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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  
May 15, 2019  
7:00 p.m.**

**1. CALL TO ORDER:**

Present: Goetz, Hamlin, Koeble, Leabu, Muck, Muir & Priebe  
Absent: None  
Also Present: Scott Pacheco, Planning & Zoning Director

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Muir

To approve the agenda as presented

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

**4. APPROVAL OF MINUTES:**

Motion by Muir, supported by Koeble

To approve the minutes of the April 8, 2019 meeting as written

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.

Mark Latendresse of 9175 Eagle Run Drive stated that in the almost 20 years they have lived in the community, they have never felt the need to speak out about the growth of our community. Last year they spoke up along with 500 residents when the developer of Water's Edge attempted to far exceed the density rule. Thankfully, the Township upheld its current open space plan. Tonight they speak in opposition to the Township's proposed changes for the open space, planned density. He further spoke in opposition to the changes and quoted the Zoning Enabling Act. He discussed the impact on infrastructure, traffic, wildlife, wetlands, etc. He discussed the Township's standpoint on the need for senior housing and the cost of Water's Edge.

Bob Finn of 8610 Tamarack, spoke in opposition to the changes that the Commission is considering. He stated that he does feel that changes need to be made. He discussed his review of other PUD ordinances in nearby Townships. He stated that none of them have an automatic density bonus as Hamburg does with a parallel plan. He further discussed the other communities' ordinances. He suggested certain density bonuses to preserve the natural features and the rural nature of the Township.

Kevin Guthrie, resident of Huron River Highlands discussed Michigan Law dealing with open space. He stated that the Township's current ordinance as written allows for a considerable density bonus. He stated that he does not think that the Township Ordinance, as written, complies with Michigan Law. Open space does not mean "cram" more people into a smaller area.

Christine Norman of 9001 Marion Drive, Brighton stated that they moved to the area 20 years ago because they wanted animals and birds as neighbors, not people. You are now putting a lot of homes on small lots. This brings in quite a few people which also brings in crime. She further discussed the country atmosphere.

Bob Cwynar of 9001 Marion Drive stated that he has been a mail carrier in the Northville area for 30 years. He discussed the development in that area. He does not want to see that type of development occur here in Hamburg.

Craig Masserant of 7340 Linwood stated that in looking at the proposed ordinance, he sees the word "exemplary" used a lot. He did not know water & sewer were exemplary. We have an ordinance that covers that. He further discussed granting a density bonus for something that is already required. Exemplary should be above and beyond.

Jason Estronza of 4655 Old Mill stated that this area is still an oasis among the chaos with Ann Arbor on one side and Brighton on the other. That is the character of the Township and its people. He does not think anyone is opposed to progress, but we need to be smart about it. Most of us left high density. He discussed the stress on the Township's infrastructure. He further stated that we cannot forget the spirit of what this community is about.

Ron Medere of 5846 Winans View Ct. stated that the Commission heard how they felt when the Water's Edge Community was proposed. We want to preserve our open space and stick with our current zoning ordinances that they felt have preserved the character. He is struggling with why we are proposing such a significant change in open space. From their point of view, it looks like you are trying to appease the developer.

\* Hearing no further public comment, Chairman Goetz closed the <sup>call to public,</sup> ~~public hearing.~~

6. **OLD BUSINESS:** None

7. **NEW BUSINESS:**

- 1) ZTA19-001 - Discussion of proposed amendment to the Planned Unit Development regulations in Articles 14, 15, 16, 17, and 18

Scott Pacheco, township planner, stated that this is a public meeting to discuss a potential change to our zoning ordinance. He stated that we had a joint meeting in February with the Township Board, Planning Commission, ZBA and Parks and Recreation Commission. In that meeting, one of the items that was discussed was revising the Planned Unit Development Ordinance to direct development into areas that are most appropriate for that development and get rid of the regulatory flexibility that was in the ordinance when some of the prior developments came in. Currently developers can come in and request any density they want and then they have to go through the process. The Planning Commission and Township Board has to decide if that density is going to be adequate and if they have done enough to allow that density. That is what happened with the Water's Edge proposal. It was decided that the developer did not do enough to give us a reason to allow the density that they wanted. There is a lot of time put into these projects, and then denied. Therefore, we wanted to have some set requirements. What we are here tonight for is to determine what the Planning Commission would like staff to do with the PUD revision. The Open Space Ordinance that everyone is talking about tonight is only one of five ordinances that are being revised. We are also trying to clarify the regulations because we have a lot of PUD regulations with different processes and time

frames. We are trying to create a single process with a single timeline. We might want to talk about what the majority of people are here to discuss tonight and then move forward to the next items. He submitted a memo regarding the density bonus which includes multiple options to facilitate tonight's discussion. We want to see what the Planning Commission wants moving forward. We are only talking about the residential zoning districts that allow less than two units per acre. He talked about the Zoning Enabling Act and Open Space Preservation Act, which we have to allow a developer to use cluster design if they do not increase the number of units and preserve 50% of the property as open space. He discussed the Planned Unit Development section of the Zoning Enabling Act which allows Townships to have flexibility over the regulations as long as the Township is getting something in exchange for us to relax our regulation. We have created an Open Space Planned Unit Development which goes above and beyond the Open Space Preservation. They give us open space and they give us certain things and we will allow them to have regulatory flexibilities such as reduced lot sizes, etc. He further discussed the flexibilities and how it did not give the developer enough direction. We are now trying to get rid of the regulatory flexibility on the density bonus. We do not want developers to present something that more than likely will not get approved. He discussed directing development to where infrastructure exists.

Commissioner Priebe stated that when our ordinance was adopted, it was cutting edge and nobody in Livingston County had done anything like it. Their whole purpose was to preserve the natural resources that we all moved here for. It was not to destroy them and build more houses. She stated that she would like to see some kind of cap in density no matter how exemplary it is.

Commissioner Leabu stated that we were the first in the State of Michigan with an open space ordinance. We have 55 of them. Originally RA zoning was 30,000 square feet, not 1 acre. They talked about how they were going to get the developers to do open space and preserve natural features. They kept the 30,000 square foot requirement and said if you don't do open space, you need to have 1 acre. He stated that we are not here for Water's Edge, but rather the entire Township. He is in favor of a density bonus for sewer because it is good for the environment and it does cost a lot of money.

Scott Pacheco, township planner, stated that he received several emails concerning the open space PUD regulations. He reviewed them and has come up with some options for the Planning Commission to consider about the density. He outlined the options in a memo and verbally. He also discussed the availability of water and sewer within the Township and presented the Master Plan and Zoning maps. He discussed the designation of exemplary.

Discussion was held on the open space preservation section of the Zoning Enabling Act.

Discussion was held on the requirement to connect to the water and sewer. Discussion was held on density bonus for connection to the utilities.

Discussion was held on the need to define what makes a project exemplary and making it tangible not subjective.

Discussion was held on whether there should be a density bonus for sewers. Further discussion was held on the availability and the requirement to connect to sewers where available. Discussion was held on the cost of connecting sewer.

Further discussion was held on defining the exemplary bonus using a certain list of criteria. Discussion was held on water connection and the cost associated.

Discussion was held on the developer providing something that the Township needs in order to get the bonus. Discussion was held on calculating the cap of the density bonus. Discussion was held on giving a 15% bonus for sewer and potentially 15% for exemplary. Pacheco stated that would bring the lot size down to 21,000 square foot or less than ½ acre. That is to create the parallel plan to get the density.

Commissioner Leabu stated that we up-zoned the requirement when we did the Open space in order to discourage developers from building the "cookie-cutter" one acre developments with no open space.

It was stated that we have to list the things they have to do to make a project exemplary. Pacheco stated that he could write stronger wording that the Planning Commission may grant additional density, but it is not a guarantee. Pacheco stated that he will provide a list of items that can be used to determine exemplary for the Commission to consider. We will have another non-public discussion session before we get a final document that we can notice for a public hearing.

Pacheco reviewed the revisions suggested by staff including adding the definition of Development Agreement and Articles 13, 14, 15, 16 and 17 and the proposed new Article to regulate Cottage Housing Planned Unit Developments. The Commission discussed the suggested language and made comment and recommendations.

Commissioner Hamlin discussed the apartment complex project where the old school was located. He stated that there had been talk that it was close to having their site plan expire. Because they tore the building down, it did not. He suggested to add language that a site plan would expire a certain number of days following the date of approval and unless substantial development and construction of site improvements has commenced *and* is being diligently pursued and performed in a timely manner and in conformance with the approved site plan. This would keep them from doing one thing and then stop and they now have exempted the site plan from expiring. Pacheco stated that we have talked to the Township Attorney about this. Because the Township would benefit from the project, we have made the determination that they can continue forward. But, there is flexibility to go either direction. Further discussion was held on their attempt to sell the project, etc. Pacheco stated that we can add the language, but the term “diligently” will allow us some flexibility.

- 2) ZTA19-002 - Discussion of proposed amendment to the Fence Regulations in Article 8, Section 8.15 of the Zoning Ordinance

Pacheco reviewed the proposed language amendment. He stated that we thought that one of the things to make this section less confusing is to eliminate the 8 foot fence in the rear yard. He discussed the confusion that exists when talking about the rear yard and the neighboring rear or side yard, etc.

Discussion was held on the need to have a higher fence to keep deer out.

Pacheco stated that he believes this was only put in there because some people that are adjacent to a major thoroughfare wanted a higher fence. But, that makes for an ugly appearance along the road.

Further discussion was held on the proposed requirements.

Commissioner Priebe stated that the ZBA is looking at changing language for ZBA approvals, which are currently good for six months and make it a year. Pacheco stated that we should mimic the Planning Commission approval language where it is a year, and they can also ask for an extension.

**8. ZONING ADMINISTRATOR’S REPORT:** None

**9. ADJOURNMENT:**

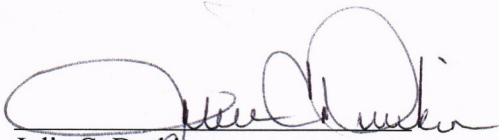
Motion by Priebe, supported by Hamlin

To adjourn the meeting

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

The Regular Meeting of the Planning Commission was adjourned at 10:05 p.m.

Respectfully submitted,



Julie C. Durkin  
Recording Secretary

The minutes were approved as presented/Corrected: 6/19/19



Fred Goetz, Chairperson

