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**Planning Commission
Hamburg Township
10405 Merrill Rd., P.O. Box 157
Hamburg Township, Michigan 48139
Wednesday, February 19, 2020
7:00 P.M. 7:00 p.m.**

1. CALL TO ORDER:

Present: Bohn, Hamlin, Koeble, Muck, Muir & Priebe

Absent: Leabu

Also Present: Scott Pacheco, Township Planner, Amy Steffens, Planning & Zoning Administrator, & Brittany Stein, Zoning Coordinator

2. PLEDGE TO THE FLAG:

3. APPROVAL OF THE AGENDA:

Commissioner Muir questioned the Site Plan Review request for a 300-person wedding barn. Township Planner Pacheco stated that the original request was for 300 people, but we revised it under the Special Use Permit to only allow 200 people. Old Business (a) was revised to a 200-person wedding barn.

Motion by Priebe, supported by Muir

To approve the agenda as amended

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

4. APPROVAL OF MINUTES:

a) November 20, 2019 Planning Commission minutes

Motion by Koeble, supported by Priebe

To approve the minutes of the November 20, 2019 meeting as presented

Voice vote: Ayes: 5 Nays: 0 Absent: 1 Abstain: 1 MOTION CARRIED

5. CALL TO THE PUBLIC:

Chairman Muck opened the call to the public. Hearing no response, the call was closed.

6. OLD BUSINESS:

- a) Site Plan Review (SPR 18-002) application 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 200-person wedding barn, and other agricultural based amenities.

Scott and Lauren Tharp, applicants, were present as well as their engineer and individuals involved with the traffic study. Ms. Tharp stated that at the last meeting, the Planning Commission sent them away with some homework. They have spent some time putting together those items which have been presented including plans for the wedding barn, a letter from the Livingston County Health Department, and an updated plan for the farm market. She also indicated that this fall she worked at a local cider mill to learn their business and gained insight and knowledge. She stated that after working there, they did revise their plan for the farm market to enlarge it to host people comfortably and provide seating. At the last meeting, there was some concern about traffic, and it was suggested that they compare the projected use of their farm to a 40-unit single family development, which would be the size of a development on their property. She discussed the lighting and their photometric plan. She stated that this is a large undertaking which they do not intend to complete in 1-2 years. Their plan is to start with the farm market and kids' area and would like to start their crops with pumpkins and berries. They are hoping in 2-3 years to begin the wedding barn. During that time period they would begin with the apple orchard, which does take time to develop.

Planner Pacheco stated that the Special Use Permit was approved by the Planning Commission in December 2018 including a u-pick operation, corn maze, kids area, hiking trails, a farm market with a retail structure as well as a 200 person wedding barn and other agricultural based amenities. Also approved was the main sign at a height of 13.5 feet above grade, a temporary sign that can be displayed for more than 45 days per calendar year and the maximum number of 30 events allowed per year in the wedding barn. These were all waivers to the Agriculture/Tourism regulations approved as part of that special use permit. At that time, the Planning Commission asked the applicant to bring back some additional information so they could review the site plan. Since that time, they have provided that information. They have also provided a traffic study. When the original application came before the Planning Commission, there were 13 people that spoke, and we received 8 letters both for and against the project. Most of the concerns discussed were noise, traffic and lighting. The study showed that at times there would be more traffic on the roadways than a 40-unit single-family development, but overall it would be less. He reviewed his staff report with most of the changes to the lighting and architecture of the structure. He has also provided a proposed motion written by the Township Attorney. The Special Use Permit and Site Plan are combined as one item.

Commissioner Bohn stated that the applicant has indicated that certain aspects of the site plan would not be completed for a couple years and asked if they would be protected under the site plan so that they would not have to come back to the Planning Commission for additional approvals. Pacheco stated that as long as they have started the project, they can continue.

Discussion was held on the entrance sign and the Fire Department requirement of being over 13.5 feet.

Commissioner Hamlin questioned the inclusion of the word restaurant. He further stated that he understands that there will be eating of donuts and ice cream, which is fine. He does not want to include the word restaurant as that implicates a much different use.

Commissioner Hamlin stated that the patio is open with no roof. He stated that the lighting for that patio is not on the photometric plan. He discussed his concerns about the Generac lighting. His concern is that they can light up 5-7 acres. He would not agree with this type of lighting. Chairman Muck stated that he would agree. He stated that these portable lights can be a noise and aesthetic issue. It could also become an enforcement issue. He would prefer to see lighting on timers. Mr. Tharp stated that it was a challenge to come up with a solution. There are times when more light is needed and other times less light is required. Portable lights seemed to serve the purpose of adequately lighting the space. When you look at permanent pole type lights for the parking area, you end up with a lot of light poles in the middle of this area. From an aesthetic perspective, they felt that the portable lights would be preferred because at the end of the season they can be removed and stored so that everything is aesthetically pleasing. Their intent is to appropriate light it, still meet the noise ordinance, but not light up the whole thing when not required. Ms.

Tharp stated that these lights can also be set at different vertical limits. Township ordinance says no higher than 15 feet, and they have written that into their photometric plan. Discussion was held on the potential lumens. Commissioner Hamlin stated that he is okay with portable lights, just not these lights. Pacheco discussed the code requirements and stated that these lights may not be able to meet those requirements. The applicant will have to find a portable light to meet those requirements. Mr. Tharp stated that their intent was to find something the least impactful to the community and still serve the purpose and still meet the code. They would be happy to look at other options. Pacheco stated that the Commission could approve portable or not portable and they can work with staff to find lighting that meets the code requirement. Further discussion was held on lighting options.

Commissioner Hamlin stated that there was no floor plan for the second story. Ms. Tharp stated that it is simply a loft approximately 1/3 the size of the wedding barn.

Mr. Tharp added that this is where they live and it is their intention to work with the Township to manage the 30 events per year, if that happens, and make sure they work within the ordinances and minimize complaints.

Motion by Priebe, supported by Koeble

In the matter of the request for Site Plan approval for 5550 Strawberry Lake Road, SP18-002, to recommend approval of the Site Plan to the Township Board, subject to the following:

- A. The Planning Commission finding that the Special Land Use approval (SUP18-002) dated December 19, 2018, remains in effect, including all waivers granted, consisting of the number of events being limited to 30 events per calendar year, with a maximum of 200 attendees, with an annual administrative review of the special land use permit, and approval of signage, as submitted, subject to and in accordance with the approval of the Site Plan;
- B. Planning Commission findings that the standards of Section 4.4.3 of the Township Zoning Ordinance, as identified in the Planning and Zoning Staff Report, dated December 19, 2018, as set forth in Paragraphs A – L, Pages 18 through 22, and as identified in Tonight's Planning and Zoning Staff Report on pages 7-12 subject to the following conditions:

1. The site plan shall include the following notes:
 - a. Hours of operation shall be limited to between 8:00 am and 11 pm; no amplified music shall be allowed after 10 pm; and, setup and cleanup of the event and workers and attendees to the event shall not arrive or leave the site before or after the hours of operation.
 - b. Events shall be required to meet the regulations of the Hamburg Township Noise Ordinance.
 - c. Adequate site and surrounding area clean-up shall be done within 48 hours following the event.
 - d. The agricultural use of the property must be started prior to the agritourism business. Meaning the crops shall be planted prior to site being used for the agritourism use.
2. The site plan shall include the following notes and prior to issuance of a land use permit, the zoning department shall verify that the lighting complies with these notes:
 - a. All light fixtures shall be fully shielded and must be directed downward toward the earth or building.
 - b. All outdoor lighting shall be turned off between 11:00 pm and sunrise and that all light fixtures used for security purposes are to be on motion detection devices.
 - c. The portable lights used shall be directed toward the ground and shall be located on the site so a maximum of 0.5 footcandles is emitted at the property line. These lights shall be reviewed and approved by staff to ensure that they meet Section 9.11.4 of the Township Ordinance
3. 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, and Health Department, and the Hamburg Township Engineer, Utilities and Fire Departments.

4. In addition to any other review from the building department, the building department shall also verify that all Federal and State requirements regarding handicapped parking, loading and access are met and that all other ADA requirements are met on the site.
5. If more than 50 cubic yards of grading will need to be done on this project a grading permit and plan shall be required. The grading shall be minimized and can be approved by staff as long as the grading plan respects the natural topography of the site to the maximum extent possible. If Staff is not comfortable approving the plan because of its scope it can be sent back to the Planning Commission for review as an amendment to the Special Use Permit.

The motion is made because the plan is otherwise in compliance with Article 3 and Article 4 of the Zoning Ordinance, and all other applicable provisions of the Ordinance,

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

7. NEW BUSINESS:

- a) ZTA19-009: (Public Hearing) Zoning Text Amendment to add regulations regarding collection bins. The regulation will allow collection bins within the Commercial and Industrial districts as long as some specific requirements can be met.

Chairman Muck opened the call to the public. Hearing no response, the call was closed.

Pacheco stated that this first came to the Planning Commission in November 2019. It is with regards to collection bins that are popping up around town. Those that have been put in have not done so legally, meaning that they have not come to the Township for approval. They are going on spaces that would require site plan amendments. We have been holding off enforcement until after we get some regulations in place. Because they have been installed without permits, we will be able to ask that they be removed and inform them where they can put them on the property. There are currently 5-6 in the CVS parking lot taking up approximately 6 parking spaces. CVS has already asked for reduced parking so we would never have allowed those spaces to be blocked. He stated that at the last meeting a couple minor modifications were requested. Those changes have been made and is now back for final review and recommendation to the Township Board.

Motion by Muir, supported by Bohn

To recommend to the Township Board approval of ZTA 19-009 to add regulations regarding Donation/collection bins as written in the staff report dated February 19, 2020

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

- b) Master Plan update (2020): Presentation of Draft 2020 Master Plan and updated Village Center Master Plan

Chairman Muck stated that we received a letter from Commissioner Leabu who could not be at tonight's meeting but served on the 2020 Master Plan Steering Committee.

Planner Pacheco stated that we have been working on this project for the past two years. We are in the final stretch. The Commission is getting the first look at the draft Master Plan. He gave a brief history and reviewed his staff report. He stated that in the draft Master Plan we included what use to be in the M-36 Corridor Plan. That plan will be eliminated. We did not however incorporate the Village Center Master Plan. That is still very important because that is the area where want to direct growth in the next 20+ years. That plan went into effect in 1995 and not much has changed. With our new goals and objectives in our Master Plan, it is much more clear that the area with higher

density is the Village Center zoning districts and not the more rural single family residential districts. We also separated the appendixes which makes the document easier and less intimidating. It is much clearer and more precise for developers. We hope to use this document as a sales document for the community. He further explained the process including comments from interested agencies before we distributed the document. The next step would be for the Planning Commission to recommend to the Township Board to move forward with distribution of the plan to the interested agencies who we have already talked to. There is a 63-day review period. After that review period, the Planning Commission will hold a public hearing on the final plan. The Commission can then make a recommendation to the Township Board. The Board then will have final approval of the Master Plan.

Chairman Muck thanked the entire Planning staff. He stated they did a remarkable job especially with the public outreach.

Commissioner Bohn stated that this is a vast improvement over our current Master Plan. The efforts are truly reflected in the document.

Commissioner Hamlin provided some minor language and grammatical changes.

Motion by Muir, supported by Priebe

To recommend to the Township Board distribution of the draft 2020 Master Plan dated 2/19/2020 with the minor changes as recommended by Commissioner Hamlin. The Township Board can either approve the distribution with no changes or minor changes or they can recommend major changes to the draft Master Plan. If they recommend major changes to the plan, then the plan with the proposed changes will need to be sent back to the Planning Commission for review

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

Motion by Muir, supported by Koeble

To recommend to the Township Board inclusion of the draft changes to the Village Center Master plan with the distribution of the draft 2020 Master Plan

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

8. ZONING ADMINISTRATOR'S REPORT:

Amy Steffens, Planning & Zoning Administrator stated that she would like to remind the Commissioners that the annual joint meeting with the Township Board, Planning Commission, Zoning Board of Appeals and Parks and Recreation Committee will be next Wednesday, February 26th at 7:00 p.m. They are currently working on the staff reports. It will be a year in review for 2019 and help us set our work plan for the coming year. Some of the zoning text amendments they will be talking about at this meeting include the unintended consequences of the non-conforming ordinance, we would like to talk about some of the floodplain development standards, and possibly short-term rentals. If there is anything that the Commissioners would like addressed, please let staff know before Friday as the packets will be going out.

9. ADJOURNMENT:

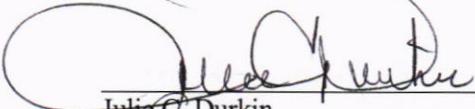
Motion by Hamlin, supported by Priebe

To adjourn the meeting

Voice vote: Ayes: 6 Nays: 0 Absent: 1 MOTION CARRIED

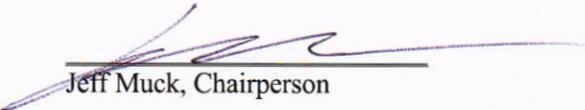
The Regular Meeting of the Planning Commission was adjourned at 8:00 p.m.

Respectfully submitted,


Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected:

A-15-28


Jeff Muck, Chairperson