points made by the residents. He questioned the home prices. He stated that ideal senior housing is close to shopping and hospitals. He questioned what is going to happen if the market doesn't sustain and people do not buy these homes.

Mark Latendriesse, 9175 Eagle Run Drive, stated that he and his wife are opposed to the proposed high-density development. The property is zoned for medium density. He stated that this type of development is seen in large communities such as Novi, Canton and Ann Arbor who have the infrastructure to handle it. Hamburg Township does not. He discussed the number of people using the amenities. He discussed Winans Lake Road not being able to be widened to handle the additional traffic. He stated that he believes this developer has no vested interest in our community. Long-term repercussions may occur as a result of this development. One example is the current residents suffering as a result of the testing of the wells. He stated that he demands that the Township stand firm in developing this property as medium density and use the open space ordinance as intended.

Ron Medere, 5846 Winans View Ct., stated that when he was looking for his home and found Winans Woods, he saw what a true open space subdivision was and thought that it is something that exemplifies what we should be proud of. The Township 2011 Master Plan sites the criteria for a development and what the guidelines are for open space, which is not intended to ignore zoning. This developer has decided that he does not need to follow that. They are not opposed to development, but they are opposed to impact to natural resources and density. He further discussed the 2020 Master Plan meetings where there was resounding opposition to this type of development.

Robin Huhn, 6736 Winans Lake Road, stated that his home is next to this development. When they purchased their home, they knew that Winans Lake had a fair amount of traffic and they knew that this property was for sale and would be developed. They are concerned about the possible placement of a house next to theirs. They are concerned about the additional road noise and additional lights that will result in the homes.

Lorraine LaValley, 6701 Winans Lake Road, stated that her family has lived here since 1978. Looking at the plan, it appears that the road will be directly across from their home. This is a main artery to the expressway. She discussed the current traffic and stated that there are already two large developments on Winans Lake in Green Oak. She further questioned one entrance with that number of homes. There are too many homes for this property, and at the very least, it needs two entrances.

Mike Mcquire, 9110 Eagle Run, stated that his family moved here from Ann Arbor for two reasons, one being the school district and number two was the less crowded, more rural setting. They knew that the farm someday would be developed, but they were hoping for something similar to Eagle Run with big lots and less homes.

Katherine Lipp, 9463 Huron Heights Drive, stated that she moved out here from high-density Oak Park for the rural character of the area and natural resources, not only the river but also open spaces for the wildlife. She would expect that the Township to uphold the medium-density zoning, and if you don't she would expect there to be a statement to the public why these people's concerns are overridden and the high-density proposal would need to be approved.

Catherine Burke, 5890 Winans View Ct., stated that she is a senior and widow who lives in a home that is too big. Although it is a beautiful development, she does not feel that Hamburg is the place.

Austin Ormanian, 9497 Huron Rapids Drive, stated that clearly this is important to a lot of people and should be taken into consideration. There are places that have homes like this in Canton, Livonia, etc. He discussed the development in Brighton and the progression and precedent from one development to the next. He stated that they knew this would not stay a field forever. The only thing they are asking is to make it reasonable. Why does it have to be doubling the amount of houses. The infrastructure is not there to handle the number of people. He does not feel that this should be tabled. There should be some type of acknowledgement or sense of direction for this.

Mary Anne Britton, 6167 Cowell Road, stated that the developer has mentioned 55 foot lots, but they don't say how many houses. There are many questions that have not yet been answered. The Planning Commission and Board should take into consideration how many people are here.

Chairman Goetz closed the public hearing.

Commissioner Hamlin questioned the correct size of the parcel. It was stated that there are actually two parcels. Hamlin asked if Huron River Drive was a County Road. It was stated that it is a County Road and it would be up to them to approve a connection.

Hamlin questioned the calculation of the density bonus. He stated that his understanding of the ordinance is the same as the first speaker.

Commissioner Muir stated that he was part of the group that did the site walk, and does agree that it is a beautiful piece of property. They spent a lot of time identifying sections that should not be changed. Where we are is determining what is going to make this an exemplary PUD.

Commissioner Priebe stated that there seems to be a lot of comparison between this and Regency Village. She is not seeing the same trade-off with this particular development. The density seems excessive.

Commissioner Leabu stated that he has visited the site a couple times. Our ordinance makes you protect the natural river area. Originally, they wanted to build in that area and we said no you cannot build anything within 100 feet to the top of the bluff. He is glad to see that people realize that it is not going to be left a corn field. The question is density. He has lived on Winans Lake for 40 years. He does not think the concept is wrong, there is a need for it. The average lake front lot in Hamburg is ¼ acre. He discussed the sewers that were added around the lakes. Because of our ordinance, this will have to have sewers which is good for the environment. He further stated that this is some of the best architecture he has seen. He stated that if you read the Planner's letter, there is work to be done.

Commissioner Menzies stated that there are some discrepancies and some concerns, which is why project should be tabled. You are not going to stop development, but you can control it, and that is why we are here. He stated that in a parallel plan you would see bigger lots, but they would be "cookie cutter" lots and it would look like Canton. They would be on the river and they would be on the lake.

Commissioner Muck stated that he would echo the other commissioners. He is torn on this development. The Planner did an excellent job outlining the concerns. It is clear that there are too many questions and he commends the developer for recognizing that and saying we need to go back to the table and work with the Planner and staff. We have all heard the residents loud and clear.

Commissioner Leabu stated that a lot of prep work has been done to get to this point. It was stated that over 1500 trees have been tagged.

Planner Jackson stated that they will be meeting with the developer very shortly. Chairman Goetz stated that the density needs to be looked at very closely.

Motion by Muck, supported by Hamlin

To table Preliminary Site Plan Application for an Open Space Planned Unit Development (OSPUD 18-001)

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

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

Planning & Zoning Administrator Steffens stated that the Commissioners have received a letter from the Livingston County Planning Department regarding the adoption of the Livingston County 2018 Master Plan. She would encourage the Commission to go on their site and look at the plan. It is nicely done, and Hamburg Township is mentioned multiple times throughout the plan as being an example of planning best practices.

Steffens stated that the 2019 dates are in your folder. The Commission does not need to take action unless you choose to. The meetings are the third dates of every month assuming there is an agenda.

Motion by Muir, supported by Priebe

To approve the 2019 Planning Commission meeting dates

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

Steffens stated that there is a December 5<sup>th</sup> presentation of the Livingston County Transit Plan at the Livingston County Emergency Management Building in Howell.

Steffens stated that in February we will again hold our joint meeting with the Township Board, Planning Commission, ZBA and Parks and Recreation. A date has not yet been set, but if there are topics you would like on the agenda, please let her know in the next few weeks. It is a year in review so you will see a list of all the permits, variances, site plan reviews, etc. from 2018 and then going forward what staff has identified as being things we need to work on.

Steffens stated that there is also a Livingston County Transit Plan survey that takes just a couple minutes to complete. They are trying to get a handle on what we see as the transit needs in Livingston County.

**9. ADJOURNMENT:**

Motion by Menzies, supported by Priebe

To adjourn the meeting

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 9:42 p.m.

Respectfully submitted,

\_\_\_\_\_  
Julie C. Durkin  
Recording Secretary

The minutes were approved  
As presented/Corrected: \_\_\_\_\_

\_\_\_\_\_  
Fred Goetz, Chairperson



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

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 12, 2018  
Special Meeting  
7:00p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Hamlin, Leabu, Menzies, Muck, Muir & Priebe

Absent: None

Also Present: Amy Steffens, Planning & Zoning Administrator, Scott Pacheco, Planning & Zoning Director, and John Jackson, Planner from McKenna Associates

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Chairman Goetz stated that he would like to delay approval of the minutes until the next meeting.

Motion by Leabu, supported by Menzies

To delay approval of the November 28, 2018 minutes until the next meeting.

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

Motion by Menzies, supported by Muir

To approve the agenda as amended

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

**4. CALL TO THE PUBLIC:**

Chairman Goetz opened the call to the public for any item not on the agenda. Hearing no public comment, the call was closed.

**5. OLD BUSINESS:**

1. Public hearing to continue the review of the preliminary site plan application for an Open Space Planned Unit Development, commonly known as Waters Edge Village, (OSPUD 18-001) on the properties at 4715-14-400-008 and 4715-23-100-002. This project was tabled at the November 28, 2018 Planning Commission hearing

Mr. Rob Wagner from Midwestern Consulting stated that at the last meeting they heard what the public said and heard what the Planning Commission said so they went back to the drawing table and revised the plans. He highlighted the changes and amenities as follows:

- Reduced the density from 154 units to 144
- Reduced the density bonus request from 95% to 87%
- Increased the open space from 56% to 62%
- The area parks increased from 43 acres to 45.6 acres
- Added 10, 1200 square foot universal units to address the need for accessibility
- Added a water green alley in the southwest corner
- They moved the emergency access gate 40 feet inside the property line and are now proposing that be crushed aggregate instead of asphalt. That gate will have to go in whether it be this development or a 79 unit development.
- Added more pathways for connectivity
- Improved the trail along the bluff to be crushed aggregate rather than woodchip path as previously proposed
- They removed the pickle ball court due to the concern about the noise, moved the gazebo further toward the center and eliminated the picnic tables in that southwest corner.
- They have updated the traffic study. With the predominately two-bedroom unit proposal, they have found that the traffic generated would be no more, and probably less than if you had 79 single family homes. The study also shows that the intersection at Winans Lake would function properly with the added turn lanes. The study also shows that the connection at Huron Rapids/Lake Crest functions better as emergency access rather than opening it up to through traffic.
- There had been a question regarding the size of the property and it is a 92.55 acre parcel.
- The open space equates to .4 acre per unit.
- 1598 trees were surveyed and 691 are proposed to be saved. That is just those that they have surveyed and anything outside that survey will be saved as well.
- They have 4.4 miles of walking path.

Mr. Wagner stated that there are a few other changes and would be happy to answer any questions.

John Jackson of McKenna, stated that his Planning Consulting firm has been working with the Township for over 25 years. We have seen a lot of changes over the years and the Township knew that there was going to be a lot of development that would occur. It is a desirable place to live for not only the lakes but the community as a whole. They took the initiative to establish an open-space ordinance which has set the tone for the development that has occurred over the last 25 years. Because of that, thousands of acres of land have been preserved in the Township. Public hearings were held and what we heard from the residents was to preserve the natural features and character. The ordinance has allowed the Township to be creative. It is an incentive based ordinance and provides a density bonus in exchange for better design and preserving more open space by clustering the units. When the first open space development went in, some of the neighbors were not happy. But, if you look back, it has worked well. This project represents a significant change which makes a lot of people uncomfortable. The ordinance will give the Township the ability to get a great development out of this process. He reviewed the process in reviewing an open space project. It starts with concepts presented to staff, then the preliminary open space plan which is what was presented at the last Planning Commission meeting. That was a public hearing to make the residents aware of what is happening, allow them to voice their concerns, allow them to see what is proposed, eliminate misinformation, etc. Based on the amount of comments, the Commission decided that they needed a second preliminary review and public hearing which is why we are here tonight. The Commission could recommend approval, approval with conditions, or recommend denial. All of those actions would be recommendation to the Township Board. The next step would be for the Township Board to consider the preliminary plan. They could approve it, approve with conditions, deny it or send it back to the Planning Commission. The purpose of the preliminary plan is to "nail down" the concept, determine the number of units and agree upon what is moving forward. Between the preliminary and final, there is a lot of detail to be worked out. After the details are worked out, it will come back to the Planning Commission for recommendation of final plan. The Township Board will make the ultimate decision.

Mr. Jackson stated that for a project to be considered appropriate for an open space project, there needs to be some determinations:

1. Assurance that there will be permanent preservation of open space
2. There needs to be recreational facilities within reasonable distance of all the residents within the development. They are not talking about baseball diamonds, etc. but rather passive recreation facilities. It is important to acknowledge the natural features such as the Huron River and make sure they are done appropriately.
3. It allows greater flexibility in the design. We are not looking for a “cookie cutter” approach or replicate every other open space project or residential project. We are trying to encourage innovation to respond to what the needs are of the Township at the time the development comes in as well as the needs as the population changes moving forward.
4. It ensures compatibility in design with neighboring properties
5. It encourages a less sprawling development thus preserving open space

Mr. Jackson stated that the question was asked how you determine the density for an open space development. The ordinance spells out the methods. If it results in the same number of units if you did a standard subdivision, then you could do an open space by right and could be approved by the Planning Commission. Most of the Township’s open space developments are a standard open space development determined by a formula based on a parallel plan which uses a smaller lot size allowed for the underlying zoning. There is a bonus of approximately 50%. Then there is the exemplary open space project which allows the Planning Commission to exercise some discretion to allow an additional 15% density bonus based on some clear criteria. The fourth provision in the ordinance, which is regulatory flexibility. The Planning Commission and ultimately the Township Board has the discretion to modify the standards within the ordinance. The principals are spelled out in the ordinance to encourage creativity, encourage the developer to provide additional amenities in using innovative planning mechanisms; a mix of housing types or different design, high-quality design, etc. that includes architecture, landscape, etc. to ensure the final built project is something that will be around for 100+ years.

Mr. Jackson reviewed the Township’s goals and what they are reviewing the project against, not only the zoning but also the goals and objectives of its master plan. This includes:

- promoting the public health, safety, comfort and welfare
- protect, preserve and enhance, whenever possible, the unique and desirable natural amenities of the Township
- preserve the natural and historic character by accommodating a reasonable amount of development but ensuring the development is in harmony
- direct future development to those areas most suited for that type of development
- provide utility improvement in locations best suited for develop to support managed growth
- preserve existing landscape, natural features
- identify and encourage area to be preserved
- provide an avenue for obtainable housing
- promote storm water management practices & provide framework to handle storm water run-off

He stated that the Township has wanted to balance development along with preservation. In the Master Plan there are several maps that determine the development capacity of property within the township. One of the maps determines where sanitary sewer is going to be extended. This property is in the area anticipated for public sewer to be extended. It was anticipated that this site would be serviced by water and sewer. The Township has a policy of allowing higher density where water and sewer is provided. It takes pressure off the areas that don’t have utilities to have less of an environmental impact. There is a map that deals with land capability. There are a series of factors to determine what areas are most suited for development. Most of this site is considered to be land most capable of supporting development. That is the upland area at the top of the bluff and the flat area that has most recently been farmed. There are not a lot of high value environmental features that lends itself to development, and there are other

areas of the site that are least appropriate for development along the water's edge, etc. The majority of this property is designated as medium density residential on the master plan and an area of natural river district. In terms of zoning, the majority of the site is designated as Waterfront Residential and Natural River District. When the Township evaluates these projects, they need to look at the demographic trends at that time and what they are projected to occur in the future. Over the years, we have developed a great stock of single-family detached homes on good sized lots. Almost 92% of the housing stock is single-family detached. We do not have a lot of other housing types for people as they age and down size or for young couples looking to move into the community who don't have access to entry level housing. Over 66% of the families in Hamburg do not have children. The demand for this type of housing is going to increase. The Township has the Elderly Cottage Housing ordinance in place, but there has not been a lot of use. We have also adopted the accessory dwelling unit ordinance which also has not had a lot of use. These are to provide an alternative to a senior housing complex. It is in the best interest of the Township to provide this type of housing so we are looking at ways to provide it.

Mr. Jackson discussed his review letter. He stated that in terms of eligibility for an open space project there has to be recognizable benefit. This project provides 60% open space, innovative design, variety of housing types, exceptional architecture and preserves the area along the Huron River and Gill Lake. We look for high-quality open space, and based on their plan, they have kept the sensitive areas as open space but also provided area for social interaction and recreational spaces in a central location to create a cohesive neighborhood. We feel they have done a good job in providing that open space. As this project moves forward, they are going to provide documentation to ensure the open spaces are permanently preserved. They need to demonstrate that they are creating a cohesive neighborhood. We have worked with the developer extensively to make sure that this is a "tight-knit" development; that all the pathways and sidewalks connect to each other, that the road network is connected and cohesive and the orientation of the homes are such that people will feel that they are part of a neighborhood. There are a lot of details and subtle design features that need to be considered. They will need to continue to work with us to refine those subtle details so that when we get to the final plan, we will have those tied down.

Mr. Jackson stated that the project is under unified control or single ownership. The Planning Commission, and ultimately the Township Board has to make the determination that the density impact is reasonable based on the impact on the Township's infrastructure, services, neighboring property, natural features, etc. The proposal is at a density of 1.56 units per acre. That is not high density but moderate density. The Township considers high density as 4 dwelling units per acre. This is less than 1/2 of what is considered high-density. The open space is limited to the residential zoning district. This site contains both the Waterfront Residential and Natural River districts. The developer has revised their parallel plan to comply with the technical requirements of the ordinance. The new plan generates a total of 77 lots. The availability of water and sewer is based on density. The developer is going to provide water and sewer to this site which will take an exceptional burden off the environmental impact of this project in terms of ground water and providing septic fields. This is a huge factor in determining the appropriateness of the density. The regulatory flexibility provision is what the developer is requesting. They have to demonstrate to the satisfaction of the Planning Commission that they can use this flexibility. They feel that the things that justify use of this provision include a range of housing types and lot choices that appeal to people with various housing needs, they are providing water and sewer which is a great benefit to the people who live in this area, and they are preserving the Township's natural resources. If this site was developed conventionally, there would be private access to the river with boats, docks, etc. Because they are going through this process, they have committed to not having any motorized watercraft or docks on the river. There will be walkways and areas for canoes and kayaks to be put into the river. This is an exceptional concession on the part of the developer. Another design standard is compatibility with adjacent uses. They heard the objection by residents that the active recreation facility next to existing residences is not desirable. They heard the objection to the access gate next to a neighbor's driveway. They have changed the plan. There is also a 150 foot buffer where it abuts adjacent residential. One of the things we asked the developer to provide prior to final approval is a more detailed landscape plan. We ask that they look at the landscape in those transitional areas to make sure that it is natural and blends in with the existing vegetation and provides the needed buffer. There are only a few houses that back to Winans Lake Road so there will be minimal visual impact. They have encouraged the developer to use a bungalow court which puts houses in close proximity to each other, and we need to make sure the spaces are properly delineated with fences, etc. so it's clear how the houses relate to each other; fronts/back of houses. He further discussed specific unit locations, etc. There are subtle design

features that need to be resolved. We have asked the developer to work with staff on those prior to final approval. We are going to continue to push the developer to work on the architectural detail. They will be required to provide a book of information on each of the different housing types in detail, landscape detail for each unit, what kind of fencing is to be used, etc. This will all be developed by the developer. Each individual owner will not be able to install their own fencing or landscaping so all of the detail will have to be resolved before final approval.

Mr. Jackson discussed access to the site. There is one access for 144 units onto Winans Lake Road. They have heard two types of comments; 1) from the people on Winans Lake Road, why is there only one access and 2) from the development to the southwest, we don't want anyone from this project coming through our neighborhood. The traffic study shows that the impact of this project on the surrounding road network is minimal. What would have the biggest impact is the "background traffic". That is the traffic that will be generated from development to the west and north and all throughout the township. The Master Plan has a whole section on traffic management and transportation. The Master Plan shows where it makes sense to make road connections that would more efficiently and effectively distribute the traffic. We have pushed the developer to look at the internal road network to make sure they are well laid out, have sidewalks and we have encouraged them to use lanes and alleys to have access to the rear of the units. We have talked about crushed limestone shoulders instead of having sidewalks in areas that are more environmentally sensitive. The road layout generally works but there are some details that still need to be worked out. They have plenty of sidewalks and pathways. He stated that they have given us the tree survey that we asked for and they are preserving a significant amount of valuable trees. We did want some additional detail on the floating dock, and that can be something provided prior to final. If this project gets approved, one of the conditions is that there will be architectural review and a set of design guidelines. We have encouraged the developer to use best practices with regards to storm water management. They are going to have to provide detail landscaping plan, and lighting plan. They are going to have to provide detail Master Deed and By-Laws as it moves forward. At this preliminary point, it is their conclusion that if they can address these conditions that we have identified to the satisfaction of the Planning Commission, that the plan is appropriate for preliminary approval.

Chairman Goetz opened the public hearing and asked that anyone wishing to speak to limit their comments to three minutes.

A number of residents spoke regarding the project:

Judy Urban, 8720 Tamarack Drive, stated that people pay extra for trees. The houses should back into the trees or in the trees. She asked if there would be restrictions for cutting the trees. She asked how many trees are going to be cut down. She stated that we should make this an award winning development. She asked if the sale of the property is contingent upon approval of this plan. She asked if campers and are trampolines going to be restricted. She discussed restricting seniors to certain areas and families to other areas. She asked the size of the roads and alleys and asked who will repair the road that was just paved.

Mr. Carl Marocco of 9460 Huron Rapids stated that opening up a road into another subdivision is putting kids, bicycles, etc. in danger. His subdivision has one way in and one way out.

Michelle Ormanian, 9497 Huron Rapids Drive, stated that she represents 558 residents. She read a statement opposing the 144 high-density housing development on the 86 acre field located at 6716 Winans Lake Road. Their legal basis is that the proposal is not consistent with the Township's Master Plan or the Open Space Ordinance, specifically in regards to density. They are troubled with the manner in which the proposal has progressed and the blatant disregard by the developer of our Master Plan, Zoning Ordinance, our infrastructure, our natural resources and our citizens who reside in neighboring properties. She discussed the parallel plan with a maximum of 77 units and density bonus of 45%. The proposed 144 unit development exceeds the allowable by over 87%, and when combined with the 45% density bonus included in the parallel plan, would equal 132% density bonus. She discussed the second density bonus that the applicant could receive provided the project exceeds the minimum standards. She stated that the open space ordinance is not intended as a device to ignore the zoning regulations nor the planning concepts upon which the zoning ordinance was based. They respectfully demand that the Planning Commission and Township Board fulfill their legal and ethical obligations to the residents by upholding our Master Plan and enforcing

our Township Ordinances concerning this proposed development. The Planning Commission cannot recommend this plan as it is not consistent with our Master Plan, Open Space Ordinance with penalties and consequences for not following it. This project is one of the largest, single phase residential developments proposed in Hamburg Township, and due to its sensitive location to our natural resources, it is under critical scrutiny by our concerned residents, MDEQ, MDNR, and members of the legal community.

Jim Clement, 9361 Silver Maple, stated that although he would agree with Mr. Jackson that if you connect the two subdivisions, the arterial traffic might improve. However, if you do, you will destroy a peaceful subdivision with the through traffic. The development team has provided a list of 14 items they feel would elevate the project to an exemplary status and would qualify for bonus density. He reviewed the list and stated that these are not exemplary items. The only thing that is left on the developer's exemplary items list are the gazebos, park benches and dog waste stations.

Jeff Yeakey, 9305 Huron Rapids Drive, stated that he lives at the end of Huron Rapids Drive which is a cul-de-sac. His property goes down to the Huron River water's edge. Since the property has been for sale, the traffic level has increased with ATVs, 4-wheelers and people walking the property, and he had a problem with people walking into his backyard. He has heard the developer talk about 150 foot landscape barrier, however he removed a stake labeled "path" from his yard, 22 feet from his driveway 40 feet from his front door.

Tracy Wild from Huron River Highlands stated that she is very concerned about the infrastructure and the impact of the traffic. At some point, this board is going to have to draw a line in the sand. We cannot handle all of this traffic.

Jeff Rhoades, 9194 Eagle Run Drive stated that he heard about lighting for the first time tonight and questioned why you would put that in the middle of ½-1 acre homes. There is nothing like this along Winans Lake so why not build something like what is existing. He stated that he is one of the 558 people who signed the petition and they are voters and the board has to listen to them. He stated that they do not want overdevelopment.

Mary Anne Britton, 6167 Cowell Road, stated that she is concerned about the traffic. Further, she has read the 2020 survey and people want houses on large lots. They feel that this development is being pushed down their throats. We took the survey and it looks like it is being ignored.

Frank Piraino, 3468 Green Acres Lane, stated that he does not live near this development, but as a resident we all feel the impact of the decisions made by this board. The Township has a Zoning map and a Master Plan Map and nowhere does he see anything calling for this density. It calls for one dwelling per acre, and even with bonus density, it calls for .7 acres per dwelling. If the Township chooses to ignore the rules and plans that you have put into place, we give a free pass not only this case but all developments after.

Charles Simpson, 6182 Oak Valley, stated that he has heard about safety in having more than one exit. However, someone is not going to break into a house in a subdivision that has one way in and out.

Laura Hahn, 5846 Winans View Ct., stated that she does not fault the developer for wanting to make money. Hamburg Township is not for profit. We have a great commodity in our community and it is not up to us to make it economically viable for them. It is up to them to come up with a plan that fits within our guidelines. She feels that the rules are being bent for them. Furthermore, it comes down to interpretation of some of the words in the Master Plan such as creativity and exemplary and ask that the Commission go back to the objectives in these documents.

Robin Huhn, 6736 Winans Lake Road, stated that there are worse things that could be put in that area. We could be left with no buffer or open space, but it still does not feel that it fits the community. The 144 units feels like greed. He questioned the rationale used to determine the need for senior housing. Further, he questioned what is going to happen if there isn't a demand. He questioned the cost of the homes. He asked if they are low cost houses, is it going to bring down the value of the homes around it. He discussed the concern of the township to be harmonious and matching what is already there. He stated that none of this is jiving with what we see here.

Sharon Cuddington, 9157 Applevue Ct., stated that there has been no discussion about price point. She asked if this is going to be attainable housing as discussed in the master plan. She feels as if they were given a “dog & pony show” today. It feels like the Planner was working for the developer.

Diane Henry, 8024 Branch Drive, asked if we are going to allow golf carts and is there going to be a bus stop. She asked if there is going access to bring your car down to the river to get your boat or kayak to the river or lake. She asked if there are going to be elevators in the houses for seniors.

Ron Medere, 5846 Winans View Ct., stated that at the last meeting, he talked about a 5-10 year project time line, which is quite a bit longer than most developments. He discussed the housing fluctuations. He stated that if the project fails, the Township would be responsible for the water bond and not the developer. He stated that this development borders Gill Lake and studies show that there should not be keyholing because it would alter the characteristics of the lake. He stated that again, the math does not make sense and it seems like we are looking at profit rather than what we want in our community.

Katherine Lipp, 9463 Huron Heights Drive, stated that she appreciates preserving the river characteristics. It adds values to not only surrounding property but also preserves the natural characteristics of the river. That is one of the things that brings value to living in this community. Our value is not derived from having lots of architecturally designed homes close together. She appreciates the 150 foot setback from surrounding developments, but 150 feet is not that much especially if it is open. The decibel level from cars, people talking etc. can be high and travel a long way if its unobstructed. Her main concern is still the number of units. In terms of traffic, if you add two cars for the 100+ units, that does not meet the definition of minimal impact. She stated that she would like to know why 77 units, which is what the current zoning would allow, is not enough. She stated that currently it is extremely difficult to get out of Huron River Highlands during rush hour, and this new development is going to further strain that subdivision and its existing residents. This development should be re-worked so it does not sacrifice the surrounding, existing residents. She asked why this proposal is more important than they are.

John Karolak, 6623 Poplar, stated that he is mainly concerned about the area along the river. He understands that this development exceeds the setback from the Huron River, but the problem is the density along the river. He has lived here eight years and there are things growing in the river that they have never seen. If you are going to decrease the density, eliminate the houses along the river.

Michelle Latendresse, 9175 Eagle Run, stated that they are opposed to this high-density development. Even though you took away ten units, it still exceeds the 91 units allowed under the open space ordinance. She drives Winans Lake multiple times per day, and with 144 units and two cars per unit, there is going to be a massive amount of traffic. Further, it is obscene to use an existing subdivision for egress purposes. They just got their power stabilized and putting this development in, they are going to go back to losing power. We need to take great care to preserve the Huron River and wildlife. We are at risk of destroying it. We live in a rural community filled with wildlife, natural river and lakes, and this land should be developed with great care. This type of development belongs in areas like Canton or Novi who have the infrastructure to support it. When the developer has made his money and moved on to the next, this community is going to bear the brunt of a poor decision.

Philip Sciabarrasi, 6069 Winans Lake Road, stated that he was relocated to Michigan nine years ago and originally moved to Livonia. They knew they wanted to move to Hamburg Township. They never thought they would question why the Township would not follow their own Master Plan. They knew that this property would be developed, but they never thought they would look out their windows and see a glorified condominium project.

Austin Ormanian, 9497 Huron Rapids Drive, stated that we have made progress and changes since the last meeting, although not huge. Now we are talking about lights and fences and we are back talking about Canton. We are still talking about density and asked why we talk about the calculations and then say its at the Board's discretion. While he appreciates that the density went down, after what we heard at the last meeting, going from 154 to 144 is laughable.

Chairman Goetz closed the public hearing.

Commissioner Leabu stated that we are not going to open that road. He likes that the emergency access has moved back. No matter how many units go on this site, that access is a requirement.

Commissioner Menzies stated again you are not going to stop development, but we can control it. He has heard a lot of people say stick to the Master Plan and go with 1 acre lots. He showed the parallel plan. He stated that it is "cookie cutter", you would have homes right on the water, back yards backing up to existing back yards, you would have docks and no open space. You talk about preserving trees, but with the parallel plan, trees would be cut down to fit the houses. If the developer went with that plan there would be no public hearing required either. He lives on the river and is concerned about the river. This parallel plan is Canton, Livonia or Novi. That is why we have the open space. Further, density is another subject.

Commissioner Muck stated that he does have some question about the calculation of the open space at 60%. Some of the calculations included roads and alley easements as well as Winans Lake right-of-way and Gill Lake and the wetlands. Mr. Jackson stated that those should not be included in the open space calculation. They are specifically excluded.

Commissioner Muck questioned the public space along the river and lake. He stated that in one section it is referenced as being useable by the entire Hamburg community. This is basically a gated community with private roads. That area is going to be just for this neighborhood. He stated that sewer tap fees and connections, taxes, etc. are not exemplary nor is storm water management. With regards to ensuring compatibility in design with neighboring communities, we are hearing and seeing that it is not compatible. He does not see this as an exemplary project.

Commissioner Muir stated that in spite of Mr. Jackson's presentation, there still seems to be misunderstanding on how we can get from Master Plan density up to 144. It is allowed under our PUD ordinance even though it is not stated in the Master Plan. This is the option in our ordinance that we are considering. He stated that there were concerns about cutting trees, play yards, etc. These are things that can be written into the by-laws. Further, he stated that there seems to be a lot of open detail left to be discussed. There is not enough detail on the plan for him to clearly understand what we are looking at.

Commissioner Hamlin asked what keyholing is. Mr. Jackson stated that it is where you have one dock that services an entire neighborhood. It puts excessive burden on the lake or river. Hamlin stated that there is a looped road at the bungalow court. Mr. Wagner stated that was encouraged to service the universal units. It also provides turn around for a fire truck. Hamlin stated that he reads the ordinance to say that the plan is not in compliance with the density by more than 50 units.

Leabu stated that he was here when the open space ordinance was written and for every open space plan that has come before this board. At first people complained, and now they are proud of it. We have won national awards for our ordinance. All of the developments have been close to the same with ½ acre lots and nothing smaller than 1800 square foot homes for families. They were creative as far as layout, trails, landscaping, etc., but all aimed at the same target. One thing that is exemplary in this project as pointed out, is different housing types and smaller houses of quality architecture. Whether it qualifies for the density or not, it is truly the most exemplary open space that he has seen. That does count for something. The size of the houses and lots will allow for flexible pricing. We do not have that kind of choice here so he believes there is a market for it.

Commissioner Priebe stated that she was on Planning Commission when they wrote the Open Space Ordinance, and it was their intent to preserve all the natural resources and trees, etc. At that time, the concept of 87% density never crossed their minds. She was also here when the keyholing ordinance was adopted as well. We have worked very hard to keep Hamburg Township as it is. She stated that she has concern about this density, but she appreciates the efforts they have made with the layout and amenities.

Chairman Goetz stated that there is still progress to be made, and feels that we need to cut back the density. He feels that the senior component is a good quality. Priebe stated that as a senior, she can say that all of their friends are looking to down size and not have big properties to maintain.

Mr. Jackson stated that the developer requested this special meeting to get direction on the plan with the hope that whatever came out of the Planning Commission could be recommended to the Township Board for preliminary consideration. The Commission can recommend approval, approval with conditions, denial or table.

Motion by Priebe, supported by Hamlin

To recommend denial of the Preliminary Site Plan Application for an Open Space Planned Unit Development (OSPUD 18-001)

The question was asked if they can come back with a revised plan. It was stated that they can. However, if the Commission makes a recommendation, then it would go to the Township Board for their consideration.

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

It was stated that he Township Board can act on the plan or send it back to the Planning Commission.

**6. ADJOURNMENT:**

Motion by Hamlin, supported by Muir

To adjourn the meeting

Voice vote: Ayes: 7                      Nays: 0                      Absent: 0                      MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 9:03 p.m.

Respectfully submitted,

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Julie C. Durkin  
Recording Secretary

The minutes were approved  
As presented/Corrected: \_\_\_\_\_

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Fred Goetz, Chairperson

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



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 unchartered 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: \_\_\_\_\_

\_\_\_\_\_  
Fred Goetz, Chairperson

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



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



**To:** Planning Commissioners  
**From:** Scott Pacheco, AICP  
Hamburg Township  
Township Planner  
**Date:** February 20, 2019  
**Agenda Item:** 7a  
**Project address:** 5520 M-36  
(TID# 15-22-400-010)  
**Description:** **Special Use Permit (SUP 19-001) and Site Plan Amendments (SPA 19-001)** Public Hearing and Review to consider the SUP and SPA at 5520 M-36. .

**Owner** Adam Aldrin LLC

**Applicant:** Stiggy's Dogs

**PROJECT DESCRIPTION:**

The proposed project will allow the outdoor use of the property at 5520 M-36 (TID#15-22-400-010) for training and outdoor event associated with commercial use of the property. The site plan review application also includes the demolition and replacement of the existing elevated deck and stairway off the rear of the structure and the existing fence around the property. The property is currently occupied by the offices and an indoor training room for Stiggy's Dogs. This organization rescues and trains shelter dogs to be service dogs for military veterans living with Post Traumatic Stress Disorder ("PTSD") or Traumatic Brain Injury ("TBI").

The outdoor use of the property will mainly be used for training purposes within the fenced in rear yard. The training for Stiggy's Dogs requires gradual increases in community access and exposure for both the Veterans and the dogs they are training. The outdoor training area provides a safe and private outdoor area that will act as a step between being in the training room and being in the public.

Currently the lower level of the structure on the site is divided between office space and training rooms. There is a total of one full time and two part time employees. There are also three

regularly active volunteers that come into the office on a weekly basis. The training is conducted 3-5 days per week at this location; with a maximum of two private trainings happen simultaneously. Group trainings average six to eight individuals and dogs. The administration offices are open by appointment only but usually are occupied during regular business hours on Monday - Saturday. Tours and fundraising events are also held at this location and are scheduled in advance. These types of small events are infrequent, and happen approximately 3-4 times per year.

The proposed outdoor use of the property and the proposed improvements to the outdoor area will not significantly increase or change the usage of the site. The project will allow the existing indoor trainings to move to the outdoors when the weather is appropriate and as a training step between the indoor training and training in the public. The largest impact that the proposed project may have is in regards to the outdoor events. Small event are currently held on this site 3-4 times a year within the building. The space within the current building for an event is limited and therefor the number of people that could attend an event would also be limited. The outdoor event space could be much larger and could hold many more people.

**Staff Suggestion 1:**

If a special event is being held at this site and the number of attendees of the event is greater than the number of people that currently visit the site during normal business operation a Land Use Permit for a Special Event shall be obtained from the Township as required in section 8.10 of the Zoning Ordinance.

**ZONING ANALYSIS:**

The size and location of the main structure on the property is not changing. No outdoor lighting is proposed as a part of this application. The number of parking spaces and the parking lot area will remain unchanged. The proposed improvements to the site include; the replacement of a fence around the rear area, the construction of a new 160 square foot shed, the installation of dog training course, and the replacement of the existing stairway to the second story of the structure. These improvements are considered minor projects and modifications, which can be approved by the Zoning Administrator under the site plan section 4.9.4 of the zoning ordinance. However, because *“Open air businesses for the sale of products or the conduct of activities listed or performed in conjunction with a permitted use”* require a special use permit in NS-Neighborhood Service zoning district this site plan and special use permit will be heard by the Planning Commission and a recommendation from the Planning Commission on the site plan application will be sent to the Township Board for a final decision.

The proposed project does not include any landscaping. The landscaping requirements per Article 9 Environmental Provisions are as follows:

The Greenbelt and Buffer Zone Landscaping Requirements in Section 9.4.6 are as follows:

**Greenbelts along Street Frontages.**

*“1. Within all commercial districts a twenty (20) foot wide greenbelt shall be planted along the public right-of-way including the equivalent of one (1) canopy tree and four (4) shrubs, rounded upward, for every forty (40) linear feet of frontage, planted within the greenbelt. The width of*

*this greenbelt may be reduced by the Planning Commission in the Village Center zoning district.*

*2. The Planning Commission may require the provision of a planting berm at least three (3) feet in height in addition to the plant materials required along the public right-of-way parallel to a major arterial.*

*3. The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees.*

*4. The Planning Commission may require the preservation of existing trees and vegetation within the 20 foot wide greenbelt along any arterial street right-of-way.”*

**Staff Analysis:**

Because the subject property is currently developed, the existing structure is located close to M-36 and no changes are proposed to the front of the site; it appears that waiving the greenbelt requirements along M-36 may be appropriate. However, there is a 6 foot tall solid fence proposed along Petty’s Road the landscaping requirement in this location may be appropriate.

**Buffer Zone Between Two Properties Zoned For Commercial Uses.**

A 10 foot buffer zone shall be provided. *“1 canopy or evergreen tree or 4 shrubs per each twenty (20) linear feet along the property line, rounded upward. The Planning Commission may waive or reduce the above requirement if equivalent screening is provided by existing or planned parks, parkways, recreation areas, or by existing woodlands on the lot, and topographic or other natural conditions. Existing quality trees (hickory, oak, maple, ash) with a caliper at least eight (8) inches shall count as two (2) trees toward the above requirements.”*

**Staff Analysis:**

The property at 5520 M-36 is approximately one acre. The closest neighboring structure is a residential structure on the property to the east at 5546 M-36. Although the property at 5546 M-36 is zoned NS neighborhood service it is currently used as a residential property. The buffer zone between a Commercial property and a residential property would require a 20 foot buffer and *“a 6 foot high continuous wall or required berm and 1 canopy tree, 1 evergreen tree and 4 shrubs per each thirty (30) linear feet along the property line, rounded upward.”*

Because the project already calls for a fence along the east property line may wish to waive the Buffer Zone requirements between the two sites and instead require that the fence between these sites be constructed of a 6 foot tall solid material to provide a barrier between the two uses.

**Staff Suggestion 2:**

The fence along the east property line shall be privacy fencing to match the rest of the privacy fencing proposed as part of the project.

**STANDARDS FOR APPROVAL:**

**Section 3.5.3. Basis of Determinations Special Use Permit Review**

- A. Compatibility with the Master Plan: Will be harmonious and in accordance with the general objectives or any specific objectives of the Hamburg Township Master Plan.**

The subject properties future land use designation is Neighborhood Commercial. Neighborhood Commercial areas are proposed for smaller, low traffic generating commercial activities that provide goods and services to the township residence. The commercial activities on the property will remain the same. The proposed change will be to also allow those commercial activities to be allowed outside of the building in the rear fenced in yard.

The Master Plan and the Parks and Recreation Master Plan suggest that future developments consider developing secondary connections from the Lakeland Trail to the surrounding community. Because of the location of this site it will be important to provide pedestrian walking and biking trails along Petty's Road and along M-36 for future connectivity. Currently there is a sidewalk along M-36 that dead ends three properties to the east at 5590 M-36 and the Lakelands Trail is one lot to the south.

**Staff Suggestion 3:**

A pedestrian trail, to match the trail at 5590 M-36, shall be constructed on the subject site along M-36 and Petty's Road.

- B. Compatibility with Surrounding Area: Will able designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will not change the essential character of the area, and will not be hazardous or disturbing to existing or future nearby uses. In determining whether a special land use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:**
- 1. Use activities, processes, materials, equipment or conditions of operation;**
  - 2. vehicular circulation and parking areas;**
  - 3. outdoor activity, storage and work areas;**
  - 4. hours of operation;**
  - 5. production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;**
  - 6. impacts on adjacent property values; and**
  - 7. the relative ease by which the impacts above will be mitigated.**

The subject property at 5520 M-36 is approximately one acre. The closest neighbor is to the east at 5546 M-36. The rear  $\frac{3}{4}$  of the subject property will be fenced in for outdoor activities. The proposed dog training will not have huge impacts on the surrounding properties. The dog training already exists on the site it will just be relocated when needed to the outdoor location. Section 7.7.5 (B) regarding NS-Neighborhood Service Districts states:

*“Where these districts abut a residential district, there shall be provided either a landscape buffer strip designed in accordance with the provisions of Section 9.3 or a fence between six (6) and eight (8) feet in height as determined and approved by the Planning Commission”*

Although the property at 5546 M-36 is zoned commercial and not zoned as a residential district, the property is currently used as for residential purposes. I would suggest that the solid 6 foot privacy fence be located along the east property line to provide more privacy and to provide a noise buffer between the subject site and the adjacent neighbor. See Staff Suggestion 2 on page 3.

The special events may have a larger impact on the surrounding properties due to the noise, parking and traffic that may be associated with these events. See Staff Suggestion 1 on page 2.

**C. Improvement to the Immediate Vicinity: Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.**

It appears that the proposed project will fill a need for Hamburg Township and the surrounding community. The improvements to this site appear to be a designed to blend into the rural character of the area. A larger buffer should be provided between the 6 foot privacy fence and Pettys Road. The proposed fence along the west property line adjacent to Pettys Road will need to be located, at a minimum, outside the right-of-way for the roadway.

**Staff Suggestion 4:**

The applicant shall provide a survey showing the location of the road right of way along the west side of the site or the fence shall be located at a minimum 35 feet from the east edge of the improved roadway to guarantee it is outside of the road right-of-way. .

**D. Impact of Traffic on the Street System: The location and design of the proposed special land use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The Township may require submittal of a traffic impact study to ensure compliance with this standard. Such a traffic study shall be in accordance with standard practices and procedures, and prepared by a qualified traffic professional. The Township may require mitigation to maintain traffic operations at a level that is consistent with other types of permitted uses in the district. Route and operational restrictions (such as hours, cleaning of dust, or debris) may be established for construction traffic to minimize negative impacts.**

The proposed use of the outdoor area for dog training does not change the use or number of people that visit the site it will only move the training use from the inside training center to an outdoor facility when needed.

The use of the outdoor area for special events could increase the number of people visiting the site and have an impact on the traffic in the area. See Staff Suggestions 1 on page 2.

- E. Impact on the Overall Environment:** The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses. The Planning Commission may require a quantitative comparison of the impacts of typical permitted uses and the special land use to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant environmental problem, mitigation shall be provided to alleviate the impacts associated with the environmental problem, mitigations shall be provided to alleviate the impacts associated with the requested use.

A portion of the existing rear yard of the property may be a designated wetland area. Staff has informed the applicant that they will need to work with the MDEQ to determine the location of the wetland area. The proposed improvements will need to be outside of that area. The applicant and the MDEQ have been in contact please see the e-mail from Jeff Pierce, the livingston county wetland representative with the MDEQ.

**Staff Suggestion 5:**

The applicant shall verify the location of the wetlands with the MDEQ and any improvements within the wetland area shall be approved by the MDEQ prior to issuance of a land use permit.

- F. Public Services Impact:** Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility, will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township. Public facilities shall include, but not be limited to: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, water and sewage facilities, and schools.

The proposed use of the site for dog training does not change as a part of this application it just allows the training to be both interior in the training room and outside in the rear yard.

The use of the outdoor area for special events could increase the number of people visiting the site and have a greater impact on public services. See Staff Suggestions 1 on page 2.

- G. Compliance with Zoning Ordinance Standards:** Will be consistent with the intent and purposes of this Ordinance and be designed, constructed, operated, and maintained to meet the stated intent of the zoning district.

The project is not altering the existing main structure on the site. The proposed improvements to the site including replacement of the rear stairs and the fence will meet the zoning regulations for a commercial property. The project also proposes a 160 square foot shed it will be required to meet the setback for required for accessory buildings in section 8.3 of the zoning ordinance.

**Section 4.4.3. Standards for Site Plan Review.**

**A. The proposed development conforms to all provisions of the Zoning Ordinances.**

See Special Use Permit Standard G above.

**B. All required information has been provided.**

Because the improvements to the site only include the replacement of the stairs to the second story and the fence around the perimeter of the property and the construction of a agility course and shed in the rear yard; minimal plans are needed for Planning Commission review.

However the plans submitted does not show the location of the agility course or the shed and it appears the location shown for the fence on the plans would be within the right-of-way for Petty's Road. See Staff Suggestion 4 on page 5 and Staff Suggestion 5 below.

**Staff Suggestion 6:**

The agility course and shed will be built within the fenced in rear yard area and outside of the required setbacks for an accessory structure.

**C. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.**

The proposed commercial activates on the subject site will not change only the location of the existing activates. The proposed outdoor uses will be to the rear of the site and will be within an enclosed fenced area providing safety for both the participants of the activities on the site and the surrounding vehicular traffic.

See the discussion on the pedestrian pathways in SUP Standard A on page 4 and Staff Suggestion number 3.

**D. The proposed development will be harmonious with existing and future uses in the immediate area and the community.**

See analysis under SUP Standard B on page 4 above.

**E. The proposed development provides the necessary infrastructure improvements, such as roads, drainage, pedestrian facilities and utilities, to serve the site, and be adequately coordinated with the current and future use of adjacent properties.**

As previously stated the staff suggests that a pedestrian pathway be constructed along M-36 and Petty's Road to provide connectivity from the Lakelands Trail to the community in the future. See SUP standard A on page 4 above. See staff suggestion 3.

**F. The applicable requirements of Township, County and State agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers.**

The proposed improvement will add minimal impervious surface area and require minimal grading on the site. No storm sewers, storm water holding facilities, water mains, and sanitary sewers improvements are required as a part of this project.

**G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.**

The subject site is flat and no minimal grading is proposed as a part of the project. See the staff analysis in SUP Standard E and Staff Suggestion 5 on page 6.

**H. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.**

Minimal grading is proposed as a part of this project and the site is mostly flat.

**I. The proposed development will not cause soil erosion or sedimentation.**

As a part of the Building Permit process the Livingston County Drain Commission (LCDC) may require a soil erosion or sedimentation control permit prior to issuance of a building permit if required based on the scope of the work.

**J. Landscaping, including trees, shrubs and other vegetative material is provided to maintain, improve and/or restore the aesthetic quality of the site.**

No landscaping is proposed as a part of this project except for the fence around the rear yard of the property. Staff has suggested previously that the fence be shifted back from the roadway and that a pedestrian trail and a landscape buffer may be appropriate along Petty's Road to enhance the aesthetic quality of the site and to provide connectivity from the community to the Lakeland Trail.

**K. Conformance to the adopted Hamburg Township Engineering and Design Standards. (Amended 3/10/87)**

The proposed improvements do not significantly alter the site and therefore conform to the Engineering and Design standards. If the applicant is required to build a pedestrian pathway the Township Engineer will review the pathway prior to construction.

- L. All proposed commercial, office, industrial, institutional and multiple family development shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape and meet the objectives the Township Master Plan. New buildings, additions and renovations shall be designed to preserve or complement the design character of existing development provide visual harmony between old and new buildings, and create a positive image for the Township's various commercial shopping nodes. Commercial, office, industrial, institutional and multiple family architecture shall be reviewed by the Planning Commission under the following criteria:**
- 1. Buildings shall front towards and relate to the public street. Buildings shall be located to create a define streetscape through uniform setbacks and proper relationship to adjacent structures. Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roof line shapes and rhythm. Buildings within the area designated on the M-36 Corridor Plan/Master Plan as the "Hamburg Village" shall be compatible with the historic character of the unincorporated place commonly referred to as the "Old Hamburg Village."**
  - 2. Building materials and colors shall relate well and be harmonious with the surrounding area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. For any side of a principal building facing a public or private street, at least fifty percent (50%) of the facade shall be constructed of, or covered with, the following materials:**
    - a. Brick;**
    - b. Fluted or scored concrete block;**
    - c. Cut stone;**
    - d. Vinyl siding;**
    - e. Wood siding;**
    - f. Glass; or,**
    - g. Other materials similar to the above as determined by the Planning Commission.**
  - 3. Buildings shall possess architectural variety, but enhance the overall cohesive community character. Buildings shall provide architectural features, details and ornaments such as archways, colonnades, towers, cornices or peaked roof lines.**
  - 4. Building walls over 100 feet in length shall be broken up with a combination of the following: varying building lines, windows, architectural accents and trees.**
  - 5. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.**
  - 6. Where the rear facade of a building will be visible from a residential zoning district, or the rear of the site will be used for public access or parking, such rear facade shall be constructed to a finished quality comparable to the front facade.**

- 7. Signs, landscaping, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with other nearby developments. Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian plazas and/or pedestrian furniture.**

The proposed project does not alter the structure on the site therefore architectural standard L (1-7) is not applicable to this project.

**RECOMMENDATION:**

The Planning Commission should review the project at 5520 M-36 and (approve/deny) the Special Use Permit application and make a recommendation to (approve/deny) the Site Plan Application to the Township Board. In the review of the project the Planning Commission should consider if the project meets the discretionary standards listed above.

**EXAMPLE MOTIONS:**

**Approval**

The Planning Commission approves the Special Use Permit and Site Plan Amendments (SUP19-001 and SPA19-001) to allow the outdoor use of the property at 5520 M-36 (TID#15-22-400-010) for training and outdoor event associated with commercial use of the property and replacement of a fence and exterior stairway to access the second story of the existing building; because the project with the following recommended conditions will meet all the discretionary standards for Special Use Permits under Article 3 , Site Plan Review under Article 4, as described at this hearing and as presented in the February 20, 2019 Staff Report.

**Suggested Conditions of Approval**

1. If a special event is being held at this site and the number of attendees of the event is greater than the number of people that currently visit the site during normal business operation a Land Use Permit for a Special Event shall be obtained from the Township as required in section 8.10 of the Zoning Ordinance.
2. The fence along the east property line shall be privacy fencing to match the rest of the privacy fencing proposed as part of the project.
3. A pedestrian trail, to match the trail at 5590 M-36, shall be constructed on the subject site along M-36 and Petty's Road.
4. The applicant shall provide a survey showing the location of the road right of way along the west side of the site or the fence shall be located at a minimum 35 feet from the east edge of the improved roadway to guarantee the fence is not located within the road right-of-way.
5. The applicant shall verify the location of the wetlands with the MDEQ and any improvements within the wetland area shall be approved by the MDEQ prior to issuance of a land use permit.
6. The agility course and shed will be built within the fenced in rear yard area and outside of the required setbacks for an accessory structure.

**Denial Motion: (Planning Commission fills in the standards that the project does not meet)**

The Planning Commission denies the Special Use Permit and Site Plan Amendments (SUP19-001 and SPA19-001) to allow the outdoor use of the property at 5520 M-36 (TID#15-22-400-010) for training and outdoor event associated with commercial use of the property and replacement of a fence and exterior stairway to access the second story of the existing building; because the project will **not** meet discretionary standards for Special Use Permits under Article 3 Section 3.\_\_\_\_. \_\_\_\_, and \_\_\_\_, or Site Plan Review under Article 4 Section 4.\_\_\_\_ (\_\_, \_\_\_\_, and \_\_\_\_), as described at this hearing tonight and as presented in the February 20 Staff Report.

**Exhibits:**

Exhibit A: Applications and Materials submitted by applicant

Exhibit B: MDEQ e-mail

Exhibit C: 24X36 site plan (Planning Commission Only)



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

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

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**Special Use Permit Application**  
(FEE \$750+\$3,000 Escrow Review)

*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 Special Use Permit Application.*

The undersigned hereby makes application for a Special Use Permit for:

Proposed Use:

Our organization (Stiggy's Dogs) would like to use the property ground for individual and small group training, erect secure fencing, host small events, and make esthetic and capital improvements to property

To be located at:

5520 East M-36 Pinckney, MI 48169

Tax Parcel ID Number: 4715-22-400-010

By signing this Special Use Application, I/we hereby certify and agree that all use for which this application is made will conform to the date and information submitted with this application and all ordinances affecting Hamburg Township, Livingston County, Michigan.

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

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Designer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Basis for Determination**

Please supply any supporting evidence and/or details as may be appropriate when answering each question. Use extra sheets if necessary.

1. Will the special use be harmonious with and in accordance with the general or any specific objectives of the Hamburg Township Master Plan?  Yes [ ] No

If no detail variations from the Master Plan:

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2. Will the special use be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity?  Yes [ ] No

If no please detail your answer:

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Will this special use change this character of the area? [ ] Yes  No

If yes state how the area's character would be changed:

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3. Will the special use be hazardous or disturbing to existing or future nearby uses? [ ] Yes  No

If yes state how this special use would be hazardous or disturbing:

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4. Will the special use be an improvement in relation to property in the immediate vicinity and to the community as a whole? (Please give details supporting your answer.)  Yes [ ] No

The property would be well maintained and show a thriving veteran services organization.

5. Will the special use be served adequately by essential public facilities and services?  Yes [ ] No

If no what persons or agencies responsible for the establishment of the proposed use will provide adequately any such services or facility? (Give responsible party and service to be provided by each party.)

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6. Will the special use create excessive additional requirements at public cost? [ ] Yes  No If yes please state what additional requirements will be needed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How will the special use affect the economic welfare of this Township?

*Serving the veteran community and promotion of resources for veterans and animal rescue interests locally.*

7. Will this special use be consistent with the intent and purposes of the Hamburg Township Zoning Ordinance?

Yes [ ] No

If no please state reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**For Office Use Only**

Date of public hearing set by the Hamburg Township Planning Commission: \_\_\_\_\_

This Special Use Permit was:

[ ] Denied by the Hamburg Township Planning Commission for the following reason (s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[ ] Approved by the Hamburg Township Planning Commission on: \_\_\_\_\_

Special Conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Fred Goetz  
Planning Commission Chairman

Application of Special Use Permit  
Stiggy's Dogs Inc.  
5520 E M-36 Pinckney, MI 48169

### **Scope of Operations**

Stiggy's Dogs is a non-profit 501(c)(3) located at 5520 East M-36 Pinckney, Michigan 48169. Our organization rescues shelter dogs, trains them in basic obedience and task training to pair with a combat veteran diagnosed with Post Traumatic Stress Disorder or Traumatic Brain Injury.

### Utilization of the Property

The lower level is divided between office space and training rooms. Total employees total one full time, two part time staff. There are three regularly active volunteers on a weekly basis.

### Training Usage

Currently training is conducted 3-5 days per week at this location. Maximum of two private trainings happen simultaneously and group trainings average six to eight individuals and dogs.

### Organizational Usage

Administration offices are open by appointment only but usually occupied during regular business hours Monday – Saturday. Tours and fundraising events are scheduled in advance and usually have 5 to 20 people in attendance at one time. These events are infrequent, perhaps 3-4 times per year.

### Reason for Special Use permit

In June of 2017, the organization negotiated a private mortgage with the land holder of the property. Improvements were made to the building to utilize its lower level to run the organization's administrative office and most training classes. In the spring of 2018, the organization was seeking permits to improve the property including fencing, cement work, and decking improvements. Hamburg Township informed the organization that it

required a special use permit secondary to our use is outside of the approved uses for Residential Services zoning.

Our training requires gradual increases in community access and exposure for both our Veterans and the dogs they are training. Having a safe and private outdoor training area is the step between the training room and the public.

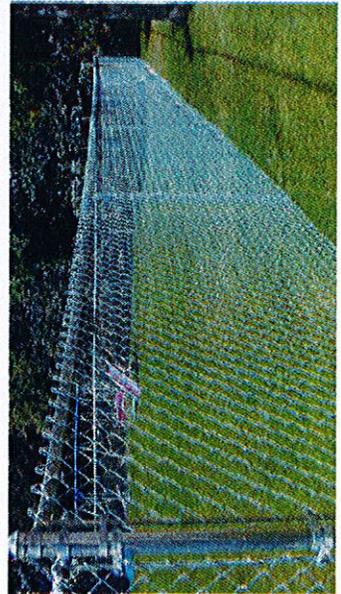
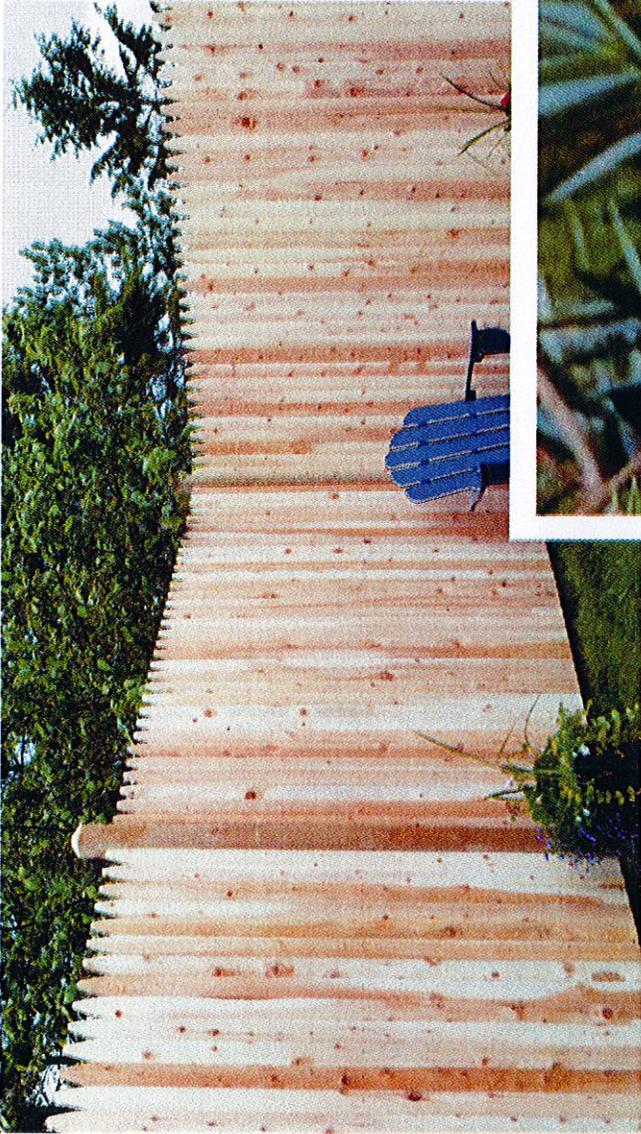
The following are projects to the property that may require the Special Use permit.

1. Fencing – privacy fencing around the grounds of the property with appropriate gating for access vehicles. Only replacing existing fencing around the property and establishing property lines.
2. Pathways – Stamped concrete sidewalk adjacent to the building as well as improvements for watershed away from the foundation.
3. Installation of an agility course – an Eagle Scout project by a local Life Scout will be complete and the NW corner of the property.
4. Removal of outbuilding structures on southern property line.
5. Installation of a storage shed – construction of a dirt bottom storage shed (10 by 16) to store mower, snow blower and items.
  - a. Removal of current utility room that is deteriorating
6. Removal of unsafe decking to be replaced with simple landing and egress stairs.
7. Memorial Garden for our departed Veterans and Service Dogs
8. Additional Flag Poles for military branches (5) next to current pole.
9. Installation of external power sources and water access.

Included is an overhead of the property with shading of future improvements as well as photos of the property as it is currently the week of October 21<sup>st</sup>, 2018.

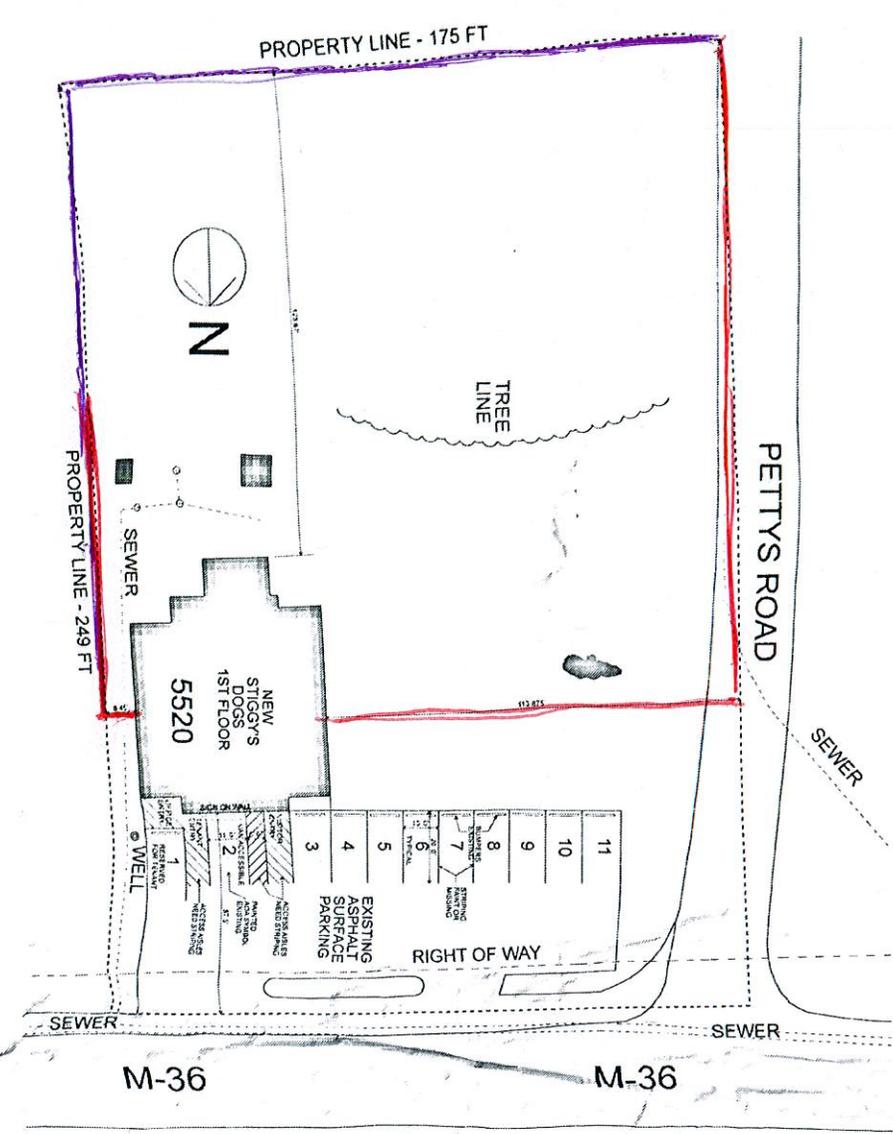
On September 29<sup>th</sup> 2018, Real Estate One in Brighton held Stiggy Fest 2018 in Hell, Michigan with the goal to raise enough money for the Special Use application fees and costs involved in utilizing our entire property. Corporations, Livingston County Citizens, and local government officials, representatives, and agencies sponsored and attended this event to show their support for Stiggy's Dogs to stay in our HOME in Hamburg Township. We really love it here.

Privacy fencing left.



Chain link 5'

Privacy fencing  
 Chained link



1 SITE PLAN  
 SCALE: 1/8" = 1'-0"

**STIGGY'S DOGS ZONING AND CODE COMPLIANCE**

**LIST OF DRAWINGS**

- 1 SITE PLAN, ZONING & CODE COMPLIANCE
- 2 FLOOR PLAN, ADA COMPLIANCE

**ZONING COMPLIANCE**

ZONING: NS - NEIGHBORHOOD SERVICES  
 USE TYPE: OFFICE (ALLOWED USE)  
 BUSINESS DESCRIPTION: SERVICE TO PROVIDE VETERANS WITH COMPANION DOGS. NO DOGS HOUSED ON SITE. SERVICE BY APPOINTMENT ONLY. TRAINING FOR VETERANS ON SITE WHEN JOINED WITH COMPANION DOG. DAYTIME OPERATION. 1 TO 5 EMPLOYEES NOT ALL ON SITE.

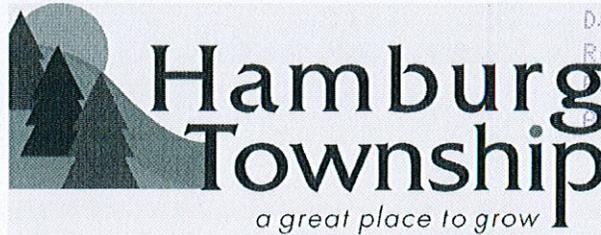
**PARKING REQUIREMENTS**  
 2ND FLOOR APARTMENT - 2 OFFICE (1 PER 400 SF) - 7  
 TOTAL PARKING REQUIRED - 9  
 TOTAL PARKING PROVIDED - 11  
 INCLUDES 1 VAN ACCESSIBLE SPACE

**CODE COMPLIANCE**

2012 MICHIGAN BUILDING CODE & 2012 MICHIGAN REHABILITATION CODE FOR EXISTING BUILDINGS

**CONSTRUCTION TYPE - VB**  
 USE TYPE 1ST FLOOR - B (BUSINESS)  
 USE TYPE 2ND FLOOR - R-3 RESIDENTIAL  
 FIRE SUPPRESSION - NONE

1ST FLOOR GROSS AREA - 2,692  
 2ND FLOOR GROSS AREA - 1,575  
 TOTAL BUILDING AREA - 4,558 SF  
 2 HR FIRE RATED FLOOR/CEILING ASSEMBLY BETWEEN FLOORS  
 PER APPROVED WHITE BOX PLANS



HAMBURG TOWNSHIP  
Date 01/29/2019 2:59:19 PM  
Ref STIGGY DOGS  
Receipt 1200872  
Amount \$3,000.00

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

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

## SITE PLAN APPROVAL 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 Site Plan Approval Application.

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

In the case of separate applications for Preliminary and Final reviews, separate application and review fees shall be collected. 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.

Note: Acreage calculations based upon the acreage being developed or utilized for the project (parking, buildings, walks, storm water retention etc.)

The undersigned hereby makes application for a Site Plan Approval for: (Check all that apply)

1. **TYPE OF PROJECT:**  Open Space  Echo  Residential  Condominium  
 Apartments  Commercial  Industrial  PUD  Hardship PUD

2. **TYPE OF APPLICATION:**  Preliminary Site Plan  Optional Conceptual Site Plan Review by Planning Commission  
 Final Site Plan  Combined – Preliminary/Final Site Plan

- Minor Site Plan  Site Plan Amendment (less than 25% area of site being changed)  Site Plan Amendment (26% or more or site being changed)

3. **PROJECT NAME:** Stiggy's Dogs Submittal Date: \_\_\_\_\_

4. **PROJECT ADDRESS:** \_\_\_\_\_

Tax Code Numbers: 15 - \_\_\_\_\_ 15 - \_\_\_\_\_ 15 - \_\_\_\_\_  
15 - \_\_\_\_\_ 15 - \_\_\_\_\_ 15 - \_\_\_\_\_

Metes & Bounds Parcel  Subdivision \_\_\_\_\_ Lot Numbers: \_\_\_\_\_

Zoning District Classification: \_\_\_\_\_ Floodplain Classification: \_\_\_\_\_

Number of Lots Proposed: \_\_\_\_\_ Acreage of Project: \_\_\_\_\_

5. **PROJECT DESCRIPTION:** Replacing existing fencing with privacy fencing + chained link for safety when using property for dog training.

**PRELIMINARY & FINAL SITE PLAN**  
**CHECKLIST**

Each preliminary & Final Site Plan submitted for review shall provide the following information at the time of application.

\_\_\_\_\_ **A. General Information**

- 1. Name and address of the proprietor and proof of ownership, developer, and registered engineer, registered surveyor, registered architect, registered landscape architect, or registered community planner who prepared the site plan.
- 2. Date of plan preparation, north arrow, and scale of plan, which shall not be greater than one inch equals twenty feet (1" = 20') nor less than one inch equals two hundred feet (1" = 200').
- 3. Full legal description of parcel and dimensions of all lot and property lines showing the relationship to abutting properties, and in which district the subject property and abutting properties are located.
- 4. Area map showing the relationship of the parcel to the surrounding area within one-half mile.
- 5. The location and description of all existing structures within one hundred feet (100') of the parcel.

\_\_\_\_\_ **B. Physical Information**

- 1. Proposed plans for site grading, surface drainage, water supply and sewage disposal.
- 2. The location of existing and proposed landscaping, buffer areas, fences, or walls on the parcel.
- 3. Existing and proposed structure information including the following:
  - a. Footprint location, dimensions and setbacks.
  - b. Finished floor and grade line elevations.
  - c. Elevations drawings that illustrate building design, size, height, windows and doors, and describe construction materials. Elevations shall be provided for all sides visible from an existing or proposed public street or a residential zoning district.
  - d. The Planning Commission may require a color rendering of the building elevation required in paragraph c.
  - e. Proposed materials and colors shall be specified on the site plan. Color chips or samples shall also be submitted at or prior to the Planning Commission meeting to review the site plan. These elevations, colors and materials shall be considered part of the approved site plan.
- 4. The location and dimensions of all existing and proposed streets, driveways, sidewalks, service lanes and other vehicular and pedestrian circulation features within and adjacent to the parcel.
- 5. The location, dimensions, and numbers of off-street parking and loading spaces.

- 8. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent feasible, with the development not substantially reducing the natural retention of storage capacity of any wetland, water body, or water course, or cause alterations which could increase flooding or water pollution on or off site.
- 9. Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or groundwater quality.
- 10. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges or polluting materials to the surface of the ground, groundwater, or nearby water bodies.

\_\_\_\_\_ D. **Natural Features Impact Statement.** The purpose of a Natural Features Impact Statement (NFIS) is to provide the Township with information regarding the impact of a proposed project on the physical, natural, social, and economic environment of the community. A complete report shall be required with all site plan applications. The Zoning Administrator (ZA) has the discretion to modify this requirement based on the specific application. When required the report will be reviewed by the ZA and the Hamburg environmental consultant. The environmental consultant may issue an Advisory Report to the Zoning Administrator for review by the Planning Commission. Contained in the Advisory Report will be a summary of the NFIS and appropriate comments and recommendations. The Advisory Report and the required site walk will be used to assist Zoning Ordinance Hamburg Township, Livingston County, Michigan, the Township Board and Planning Commission. The written NFIS will include the following information:

- 1. Name (s) and address (es) of person(s) responsible for preparation of the impact assessment and a brief statement of any relevant qualifications. The environmental consultant may recommend a qualified individual to prepare the NFIS if deemed appropriate.
- 2. An impact assessment checklist on a form provided by the Township shall be completed and placed at the beginning of the document.
- 3. Map (s) and a written description/analysis of the project site including all existing structures, manmade facilities, and natural features. The analysis shall also include information for areas within 50 feet of the property. An aerial photograph or drawing may be used to delineate these areas.
- 4. Description of existing natural features: A description of the environmental characteristics of the site prior to development shall be provide in the form of written documentation and a site inventory map identifying the location of natural features consistent with subparagraph C of this section. In addition, dominant tree species shall be listed and all species greater than 16 inches caliper or greater. As defined in Article 2.00, natural features include but are not limited to: topography, soils, geology, ground water, wetlands, watercourses, plants and animals (including aquatic species), habitat, and scenery.
- 5. Impact on natural features: A written description of the impact on the identified existing natural features shall be provided. The report shall also provide a natural features protection plan, which identifies on a map the natural features potentially affected. Where disturbance of natural features both during and after construction is proposed, a written analysis of alternative plans, which were considered, shall be provided to justify the proposed plan. The environmental consultant may

**SITE PLAN REVIEW FOR COMMERCIAL AND INDUSTRIAL PROJECTS  
OF ALL TYPES**

**APPLICATION FEE:**

New Projects of all types

Preliminary Site Plan-----\$1000.00 plus \$200.00/acre over one acre

Final Site Plan-----\$1000.00 plus \$200.00/acre over one acre

Combination Preliminary/Final-----\$2000.00 plus \$400.00/acre over one acre

**REVIEW ESCROW**

Preliminary Site Plan-----\$2,500.00 plus \$250.00/acre over one acre

Final Site Plan-----\$2,500.00 plus \$250.00/acre over one acre

Combined Preliminary/Final Site-----\$5,000.00 plus \$500.00/acre over one acre

**AMENDMENTS TO SITE PLANS:**

Minimum Charge-----\$700.00 plus review fees

Involving 1% to 25% area of original plan-----\$700.00 plus review fees

Involving 26% or more area of original plan----- \$2000.00 plus review fees

**REVIEW FEES FOR AMENDMENTS:**

Involving 1% to 25% area of original plan -----\$1,500.00 + \$100.00/acre over one acre

Involving more than 25% area of original plan-----\$3,500.00 + \$100.00/acre over one acre.

**HARDSHIP PLANNED UNIT DEVELOPMENT**

**APPLICATION FEE:**

Commercial projects-----\$4500.00 plus \$100.00/acre over one acre

Residential projects----- \$3000.00 plus \$50.00/unit or lot

**REVIEW ESCROW FEE:**

Commercial projects----- \$7,000.00 plus \$100.00/acre over one acre

Residential projects----- \$4,000.00 plus \$50.00/unit or lot

**COMMERCIAL/MIXED USE PLANNED UNIT DEVELOPMENT**

**APPLICATION FEE:** -----\$4500.00 plus \$100.00/acre over one acre

**REVIEW ESCROW FEES:** ----- \$7,000.00 plus \$100.00/acre over one acre

Preliminary Site Plan-----\$3,500.00 plus \$250.00/acre over one acre

Final Site Plan-----\$3,500.00 plus \$250.00/acre over one acre

Combination Preliminary/Final-----\$7,000.00 plus \$500.00/acre over one acre



PHONE: 810-231-  
4000

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

## Letter of Authorization

I ADAM ALLEN (the property owner) of the property at  
5520 G M36, HAMBURG, MI,

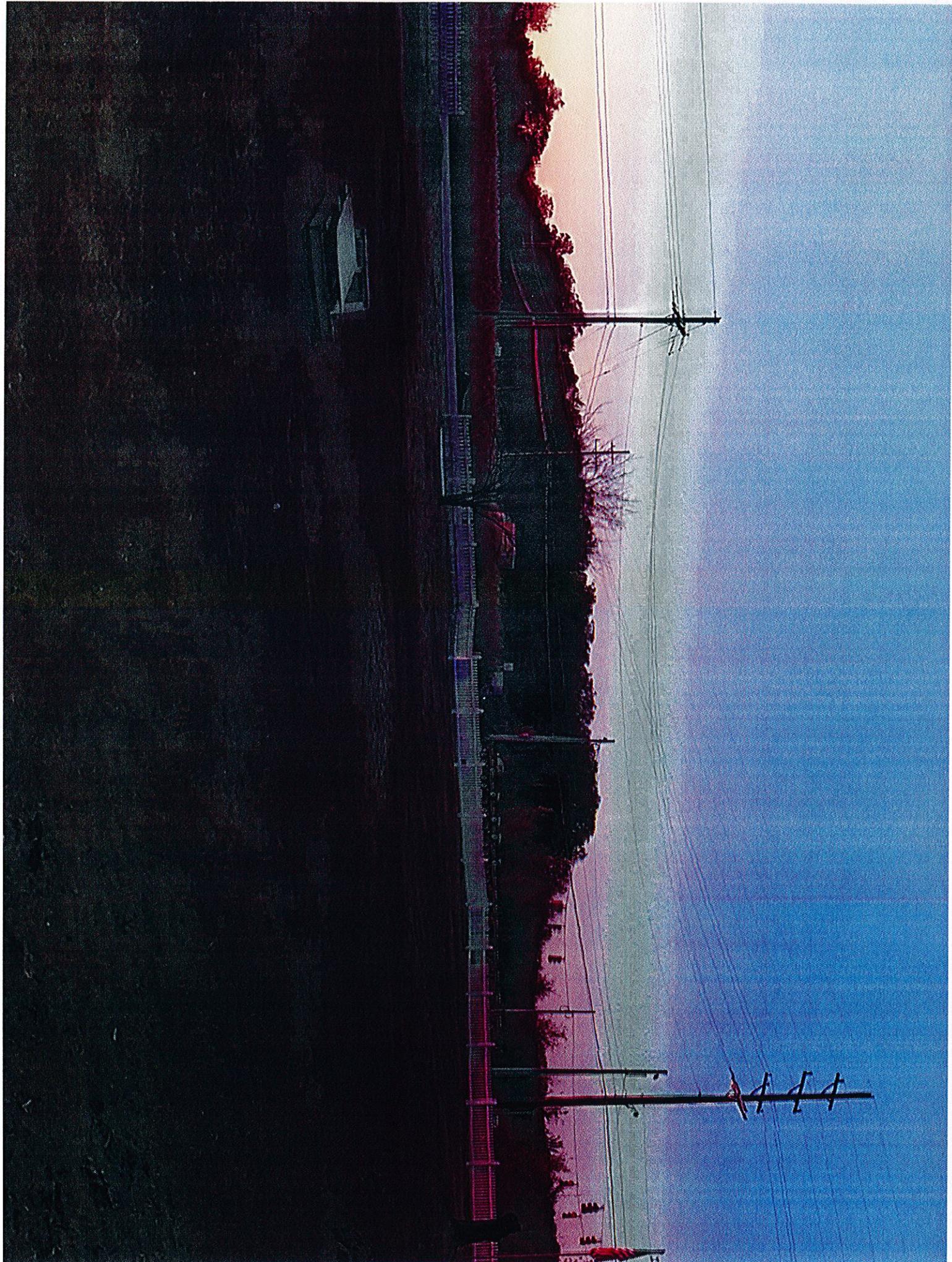
authorizes STIGGY'S DOGS (the applicant/contractor) to  
act on my behalf regarding the following work with Hamburg Township:

PUL IN FENCE -  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Property Owners (Signature)

10/17/2018  
Date







**From:** [Pierce, Jeff \(DEQ\)](#)  
**To:** [Amy Steffens](#)  
**Subject:** RE: Stiggy's Dog training at 5520 M-36  
**Date:** Friday, February 01, 2019 8:46:06 AM

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I have spoken with them a little bit in regards to potential presence of wetlands on the site. From my review of aerials, it looks like the wetland is south of the tree line along the southern boundary of the site. I think I recommended that they request an onsite preapp meeting to verify this.

Jeff Pierce  
Water Resources Division, DEQ  
Lansing District Office  
525 W. Allegan Street  
P.O. Box 30242  
Lansing, MI 48909

Phone: 517-416-4297 FAX: 517-241-3571

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**From:** Amy Steffens <asteffens@HAMBURG.MI.US>  
**Sent:** Wednesday, January 30, 2019 12:59 PM  
**To:** Pierce, Jeff (DEQ) <PierceJ2@michigan.gov>  
**Subject:** Stiggy's Dog training at 5520 M-36

Jeff,

Have you had any conversations with Stiggy's Dogs at 5520 M-36 regarding a fence along their southern property boundary to contain their outdoor dog training activities?

Amy Steffens, AICP  
Hamburg Township Planning and Zoning Administrator  
(810)222-1167

To: Planning Commission  
From: Amy Steffens, AICP  
Date: February 20, 2019  
RE: Public Hearing to consider the codification of Hamburg Township Zoning Ordinance

The current Hamburg Township Zoning Ordinance was readopted in 2009. Since then, multiple zoning text amendments have been made but have not been properly codified into the zoning ordinance. For example, the ordinance adopted in 2009 did not permit the raising and keeping of poultry on residentially-zoned properties, but a zoning text amendment adopted in 2014 permitted raising and keeping of poultry in multiple residential districts. The amendment was never inserted into the applicable sections of code (in this case, Article 2, definitions; Section 7.5.1., schedule of use regulations; and Section 7.7.1. additional district regulations) but instead the amendment is a separate document unto itself, causing confusion for anyone looking for the regulations.

Since 2009, the township has adopted zoning text amendments that changed 39 provisions of the Zoning Ordinance. The bulk of the amendments have been to Articles 2, 7, and 8. No amendments have been made to Articles 1, 6, 10, 13, 14, 15, 16, and 17.

Article	Title	Amended between 2009 and 2018?
1	Title, Purpose, Rules Applying to Text, and Enabling Authority	No
2	Definitions	Yes
3	Administration	Yes
4	Site Plan Review	Yes
5	Enforcement	Yes
6	Zoning Board of Appeals	No
7	District Regulations	Yes
8	Supplementary Provisions	Yes
9	Environmental Provisions	Yes
10	Parking, Loading, and Driveways	No
11	Non-conforming Buildings and Uses	Yes
12	Amendments	Yes
13	Planned Unit Development	No
14	Open Space Community	No
15	Elderly Cottage Housing Opportunity Village	No
16	Hardship Planned Unit Development	No
17	Commercial Planned Unit Development	No
18	Signs	New article
19	Wireless Communications Facilities	New article

To prepare the zoning ordinance for codification, three members of the planning department staff have gone line-by-line through the current ordinance and inserted or deleted, as appropriate, the text of zoning amendments since 2009. Staff also verified the proper publication of the zoning text amendments per MCL 125.3401. Table A, attached, lists the zoning amendments adopted since 2009 by Article and Section, and provides the date that the amendment went into effect.

Included in this codification are all zoning text amendments adopted from May, 2009 to December 31, 2018, and administrative changes to account for the section number changes in Article 8 and other clerical errors.

Because of changes to the numbering system of Article 8 (due to amendments changing the organization of Article 8), staff created a crosswalk (Table B, attached) to show the 2009 Zoning Ordinance Article 8 section numbers and the revised section numbers based on the 2019 codified document.

The full text of the draft codified document may be found at <http://cms5.revize.com/revize/hamburgtownship/Planning&Zoning/pdfs/PC%20packets/2019%20Codified%20Ordinance.pdf>

Hamburg Township is nearing completion of a codification of all township General Ordinances. Once the General Ordinances are codified and the Zoning Ordinance is codified and adopted, the township will explore the possibility of using an outside company, such as Municode or American Legal Publishing Corporation, to do the review and maintenance of the ordinance.

Upon recommendation of Planning Commission approval, the draft codified zoning ordinance will be forwarded to Livingston County Planning for their review and approval. The Township Board will then consider the codified ordinance. Upon Township Board approval, legal notice of the approved ordinance will be published in the paper of record. At any point, the codified ordinance could be sent back to the Planning Commission for modification.

**RECOMMENDATION:**

The Planning Commission should review the codification of the Hamburg Township Zoning Ordinance and recommend to approve or deny. If the Planning Commission recommends approval with changes that are not administrative, the Commission should direct staff to modify the ordinance, provide legal notice, and return for a second public hearing.

Attachments:

Table A: Adopted zoning text amendments, 2009 through 2018

Table B: Article 8 section crosswalk

**Table A:**

<b>Article</b>	<b>Section</b>	<b>Title</b>	<b>Changes</b>	<b>Effective Date</b>
7	7.3.1.	District Regulations	Prohibited enterprises or purposes that are contrary to federal, state, or local laws	February 10, 2011
11	11.1.	Class A Non-conforming Designation	Permitted Planning Commission to grant Class A non-conforming status	August 24, 2014
2		Definitions	Added definition of poultry	January 6, 2015
7	7.5.1.	Schedule of Use Regulations	Added raising and keeping of poultry in PPRF, CE, RAA, RA, WFR, NR	January 6, 2015
8	8.24.	Bed and Breakfast Inn Development Standards	Allow wedding and indoor concert events with approval of special use permit	March 18, 2015
7	7.5.1.	District Regulations	Accessory Dwelling Unit	May 8, 2015
8	8.27.	Accessory Dwelling Units	Accessory Dwelling Unit regulations required for approving and permitting	May 8, 2015
2		Definitions	Lot coverage	May 18, 2016
7	7.6.1.(fn7a)	Schedule of Area, Height, and Bulk Regulations	Building lot coverage	May 18, 2016
8	8.14.	Fences, Walls, and Screens	Amendment of fence regulations	May 18, 2016
2		Definitions	Balcony, deck, patio definitions	May 18, 2016
8	8.17.	Yard Encroachments	Add deck and elevated deck yard encroachment setbacks	May 18, 2016
8	8.25.	Wireless Communications Facilities	Removed from district regulations	September 30, 2016
19		Wireless Communications Facilities	Supplementary provisions for wireless communications facilities	September 30, 2016
2		Definitions	Wireless communications facilities definitions removed to Article 19	September 30, 2016
19		Sign Regulations	New sign regulations	September 30, 2016
8	8.2.	Sign Regulations	Removed signs from Article 8 and created new Article 19	September 30, 2016
7	7.6.1.(fn3)	Schedule of Area, Height, and Bulk Regulations	Removed front yard designation; added fences and accessory structures to OHM setback requirements	January 19, 2017
8	8.3.	Accessory Buildings and Structures	Added accessory building and structure regulations; amended maximum height; docks on undeveloped lots	January 19, 2017
2		Definitions	Removed Hamburg Environmental Review Board definition	January 19, 2017
3	3.3; 3.6; 3.7	Land Use Permits; Wetland Determination: Environmental Review	Eliminated reference to Hamburg Environmental Review Board and replace it with ability to use engineering consultant	January 19, 2017
4	4.5.	Procedures and Requirements	Eliminated reference to Hamburg Environmental Review Board and replace it with ability to use engineering consultant	January 19, 2017

Article	Section	Title	Changes	Effective Date
7	7.5.NR(G)(3)	Natural Vegetation Strip	Eliminated reference to Hamburg Environmental Review Board and replace it with ability to use engineering consultant	January 19, 2017
9	9.2.; 9.10.	Creation or Alteration of Water Bodies; Wetland Determination	Eliminated reference to Hamburg Environmental Review Board and replace it with ability to use engineering consultant	January 19, 2017
8	8.8.	Division of Lots in Recorded Plats and Division of Unplatted Parcels	Removed from zoning ordinance	August 16, 2017
11	11.7.	Nonconforming lots of record	Added contiguous nonconforming lots under the same ownership	August 16, 2017
2		Definitions	Added agricultural-related definitions	August 16, 2017
7	7.5.1.	District Regulations	Added CSA, minor agricultural, and major agricultural uses in districts	August 16, 2017
8	8.29.	Agricultural Commercial/Tourism Businesses	Added supplementary provisions for minor and major agricultural commercial in CE and RAA districts	August 16, 2017
11	11.3.	Nonconforming Buildings and Structures	Removed definition of a permitted repair of nonconforming structures; allowed for replacement; requires ZBA approval for certain improvements	November 28, 2017
7	7.6.1.(fn4)	Schedule of Area, Height, and Bulk Regulations	Permitted reduced side yard setbacks in WFR district if lot width 60 feet or less	November 28, 2017
2		Definitions	Shed, Temporary structures	April 2, 2018
4		Site Plan Review	Streamline site plan review process	April 2, 2018
5	5.2.	Penalties and Remedies	Penalties reference to comply with G.O. 71-A	April 2, 2018
8	8.9.	Temporary Structures	Temporary Structures amendments	April 2, 2018
8	8.10.	Seasonal Sales	Special Events, seasonal sales and temporary uses combined	April 2, 2018
8	8.21.	Seasonal Sales	Removed seasonal sales from 8.21 and combined into 8.10	April 2, 2018
4	4.3.	Applicability	Creation of ponds removed from requiring site plan	June 12, 2018
9	9.2.4	Standards for Agricultural, Scenic, or Recreational Ponds	Changed approval body for new pond or alteration of existing water body	June 12, 2018

**Table B: Article 8 section crosswalk**

<b>Section</b>	<b>2009 Ordinance</b>	<b>2019 Codified Ordinance</b>
8.1	Home Occupation	Home Occupation
8.2	Signs	Reserved
8.3	Accessory Buildings and Structures	Accessory Buildings and Structures
8.4	Essential Services	Essential Service
8.5	Single-Family Dwellings, Mobile Homes, Prefabricated Housing	Single-Family Dwellings, Mobile Homes, Prefabricated Housing
8.6	Public or Private Elementary, Junior, or Senior High Schools, and Institutions of Higher Education	Public or Private Elementary, Junior, or Senior High Schools, and Institutions of Higher Education
8.7	Group Day Care Homes, Child Care Centers, and Day Care Centers	Group Day Care Homes, Child Care Centers, and Day Care Centers
8.8	Lot divisions	Reserved
8.9	Temporary Structures	Temporary Structures
8.10	Unsafe Buildings	Special Events, Seasonal Sales, and Other Temporary Uses
8.11	Structural Damage	Unsafe Buildings
8.12	Building Grades	Structural Damage
8.13	Street Closures	Building Grades
8.14	Fences, Walls, and Screens	Street Closures
8.15	Intersection Visibility	Fences, Walls, and Screens
8.16	Access to a Street	Intersection Visibility
8.17	Yard Encroachments	Access to a Street
8.18	Supplementary Height Regulations	Yard Encroachments
8.19	Continued Conformance with Regulations	Supplementary Height Regulations
8.20	Garage Sales, Rummage Sales, and Similar Activities	Continued Conformance with Regulations
8.21	Reserved (previous Seasonal Sales)	Garage Sales, Rummage Sales, and Similar Activities
8.22	Firewood Sales	Firewood Sales
8.23	Apartments in the NS, CS, and OH Zoning Districts	Apartments in the NS, CS, and OH Zoning Districts
8.24	Bed and Breakfast Inn Development Standards	Bed and Breakfast Inn Development Standards
8.25	Wireless Communications Facilities	Reserved
8.26	Adult Foster Caser Large and/or Small Group Home	Adult Foster Caser Large and/or Small Group Home
8.27	Accessory Dwelling Unit	Accessory Dwelling Unit
8.28	Showroom and Sales of New and Used Automobiles and Motorcycles	Showroom and Sales of New and Used Automobiles and Motorcycles
8.29	Agricultural Commercial/Tourism Business	Agricultural Commercial/Tourism Business