



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

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

**Hamburg Township
Planning Commission
Wednesday, November 18, 2020 7:00 P.M.
7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Chairman Muck

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

Absent: (1 Vacancy)

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

2. PLEDGE TO THE FLAG:

3. APPROVAL OF THE AGENDA:

Chairman Muck stated that New Business 7b needs to be struck from the agenda.

Motion by Muir, supported by Leabu

To approve the agenda with the removal of New Business 7b

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

4. APPROVAL OF MINUTES:

a) October 21, 2020 Planning Commission Meeting Minutes

Motion by Hamlin, supported by Bohn

To approve the minutes of the October 21, 2020 Planning Commission Meeting Minutes as presented

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

5. CALL TO THE PUBLIC:

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

6. OLD BUSINESS

a) Public hearing for Zoning Ordinance Text Amendment (ZTA 20-006) proposes revisions to Section 9.6., Regulation of Floodplain Areas. The proposed amendment would clarify the NFIP requirements; identify the special flood hazard area the township administers; and require a one-foot freeboard, including for equipment

or mechanical items, for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage throughout the floodplain area.

Chairman Muck stated that this was discussed at the October meeting and given back to staff with suggestions. Staff has provided comments from the Livingston County Building Department and State NFIP Coordinator.

Amy Steffens, Planning & Zoning Administrator, stated these proposed changes are essentially required if the Township would like to remain a Class 8 community under the CRS program. If we do not make these changes, we will be moved to a Class 9. Our residents would lose an extra 5% on their flood insurance premiums. She is recommending that we incorporate the changes suggested by the EAGL NFIP Coordinator. She included in the packet his email that outlines his changes. He also comments that our ordinance is not "up to snuff", and she does agree with that statement. She did explain to him that we are going to re-do our entire Floodplain Ordinance next year. However, these changes need to be in place as soon as possible. The other changes will be discussed at a later date as they are very complicated. She is asking the Commission tonight for a recommendation for approval.

Commissioner Bohn stated that there were comments from both individuals regarding the extent of enforcement and issues relative to the Building Code. He would suggest that the Township Attorney look at that issue. There were also comments regarding the distinction between the State Building Code and our Ordinance relating to our standards. He believes that it is stated correctly in our ordinance that flood proofing is not an acceptable alternative to raising mechanical devices. Steffens stated that is correct and stated that the Township has adopted a resolution and a companion general ordinance that lays out the floodplain regulations. It is stated in the ordinance it does state that the Livingston County Building Department is the enforcement authority for the residential building code. This situation does create some problems because now they need to remember that we have a higher standard than what the residential building code requires. We have to have those elevation certificates prior, during and after construction.

Commissioner Muir stated that we are requiring a minimum one-foot freeboard. He questioned if we make sure that a house does not dump water on the neighbor. Steffens stated that you can raise the building envelope to get it out of the floodplain so that the lowest grade is at base flood elevation. We do not have a lot in our ordinance that speaks about residential drainage. Drainage is a civil matter in the State of Michigan. However, we have a requirement that you cannot increase the flow or velocity onto neighboring properties above pre-construction conditions. You can also just raise the house, which does not do anything to the grade itself.

Commissioner Muck asked if the grade certificate requirements are only for those within the flood zone. Steffens stated that it is required if you are doing any construction within the FEMA's identified floodplain.

No public was in attendance to comment on this zoning text amendment.

Motion by Bohn, supported by Muir

To recommend to the Township Board approval of Zoning Ordinance Text Amendment (ZTA 20-006) - revisions to Section 9.6., Regulation of Floodplain Areas.

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

7. NEW BUSINESS

- a) Public hearing for Zoning Ordinance Text Amendment (ZTA 20-007) proposes revisions to Article 14 Planned Units Development (PUD). The proposed amendment includes revising wording for clarification purposes, amending the area, height, bulk and layout regulations for ECHO and CHPUD projects, adding regulations to allow more than one type of PUD to be in a single project, and consolidating the review standards for all PUD projects.
- b) Draft zoning text amendment ZTA 20-008 for alternative energy regulations
- c) Adoption of 2021 Planning Commission meeting calendar

Chairman Muck stated that he understands that this was brought forward by a developer, but this could impact future building township-wide.

Scott Pacheco, Township Planner explained that on October 12, 2020 the applicant applied for the text amendment. What he wanted was to mix two types of PUD into a single project being ECHO Housing Units with an Open-space PUD. He felt that this was a reasonable request and would benefit Hamburg Township as long as there were regulations in place. They discussed the request, made some modifications and is now before the Commission for consideration. He reviewed both what the applicant needed to change as well as what the Township needed to do as far as changing the text. The attorney has seen this ordinance, has reviewed it and has no problems with it. The only thing she thought that it would be clearer to developers if they saw what project characteristics were and if they knew that they had to meet the open space requirements also in their parallel plan. Pacheco further reviewed the language of the ordinance.

The question was asked if we should be adding other types of units into this as well such as Cottage. Pacheco discussed where Cottage units are allowed. He gave examples within certain zoning districts. He stated that a mixed development community may only be approved within a zoning district in which all the proposed planned unit developments utilized are allowed. Only the permitted uses of the planned unit development utilized are allowed in the mixed unit development.

Pacheco explained the dwelling density and parallel plan. Further explanation continued on the development standards. He stated that with a PUD, everything is discretionary. A PUD is a subdivision that the Planning Commission reviews all of the requirements and has discretionary approval on anything.

Mr. Jeff Wilkerson, applicant discussed their proposal and stated that they felt that this design would benefit greatly by interspersing ECHO units throughout the development. They increased the setback to create continuity in the designs and make more of an inclusive community that they felt was not available. He further discussed other aspects such as shared driveway opportunities, etc. They want to control affordability and accessibility and retain the natural characteristics.

Pacheco stated that we want to make sure that we are not addressing this project here tonight. We are just addressing the zoning text amendment.

Discussion was held on mixing the ECHO housing with the older population amongst families with small children. Discussion was held on market studies showing that these would be marketable and people would buy them. Mr. Wilkerson stated that from their market research, people are looking for more inclusive communities. They do have some clustering of the ECHO units so that those residents would have some camaraderie, but now you have an opportunity where a young family can have their aging parents within the same community.

Discussion was held on some details such as minimum square footage and story height. Discussion was held on limiting the amount of ECHO units. Pacheco stated that the language does address this, and this has always been the case with the ECHO housing. He stated that we can always create language that addresses it better and address it during the 2021 Zoning Ordinance amendments to limit the number of ECHO units in a specific area.

Discussion was held on architectural aspects. Discussion was held on roof pitch.

Discussion was held on the acreage requirements. It was stated that if we are going to have a minimum acreage, then it would have to be adjusted for each underlying zoning. The consensus of the Commission was to eliminate the 30 acre requirement.

Discussion was held on eliminating the minimum house size of the ECHO units. It was stated that one could not imagine anyone building anything less than 400 square feet, but eliminating that requirement would make it more consistent with the rest of our codes.

The consensus of the Commission was to eliminate the roof pitch requirement. It was further stated that the height of a story should be addressed at some point in the future as well.

Discussion was held on Section 14.5.4. It was determined to eliminate both paragraphs A & B.

No public was in attendance to comment on this zoning text amendment.

Motion by Bohn, supported by Priebe

To recommend approval to the Township Board ZTA 20-007 as discussed at tonight's meeting with the following changes:

- Striking any minimum floor area
- Striking any requirement regarding roof pitch
- Striking Paragraphs A & B under Section 14.5.4 – Development Standards retaining the text “A mixed development community shall comply with the Development Standards of all of the Planned Unit Development types utilized in the project.”
- Striking “not allowed elsewhere in the regulations.” Under 14.3.4 F-Project Setbacks with the balance to read “10 ft. separation between roof overhangs on a habitable building”
- Incorporate the Township Attorney's recommended language

As presented in the Staff Report, the proposed amendment will allow additional flexibility in new developments without increasing any impacts on the community and still requiring the same review and approval requirements that currently exist. This Zoning text amendment is consistent with the goals and objectives of the Township's Master Plan. Staff has the authority to interpret the Commission's discussions regarding project setbacks and details as discussed at tonight's meeting.

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

- b) Draft zoning text amendment ZTA 20-008 for alternative energy regulations – Removed from the agenda
- c) Adoption of 2021 Planning Commission meeting calendar

Motion by Leabu, supported by Muir

To adopt the 2021 Planning Commission meeting calendar as presented

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

8. ZONING ADMINISTRATOR'S REPORT:

Amy Steffens, Planning & Zoning Administrator, stated that we are planning our 2021 Joint meeting which is tentatively scheduled for February 24, 2021. It would be helpful if the Commission could start thinking about items to discuss at that joint meeting such as items in the ordinance that need to be clarified, Zoning text amendments, any training events you may be interested, etc. Any comments should be directed to her.

A brief discussion was held on the intensity of the brightness of the Advanced Water Treatment Sign on M-36. Steffens stated that she would let our Code Ordinance Enforcement Officer know of this concern.

9. ADJOURNMENT

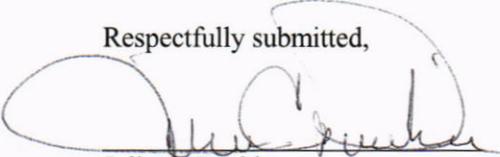
Motion by Bohn, supported by Muir

To adjourn the meeting

Voice Vote: Ayes: 6 Nays: 0 Absent: 0 1 Vacancy MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 8:18 p.m.

Respectfully submitted,



Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected: _____



Jeff Muck, Chairperson