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**Planning Commission
Hamburg Township
10405 Merrill Rd., P.O. Box 157
Hamburg Township, Michigan 48139
February 20, 2019
7:00p.m.**

1. CALL TO ORDER:

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

Absent: None

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:

Motion by Muir, supported by Priebe

To approve the agenda as presented

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

4. APPROVAL OF MINUTES:

a. November 28, 2018 meeting minutes

Motion by Hamlin, supported by Koeble

To approve the November 28, 2018 meeting minutes as presented

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

b. December 12, 2018 meeting minutes

Motion by Koeble, supported by Priebe

To approve the December 12, 2018 meeting minutes as presented

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

c. December 19, 2018 meeting minutes

Motion by Hamlin, supported by Muir

To approve the December 19, 2018 meeting 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:

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 Dogs. 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").

Christine Myran, applicant, stated that Stiggy's Dogs purchased the building at the corner of M-36 & Petty's Road in June 2017. They rescue dogs from shelters and train them at prison facilities in Saginaw and Lapeer. They do not have any dogs at their facility. They remain at the prison until they pair them with a veteran who is suffering from PTSD or TBI. They will continue to train them together until they are a full fledge service dog, which takes six months to a year. They have been using the building as a training center 3-4 days per week and know that they need to have a special use permit in order to use the backyard for training. They would like to have a secure area while the dogs are training. Currently, the largest group that comes to the facility is 7-8 dogs at a time with trainers for a session that would last approximately 2 hours per day. They are a non-profit organization, and both the chain link and privacy fences have been donated. It has taken approximately six months to raise the funds for the special use permit.

Discussion was held on choosing a rescue dog. Myran stated that they do temperament testing and look for certain characteristics. About 20% of the dogs do not make it in the program past two weeks. There is about 350 hours of training, and even if they complete the training, they may not be fit to be service animals.

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

Scott Pacheco, Planning & Zoning Director, stated that this property is located in the Neighborhood Service zoning district. Under that zoning district, open air businesses are required to have a special use permit. This is to make sure that certain businesses work well together. This is a unique situation as this property stands alone. There is property adjacent in the Neighborhood Service District, but that property currently has a residential home on it and not being used for commercial purposes. The proposed improvements to the site include the replacement of the fence around the rear area, construction of a new 160 square foot shed and installation of a dog training course and replacement of the existing stairway to the second story. He stated that this use to be a Montessori school and they did have outdoor activity. This is somewhat less intensive than that use. There are some requirements of our zoning ordinance. Whenever you go through a site plan review or special use permit, we can bring the buildings up to current regulations. However, because of the location of the site and the parking, the greenbelt between the street and the building is very limited. It would be very hard to add any trees to this location. A buffer zone is required between commercial uses or commercially zoned properties. The closest neighboring structure is a residential use, although it is zoned commercial. They do have a six-foot fence halfway down the property line, he has suggested they extend that fence the length of the property line to act as a buffer instead of planting any trees on that side of the property. Another requirement is compatibility with the Master Plan. This is a very important corner in the future of the

Township. He is not sure that the Commission would want to enforce this standard because of the cost. Eventually we will want a sidewalk on both Petty's Road and M-36. Our Master Plan strongly suggests that the Township develop secondary connections from the Lakeland Trail to the surrounding community. His feeling is that this property owner would be willing to work with the Township if we could come up with donation funds. He would suggest that we put in some caveat that if sometime in the future, if grant funds, etc. may become available, that they work with us on easements, etc., for the sidewalk installation.

Pacheco stated that currently they hold charity events on the site. The biggest concern is that they are not increasing the parking. If we did not limit the size of the event, that could be a problem. He has suggested a condition that 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. We do have a Special Event Permit that they could apply for. Some of the requirements that we have through planning are things such as providing a shuttle service, etc. He further reviewed his suggested conditions. He stated that the site plan that they have provided is not accurate. It does not show the Petty's right-of-way. You have to build the fence outside of the right-of-way. In an effort to help reduce the cost to the applicant, he has suggested that either a survey be provided or that 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 right-of-way. There are some wetlands at the back of the property. 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. Because it is not shown on the site plan where everything is going to be, he has suggested a condition that the agility course and shed be built within the fenced rear yard and outside of the required setbacks for an accessory structure. Staff suggests that with these conditions or modified conditions by the Commission, that the project would meet the standards of both the Special Use Permit approval and Site Plan.

Discussion was held on special events. Commissioner Muir asked the capacity of the building. Pacheco stated that he is not sure what the capacity is. It will have to be posted within the building.

Ms. Myran stated that they do have a survey scheduled to determine the property lines. They will work with the DEQ regarding the wetlands.

The question was asked if the agility items are temporary. Ms. Myran stated that they were going to put some footings in. It is an Eagle Scout project. There will be three permanent structures with the rest being moveable.

Discussion was held on the placement of the fence. The question was asked that if they have a survey, do we want the fence set back 35 feet from the edge of the roadway. Pacheco stated that our ordinance does not require, on commercial properties, that a fence be setback from the right-of-way.

Discussion was held on the authorization letter from the property owner. It was stated that there is a land contract on this property. Amy Steffens, Planning & Zoning Administrator, stated that we would want the authorization letter to include the replacement of the deck. It was stated that the agility course should also be included because that will be permanently affixed to the ground.

Further discussion was held on special events. It was indicated that these special events would be for approximately 20 people. Pacheco stated that they have 11 parking spaces, which they have always had, and the use has always been larger. Discussion was held on what is involved with a permit. Pacheco stated that it would be an over the counter special use permit at a fee of \$25 for non-profits. The question was asked if we should put in a specific number. Discussion was held on shared parking agreements with one of the larger strip malls.

Discussion was held on the condition of providing a pedestrian trail. Pacheco stated that as the Planner, he would recommend that they do a trail as the Master Plan requires. But, he does understand the reality. They are not doing any physical changes to the building at this time. It might be more appropriate to wait until another user purchases the property. If we ever do receive grant money, this property owner seems willing to work with the community.

Pacheco stated that the Site Plan Amendment does not need to go to the Township Board because it is a minor amendment. Therefore, both the Amendment and the Special Use Permit can be approved in one motion.

Motion by Muir, supported by Priebe

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 events associated with commercial use of the property and replacement of a fence and exterior stairway to access the second story of the existing building. 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.

Conditions:

1. If a special event is being held at this site with over 30 attendees, 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 6 foot privacy fencing to match the rest of the privacy fencing to extend the entire length of the property.
3. The applicant shall provide a survey showing the location of the road right of way along the west side of the site. The fence shall be located at the right-of-way or 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.
4. 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.
5. 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.

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

- 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.

Amy Steffens, Planning & Zoning Administrator, stated that our current Zoning Ordinance was readopted in 2009. Since then, multiple zoning text amendments have been made but have not been inserted into the code. When you go to our website, you see the ordinance, but you have to continue to find the multiple text amendments. It is difficult to use and explain to residents. We have known that it needed to be codified for a long time. 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, the township has adopted zoning text amendments that changed 39 provisions of the Zoning Ordinance. The bulk of the amendments have been centered around a few Articles. She presented and reviewed a table showing which Articles have and have not been amended. She stated that significant changes have been made to the non-conforming buildings and Uses. That has gone very far in reducing the number of variance requests to the ZBA. She stated that staff has also verified the proper publication of the amendments. She discussed the list provided of the zoning amendments adopted since 2009 by Article and Section, which also provides the date that the amendment went into effect. Also included in the codification are some administrative changes to account for the section number changes in Article 8 and other clerical errors. We have reserved some section numbers so that if we ever do another amendment, we can put that in without having to change the numbering. We are 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. If there are changes through the year, they will take care of inserting them where they need to be and keeping it up to date. Livingston County Planning does not need to see the codified documents. Upon approval by the Planning Commission, it will go directly to the Township Board. Upon the Board's approval, legal notice of the approved ordinance will be published. It will become effective 30 days after that, and we will have a new ordinance that is easy to use.

The question was asked if there will be hard copies available. Steffens stated that after it is adopted, we will make sure that the Planning Commission and ZBA members receive a hard copy.

Discussion was held on the time frame. Steffens stated that this can go to the Board on March 5th. We can get a notice published that week. By the week of April 8th, this should be complete.

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

Motion by Priebe, supported by Koeble

To recommend to the Township Board approval of the codified Hamburg Township Zoning Ordinance

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

8. ZONING ADMINISTRATOR'S REPORT:

Planning & Zoning Administrator Steffens stated that we have our Annual meeting of the Township Board, Planning Commission, Zoning Board of Appeals and Parks & Recreation next Wednesday, February 27th at 7:00 p.m. This will be a year in review with a full accounting of what was done in 2018 including, permits, enforcement, zoning text amendments, variances and Planning Commission hearings. We will also address some of the Zoning text amendments that we think we should pursue. If you have anything you would like to discuss, now is the time to let us know. Kathleen Kline-Hudson from Livingston County will be here as well.

Steffens stated that if there are any trainings or workshops you would like to attend, please let her know. There is money in the budget for training.

Steffens stated that we are going to have a special meeting on February 28th for the senior housing facility.

Discussion was held on the PUD ordinance review. Discussion was held on some of the other ordinances that will be coming up for discussion including wind and solar power, etc. Pacheco stated that he has put together an extensive list that can be prioritized. We would like to get the Master Plan update complete before we start working on another ordinance. The Steering Committee should be seeing a draft of some of the chapters soon.

9. ADJOURNMENT:

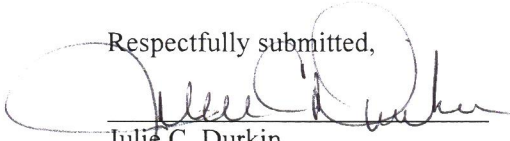
Motion by Priebe, supported by Leabu

To adjourn the meeting

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

The Regular Meeting of the Planning Commission was adjourned at 7:58 p.m.

Respectfully submitted,


Julie C. Durkin
Recording Secretary

The minutes were approved as presented/~~Corrected~~: 4/8/19


Fred Goetz, Chairperson