



**Hamburg Township
Planning Commission
Wednesday, July 21, 2021 7:00 P.M.**

AGENDA

1. **Call to order**
2. **Pledge to the Flag**
3. **Approval of the Agenda**
4. **Approval of Minutes**

May 19, 2021 Planning Commission Meeting Minutes
5. **Call to the Public**
6. **Old Business:**

Zoning Text Amendment (ZTA20-008): Continued discussion of the draft zoning text amendments to regulate alternative energy systems (Solar and Wind Power).
7. **New Business:**
 - a) **Site Plan Review (SP21-003)** to consider an expansion to PRT Brighton Nursery at 4653 Bishop Lake Road (TID15-04-100-004). The site of the nursery is on 13.95 acres near the corner of Chilson Road and Bishop Lake Road.
 - b) **Appointment of officers** (Chair, Vice Chair, and Secretary)
8. **Zoning Administrator's Report**
9. **Adjournment**



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**Hamburg Township
Planning Commission
Virtual Meeting using GoToMeeting platform
Wednesday, May 19, 2021
7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Chairman Muck

Present: Bohn, calling in from Hamburg Township, Livingston County, Michigan
Hamlin, calling in from Hamburg Township, Livingston County, Michigan
Hughes, calling in from Hamburg Township, Livingston County, Michigan
Leabu, calling in from Hamburg Township, Livingston County, Michigan
Muck calling in from Hamburg Township, Livingston County, Michigan
Muir calling in from Hamburg Township, Livingston County, Michigan

Absent: Priebe

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:

Planner Pacheco suggested that 7a be moved to the beginning of the agenda so that the applicants do not have to sit through the discussion items if they choose not to.

Motion by Hamlin, supported by Hughes

To approve the agenda as amended moving New Business 7a to the beginning of the agenda after call to the public

Roll Call Vote: Bohn - Yes
Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

4. APPROVAL OF MINUTES:

a) April 21, 2021 Planning Commission Meeting Minutes

Commissioner Hamlin stated that Malvina Stolyar who lives on Thompson Pond spoke at the meeting and it is not reflected in the minutes.

Motion by Hughes, supported by Priebe

To approve the minutes of the April 21, 2021 meeting minutes as amended adding that Malvina Stolyar spoke relating to SPA20-002 and MPUD 20-001

Roll Call Vote: Bohn - Yes
Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

5. CALL TO THE PUBLIC:

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

NEW BUSINESS:

- a. SUP21-001 and PSPA20-001: Public Hearing to consider the Special Use Permit and Preliminary Site Plan Review application to allow the Gas Station use and construction at parcel 15-20-201-022.

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

Michael Yatooma, applicant, explained their proposal for a new store with a gas station on Pettysville to serve the community in a better way than the current site. He described the current outdated equipment and their desire to open the new location and close the old one. He further discussed the future use of the existing site and removal of equipment and tanks.

Scott Pacheco, Township Planner, reviewed his staff report and request for special use permit and preliminary site review. He discussed the review criteria as outlined in the zoning ordinance. He discussed those items required for final site plan review that is not yet available as well as his proposed conditions of approval. He discussed the lighting requirements and stated that again this can be revised prior to final site plan review. He stated that the Planning Commission is the approving body for the special use permit. However, the preliminary site plan will go to the Township Board with a recommendation by the Planning Commission. He has provided a review of the site plan standards that are used for final site plan approval. We want to make sure that they can meet those standards when they come back for final site plan. He has provided 10 suggested conditions of approval. He reviewed the discretionary standards in his report. He stated that the applicant submitted very complete plans and they meet most of the requirements with some small conditions. Chairman Muck added that they did a good job protecting the residential area including the amplified noise and the non-motorized connection.

Discussion was held on the non-motorized connection to the Lakeland Trail. Commissioner Bohn stated that he would like to see that as part of the project. Mr. Yatooma stated that they will make sure that happens. This is a family business and they want to make sure that they provide everything the community needs. Discussion was held on the future trails plan. Discussion was held on connecting this property to the property across the street.

Commissioner Leabu discussed the Commission seeing the building colors and materials prior to final. He further discussed the material of the trail and stated that he does not like wood-chip trails and would like to see some type of hard surface or crushed aggregate.

Commissioner Hamlin asked if there are bike racks proposed. Pacheco stated that they are not currently on the plan but could be part of the non-motorized plan that they will be working on.

Discussion was held on the turn radius for a large tanker truck to turn out of the site. Pacheco stated that he will have the Township Engineer review this.

Discussion was held on the fake windows to break up the brick wall and match the windows on the front.

Commissioner Hughes discussed the Neighborhood Commercial zoning to serve the residents of the immediate areas and smaller uses. She stated that she does not have a problem with the retail aspect but has trouble with 16 pumps based on the zoning district. It seems out of proportion when we are talking about smaller neighborhood services. Mr. Yatooma discussed the rush-hour business as well as vehicles with trailers. He discussed trying to eliminate people waiting for a pumping station.

Discussion was held on the access to the Lakeland Trail and the traffic signals and crosswalks.

Discussion was held on the orientation of the building on the site. Discussion was held on the location of the well. Commissioner Hughes stated that she would be opposed to granting a waiver if the location does not meet the distance from the residents.

Discussion was held on the installation of the storage tanks and the level of environmental protection. Mr. Yatooma discussed the construction of the tanks and the monitoring and level of protection. Discussion was held on the capacity of the tanks and the deliveries to the station.

Discussion was held on the landscape plan and vinyl fence. Discussion was held on the lighting and the trees acting as a buffer.

Commissioner Muir stated that he feels that there should be a sign posted on a site where there is a proposed site plan, special use permit or zoning change with the time, date and location of the hearing. He further stated that there does not seem to be anything in the submittal that indicates that there will be a removal of the existing gas station. That should be addressed as part of this project that the site would be renovated or removed to the satisfaction of the Township. Pacheco stated that the Township Attorney directed him to not put this as a condition of approval. Although the applicant has indicated that the gas station would be removed, we have to address this as if that gas station could re-open in the future. This applicant would be removing the gas tanks at the direction of EGL, but any future gas station would have to go through a special use permit and site plan review. The applicant addressed the potential sale and use of the property and adding a deed restriction that another establishment could not sell anything that they do.

Discussion was held on the architectural review. Discussion was held on brick and color choices.

Discussion was held on potential business during the early morning hours. The applicant stated that they will be assessing the need to be open 24 hours for the first year.

Commissioner Hamlin asked why we would not want to see where the off-road path is going to be before the final site plan. Pacheco stated that he put it in as research and potential, but he has heard tonight that there has to be a non-motorized connection to the convenience store.

Motion by Muir, supported by Muck

That the Planning Commission approves the Special Use Permit 21-001 to allow the Gas Station Use at Parcel 15-20-201-002 because as proposed as part of the Preliminary Site Plan 21-001 and as conditioned, the proposed project will meet the zoning regulations and the special use permit standards A-G in section 3.5.3.

Conditions of Approval:

Condition 1: The wall lights on the east and west sides of the structure and the free standing pole lights (1 in the dog walk area and 1 by the Pettysville Road access point) shall be turned off between 11:00 p.m. and sunrise. The wall lights on the east side may turned on to use at night for deliveries and to take out the garbage.

Condition 2: Prior to final site plan review, the lighting plan shall be revised so the canopy lights provide no more than 20 footcandles at the earth's surface.

Condition 3: Prior to final site plan approval, the applicant shall submit plans for the signage on the property that meet the sign regulations in Article 18 and shall meet the sign lighting requirement of section 9. 11.5 of the zoning ordinance.

Condition 4: Prior to final site plan approval, the applicant shall receive LCRC and MDOT approval of the proposed access and egress to Pettysville Road and M-36.

Condition 5: A note shall be added to the site plans that states all activities, except those required to be performed at the service island, shall be conducted entirely within an enclosed building.

Condition 6: Prior to the Final Site Plan review, the developer shall work with staff to create an architectural design that better blends into the area. (The PC may wish to have a PC member help with the architectural review).

Condition 7: To require that the applicant, prior to the Final Site Plan review, work with staff, LCRC, and MDOT to include the best location to provide non-motorized connections to this project from the Neighboring Community and the Lakelands Trail.

Condition 8: No amplified noise, be it music or other systems, will be utilized at the gas pumps. The only amplified noise will be a PA system that will be lightly used in the event that a service attendant needs to talk with someone at a pump.

Condition 9: Prior to review of the final site plan, the applicant shall submit a final site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance and any required approvals from all appropriate local, county, state and federal agencies including, but not limited to, Hamburg Township Fire, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department; and the Michigan Department of Transportation. Some agency approvals may not required until prior to the issuance of the land use permit.

Condition 10: The Special Use Permit approval is only valid with the approval of the final site plan for the project.

Roll Call Vote: Bohn - Yes
Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

Motion by Muir, supported by Muck

That the Planning Commission recommends approval of the preliminary site plan (SPA21-001) to the Township Board as conditioned in the Planning Commission approval of SUP21-001 because the project will be able to meet the site plan review standers A-I in section 4.4.3 in the Township zoning ordinance:

Roll Call Vote: Bohn - Yes
Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

6. OLD BUSINESS:

- a. ZTA20-008: Continued discussion of the draft zoning text amendments to regulate alternative energy systems (Solar and Wind Power)

Planner Pacheco gave a brief history of the discussions that have taken place with regards to alternative energy systems. He has provided some regulations from surrounding communities that were discussed at the previous meeting. He reviewed the suggestions that had been made at that time. He has put together a rough draft of an Alternative Energy Systems Ordinance for our community. He reviewed the language. He stated that it is putting into place how we have been regulating alternative energy, but with additional regulations. He discussed those changes to the current handling of requests. He indicated that he did pose the question to the Township Attorney regarding possible exemption under the Right to Farm Act, and he believes that they are not exempt. Further discussion was held on the special use permit requirements and additional regulations. He discussed the public inquiry and complaint process. He stated that he has not yet completed the graphics portions. At this time, he would like to hear comments and suggestions to move forward.

Discussion was held on the amount of land that would be required for a large-scale solar project. Discussion was held on a solar farm versus wind. Pacheco discussed a goal of the Master Plan to preserve farm activities, which by allowing them to convert to a solar farm would not allow them to preserve the farm activity. Discussion was held on wind energy versus solar.

Discussion was held on height regulations. Pacheco asked if the 100-foot height restriction would be what the Commission would be looking for in a small-scale project. He stated that he can bring back what other communities are requiring. Discussion was held on leaving the large-scale projects in the industrial zonings.

Discussion was held on requiring a qualified design professional for all the proposals. Discussion was held on how the measurements are made and the graphics section.

7. NEW BUSINESS:

- b. ZTA21-002: Public Hearing to consider the Zoning Text Amendment to provide code cleanup and clarification to the following sections of the Zoning Ordinance: Section 7.3.2 (E) regarding the minimum space required in a dwelling unit, Section 7.5.1 (G) F.1 regarding the approvals required for dredging and fillings of fish and wildlife ponds within 500 feet of a river, Section 7.6.1 Footnote 3 regarding restrictions for front yard setbacks, Section 7.6.1 Footnote 4 regarding reduced the setbacks from a natural river if there is an elevation change between the edge of the river and the proposed improvement, Section 7.7.1 (B) and (C) regarding the keeping of horses and chickens on vacant properties, Section 7.7.9.1 regarding review of historic buildings, and Section 8.18.1 and 8.18.2 regarding regulations for non-contiguous wind breaks, visual screens and walls around decks, terraces, patios, elevated decks and balconies.

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

Chairman Muck stated that we received the information at the March meeting and discussed the details. After approval and recommendation by the Planning Commission, it will go before the Township Board for approval

Discussion was held on accessory structures in rear lots. Pacheco stated that we are not dealing with that currently.

Motion by Hamlin, supported by Bohn

That the Planning Commission recommends approval to the Township Board of the minor amendments to the Zoning ordinance 7.3.2 (E) regarding the minimum space required in a dwelling unit, Section 7.5.1 (G) F.1 regarding the approvals required for dredging and fillings of fish and wildlife ponds within 500 feet of a river, Section 7.6.1 Footnote 3 regarding restrictions for front yard setbacks, Section 7.6.1 Footnote 4 regarding reduced the setbacks from a natural river if there is an elevation change between the edge of the river and the proposed improvement, Section 7.7.1 (B) and (C) regarding the keeping of horses and chickens on vacant properties, Section 7.7.9.1 regarding review of historic buildings, and Section 8.18.1 and 8.18.2 regarding regulations for non-contiguous wind breaks, visual screens and walls around decks, terraces, patios, elevated decks and balconies as the draft Zoning Text Amendment as shown in Exhibit A

Roll Call Vote: Bohn - Yes

Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

8. ZONING ADMINISTRATOR'S REPORT:

Amy Steffens, Planning & Zoning Administrator stated that there will be a new Zoning Administrator at the next meeting. The Commission thanked Amy for her service to the community and wished her the best in her future endeavors.

9. ADJOURNMENT

Motion by Muir, supported by Bohn

To adjourn the meeting

Voice Vote: Ayes: 6 Nays: 0 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: _____

Jeff Muck, Chairperson

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P.O. Box 157
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To: Planning Commissioners
From: Scott Pacheco, AICP
Date: July 21, 2021
Agenda Item: 6
Re: ZTA20-008 Alternative Energy System Regulations

PROJECT HISTORY:

Michigan has seen a recent growth of renewable energy partially due to Public Act 295 of 2008 and Public Act 342 of 2016. The 2008 Act required Michigan's energy providers to maintain at least 10% of their energy from renewable energy sources. The 2016 Act increases this requirement, mandating that an energy provider's portfolio be 12.5% renewable energy by 2019, with a later increase to 15% in 2021 and the goal is to have 35% of electric needs met through energy waste reduction and renewable energy by 2025. To meet these requirements, utility companies have undertaken a rapid expansion in developing Michigan's renewable energy sources, including wind and solar power. This expansion has increased the development pressures for these types of uses within local municipalities.

The Township Board directed staff at the 2020 joint meeting in February to propose an ordinance amendment that would add requirements for alternative energy systems.

On March 17, 2021 the Planning Commission reviewed the benefits and concerns regarding solar and wind energy systems and review current regulations for similar communities throughout the state of Michigan.

At this meeting the Planning Commission suggested that staff prepare draft regulations that would allow solar and wind power systems with regulations. Some of the suggestions from Planning Commissioners at March 17, 2021 meeting included:

- 1) Restricting the size of the solar and wind energy systems allowed throughout the community;
- 2) Providing screening of the solar and wind energy systems from adjacent neighbors and the roadways;
- 3) Requiring that once the system was no longer in use that it be removed from the site and that the site be restored;
- 4) That there be provisions that would allow community energy systems within subdivisions; and
- 5) That the process be both administrative for smaller alternative energy systems and require planning commission review for larger alternative energy systems (the process

should be created so that only on extreme circumstances would a variance be requested).

On May 19, 2021 the Planning Commission reviewed the first draft of ZTA20-008 the Draft Alternative Energy regulations. At this hearing the Commissioners review the Draft ZTA. During this review the Commissioner discussed where to allow Large Scale Alternative Energy Systems and recommended that the zoning regulations only allow large scale alternative energy systems in the industrial districts to limit the impact on adjacent property owners. The Commissioners and requested some grammatical changes to the ZTA and that staff research the surrounding communities to determine the appropriate height restrictions for standalone wind energy systems and notice the draft ZTA for a public hearing with suggested height restrictions.

STAFF ANALYSIS:

The following are the height restrictions for some of the surrounding communities that have wind energy regulations in their zoning ordinances:

- 1) Putnam Township allows One Small Scale (Private) Wind Energy Systems a maximum height of 50 feet on lots less than one acres, 75 feet on lots one acre to less than three acres, and 100 feet on 3 acres or grater. They do not all Large Scale (Commercial) Wind Energy Systems
- 2) Genoa Township allows small scale (on-site) wind energy systems up to 72 feet in height and up to 150 feet in height with approval of a special use permit. Large Scale
- 3) Dexter Township allows small scale (micro WECS) wind energy systems to be not taller than the tallest permitted principal building height for the zoning district
- 4) Pittsfield Township allows small scale (on-site) wind energy systems up to 150 feet and large scale wind energy systems up to 275 feet in height.

The following is a statement found in the Michigan State University example wind energy ordinance document:

“ Modern utility scale wind turbines include a tower (90 to 110 meters) and blades (45 to 55 meters) for a total height of about 440 to 550 feet. Generally, wind turbines are getting taller and more powerful. Where a single turbine might have produced 1.4 megawatts (MW) in the early 2000s, a modern onshore wind turbine can produce 2.5 to 3 MW. Using this example, building a 100 MW wind farm two decades ago would require about 70 turbines. In 2020, 33 to 40 turbines would be needed to produce the same amount of energy. If a community limits turbine height to 200, 300, or even 400 feet, they may be excluding modern utility-scale wind development and/or creating an incentive to site more, smaller turbines.”

Looking at the surrounding communities, understanding the applicable height for the units and the additional impacts on the surrounding property due to the height of the units staff has suggested that as a part of the draft ordinance small scale wind energy systems be limited to 50 feet maximum height, Medium scale wind energy systems be limited to 100 feet maximum height and large scale wind energy systems be limited to 300 feet maximum height.

The draft ordinance was reviewed by the Township Attorney only minor changes were made to the draft. These changes were made to draft ordinance (Exhibit A).

RECOMMENDATION:

Staff suggests that the Planning Commission review and discuss the proposed changes to the zoning regulations. The Planning Commission should than provide comments and suggestions on

these amendments and direct staff to notice this items for a future Planning Commission public hearing.

EXHIBITS

Exhibit A: Draft Zoning Text Amendment (ZTA20-008)

Exhibit B: May 19, 2021 Planning Commission Staff Report and Minutes

ARTICLE 2.0
DEFINITIONS

ALTERNATIVE ENERGY SYSTEMS:

SMALL SCALE ALTERNATIVE ENERGY SYSTEMS (SSAES): An Alternative Energy System that generates electric power from solar or wind that is intended to primarily serve the needs of the consumer on-site or on an adjacent property under the same ownership.

MEDIUM SCALE ALTERNATIVE ENERGY SYSTEMS (MSAES): An Alternative Energy System that generates electric power from solar or wind that is intended to primarily serve the needs of the consumers within a single development.

LARGE SCALE ALTERNATIVE ENERGY SYSTEMS (LSAES): An Alternative Energy System that generates electric power from solar or wind that is intended to provide electricity to the utility grid or to profit on the energy created.

ARTICLE 8.00

SUPPLEMENTARY PROVISIONS

Section 8.31. Alternative Energy Systems (AES)

8.31.1. Intent. It is the intent of the Township to allow property owners to utilize alternative energy systems to reduce utility costs and to promote cleaner forms of energy creation. The regulations are created to protect and preserve the character of the community while still allowing for these alternative energy sources to be utilized.

8.31.2. Purpose. The purpose of these regulations is to provide a clear understanding of the expectations for solar and wind energy systems to local residents, businesses, and local officials.

8.31.3. Application.

- A. Small Scale Alternative Energy Systems (SSAES) are allowed as an accessory use in all zoning districts as long as they meet the regulations of Subsections 8.31.4 and 8.31.5. If a SSAES cannot meet the regulations under Subsections 8.31.4 and 8.31.5 a special use permit (SUP) may be reviewed pursuant to section 3.5 Special Use Permits and if the SSAES meet the regulations under Subsection 8.31.6.
- B. Medium Scale Alternative Energy Systems (MSAES) are allowed as an accessory use to a development in all zoning districts with approval of a SUP and if the MSAES meets the regulations under Subsection 8.31.6
- C. Large Scale Alternative Energy Systems (LSAES) may be permitted in the Light Industrial (LI) and General Industrial (GI) Zoning Districts with approval of a SUP and if the LSAES meet the regulations under Subsection 8.31.6 All AES shall meet the noise regulations for the Township.

8.31.4. All Alternative Energy Systems (AES). The following regulations are required for all AES:

- A. AES shall be made of non-reflective materials and be a neutral color to blend into the area (i.e non-reflective white, tan, light grey or light blue)
- B. AES shall not cause any microwave, television, radio or navigation interference.
- C. AES shall have all transmission lines underground.
- D. AES shall be maintained and kept in a safe working condition.
- E. AES may not be used to display signage, including advertisements on the structure.

- F. Landscape screening shall be provided to screen the unit/units from adjacent properties and roadways when possible, in lieu of landscape screening the Zoning Administrator or Planning Commission may approve the use of a decorative fence. Landscape groundcover shall also be required in the area around the AES and as appropriate for the site.
- G. Wind Energy Systems (WES) shall have; automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding; lightning protection and if supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

8.31.5. Alternative Energy Systems (AES) Regulations with Land Use Permit. The following AES are allowed with approval of a Land Use Permit (Section 3.3):

- A. Small Scale Alternative Energy Systems (SSAES) All Small Scale Solar and Wind Energy Systems shall be subject to the following:
 - 1. shall be an accessory use to a primary use of the property or of an adjacent property under the same ownership;
 - 2. shall not include any lighting unless required by the FAA or other agency; and
 - 3. shall be removed when not in use for over one hundred and eighty (180) days.
- B. Small Scale Solar Energy Systems (SSSES):
 - 1. Roof or Building Mounted SSSES:
 - a. shall meet the setback for the building the located on;
 - b. shall not extend beyond the peak of the roof; and
 - c. shall extend no more than 5 feet above the surface it is mounted to.
 - 2. Standalone SSSES shall meet the regulations for accessory buildings and structures under section 8.3.
- C. Small Scale Wind Energy Systems (SSWES):
 - 1. Roof or Building Mounted SSWES:
 - a. shall meet the setback requirements for the building it is mounted to,
 - b. shall extend no more than 15 feet above the peak of the roof,
 - c. shall extend no more than 15 feet from the surface it is mounted to, and
 - d. shall not exceed four (4) roof or building mounted SSWES units on one lot.
 - 2. Standalone SSWES:
 - a. shall meet the required setback for the primary structure or have a minimum setback of 1.5 time the height of the SSWES, whichever is greater,
 - b. shall be no taller than 17 feet,
 - c. shall have a clearance of 10 feet between the SSWES blades and the nearest standing or walking surface (i.e the ground, a deck, a rooftop patio, ect...), and
 - d. shall not exceed one (1) standalone SSWES units on one lot.

8.31.6. Alternative Energy Systems (AES) regulations with Special Use Permit (SUP): the following AES are allowed with approval of a SUP (Section 3.5).

- A. Small Scale Alternative Energy Systems (SSAES) require SUP approval if they do not meet the regulations under section 8.31.4 and 8.31.5. The Planning Commission may approve a SUP only if the SSAES meets the following regulations:

1. SSAES that require a SUP:
 - a. shall be on a lot greater than 10 acres,
 - b. shall cover no more than 10% of the lot area,
 - c. shall meet the required setback for the primary structure or have a minimum setback of 1.5 time the height of the SSAES, whichever is greater,
 - d. shall provide landscape screening to screen the unit from adjacent properties, in lieu of landscape screen the Planning Commission may approve the use of a decorative fence and
 - e. shall be removed if not in use for over one year.
2. Small Scale Solar Energy Systems (SSSES) that require a SUP shall be no taller than 25 feet in height for standalone SSSES and no greater than 45 feet in height measured from existing grade for roof or building mounted SSSES.
3. Small Scale Wind Energy Systems (SSWES) that request a SUP:
 - a. shall be no greater than One Hundred (100) feet in height; and
 - b. shall have a minimum of 20 feet of clearance between the blades and the nearest walking or standing surfaces; and
- B. Medium Scale Alternative Energy Systems (MSAES) require SUP approval or may be approved as a part of a Planned Unit Development in all zoning districts. The Planning Commission may approve the MSAES if it meets the following regulations:
 1. MSAES:
 - a. Shall be on a lot under common ownership and a maintenance agreement shall be in place for the maintenance of the MSAES.
 - b. Shall meet the required setback for the primary structure or have a minimum setback of 1.5 time the height whichever is greater,
 - c. May be located in the common open space area of a project if designed to be integrated into the use of the area and approved by the Planning Commission.
 - d. Following the operational life of the project, the Applicant shall perform decommissioning and removal of the MSAES and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval as part of the consideration of the Special Land Use Permit Application for the MSAES. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. Any MSAES that is not operated for a continuous period of one hundred and eighty (180) days shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original or similar adjacent topography within three hundred sixty-five (365) days of abandonment or decommissioning.
 2. Medium Scale Solar Energy Systems (MSSSES) shall be no taller than 25 feet in height for standalone SSSES and no greater than 45 feet measured from existing grade in height for roof or building mounted MSSSES
 3. Medium Scale Wind Energy Systems (MSWES):

- a. shall be no greater than One Hundred (100) feet in height; and
 - b. shall have a minimum of 15 feet of clearance between the blades and the nearest walking or standing surfaces; and
- C. Large Scale Alternative Energy Systems (LSAES) require SUP approval and must be located in the Light Industrial (LI) or General Industrial (GI) Districts. The Planning Commission may approve a SUP only if the LSAES meets the following regulations:
- 1. All LSAES:
 - a. Shall include a six (6) foot tall perimeter security fence to restrict unauthorized access is required as permitted in Section 8.15.
 - b. Shall maintain a setback no smaller than 100 feet from a property line or be setback 1.5 times the height of the LSAES structure, whichever is greater.
 - c. Following the operational life of the project, the Applicant shall perform decommissioning and removal of the LSAES and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior as part of the Special Land Use Permit Application for the LSAES. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to three (3) feet below-grade shall be removed offsite for disposal. Any LSAES that is not operated for a continuous period of one hundred and eighty (180) days shall be considered abandoned and shall be removed under the Decommissioning Plan. The ground must be restored to its original or similar adjacent topography within three hundred sixty-five (365) days of abandonment or decommissioning.
 - d. Once a LSAES is approved the Township shall have the right at any reasonable time and shall provide day of inspection notice to the Applicant to inspect the premises on which any LSAES is located for compliance with the terms of the approval. The Township may hire one or more consultants, with approval from the Applicant (which shall not be unreasonably withheld), to assist with inspections at the Applicant's or project owner's expense.
 - 2. Large Scale Solar Energy Systems (LSSES) shall be no taller than 25 feet in height for standalone LSSES and no greater than 45 feet measured from existing grade in height for roof or building mounted LSSES
 - 3. Large Scale Wind Energy Systems (LSWES) shall:
 - a. Be no greater than 300 feet in height:
 - b. have a minimum of 20 feet of clearance between the blades and the nearest walking or standing surfaces; and
- D. Additional Information that may be required by the Planning Commission for All Alternative Energy Systems (AES) that require an Special Use Permit. The following analysis and reports shall be prepared by qualified professionals.

1. A four-season analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify all areas where shadow flicker may affect occupants or users of the structures or properties. The analysis shall describe measures that will be taken to eliminate or mitigate adverse effects.
2. A visual impact simulation showing the completed AES from multiple angles, locations and scales.
3. A predictive noise modeling and analysis report showing sound levels at various distances. The modeling must show compliance with sound standards applicable to this ordinance. The modeling study shall use turbine locations identical to the site plans submitted with this application.
4. An environmental analysis identifying and assessing any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse the impacts identified and show those measures on the site plan, where applicable. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
5. An Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and shall show those measures on the site plan. The applicant shall evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The analysis must show consultation and evaluation based on applicable U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines (2012 or latest version).
 - a. At a minimum, the analysis shall include a thorough review of existing information regarding species, potential habitats, and sites requiring special scrutiny (such as endangered or threatened species habitat or other known special habitat) in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's endangered species protection laws (NREPA, Act 451 of 1994, Part 365).
 - b. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
6. A decommissioning performance guarantee prior to the start of construction of the AES structure or structures for an amount necessary to accomplish the work specified in the decommissioning plan or if no decommissioning plan was required, the guarantee be for an amount deemed reasonably sufficient to restore the property to its previous condition prior to construction and operation of the

AES. The performance guarantee shall meet the requirement under section 5.3 of this Ordinance.

- E. Public inquiries and complaints. Should an aggrieved property owner allege that a AES is not in compliance with the requirements, the procedure to address the allegation shall be as follows:
1. Notify the township in writing regarding the concerns.
 2. If the complaint is deemed sufficient by the township to warrant an investigation, the township will request the aggrieved property owner deposit funds in an amount sufficient to pay for any tests that may need to be conducted by an outside consultant to determine compliance with the requirements.
 3. If the test indicates that the AES meets the approved requirements, the township will use the deposit to pay for the consultant fees.
 4. If the AES is in violation of the approval requirements, the owner(s) shall reimburse the township for the consultant fees and take immediate action to bring the AES into compliance which may include ceasing operation of the AES until violations are corrected. The township will refund the deposit to the aggrieved property owner.



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

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

**Hamburg Township
Planning Commission
Virtual Meeting using GoToMeeting platform
Wednesday, May 19, 2021
7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Chairman Muck

Present: Bohn, calling in from Hamburg Township, Livingston County, Michigan
Hamlin, calling in from Hamburg Township, Livingston County, Michigan
Hughes, calling in from Hamburg Township, Livingston County, Michigan
Leabu, calling in from Hamburg Township, Livingston County, Michigan
Muck calling in from Hamburg Township, Livingston County, Michigan
Muir calling in from Hamburg Township, Livingston County, Michigan

Absent: Priebe

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:

Planner Pacheco suggested that 7a be moved to the beginning of the agenda so that the applicants do not have to sit through the discussion items if they choose not to.

Motion by Hamlin, supported by Hughes

To approve the agenda as amended moving New Business 7a to the beginning of the agenda after call to the public

Roll Call Vote: Bohn - Yes
Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

4. APPROVAL OF MINUTES:

a) April 21, 2021 Planning Commission Meeting Minutes

Commissioner Hamlin stated that Malvina Stolyar who lives on Thompson Pond spoke at the meeting and it is not reflected in the minutes.

Motion by Hughes, supported by Priebe

To approve the minutes of the April 21, 2021 meeting minutes as amended adding that Malvina Stolyar spoke relating to SPA20-002 and MPUD 20-001

Roll Call Vote: Bohn - Yes
Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

5. CALL TO THE PUBLIC:

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

NEW BUSINESS:

- a. SUP21-001 and PSPA20-001: Public Hearing to consider the Special Use Permit and Preliminary Site Plan Review application to allow the Gas Station use and construction at parcel 15-20-201-022.

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

Michael Yatooma, applicant, explained their proposal for a new store with a gas station on Pettysville to serve the community in a better way than the current site. He described the current outdated equipment and their desire to open the new location and close the old one. He further discussed the future use of the existing site and removal of equipment and tanks.

Scott Pacheco, Township Planner, reviewed his staff report and request for special use permit and preliminary site review. He discussed the review criteria as outlined in the zoning ordinance. He discussed those items required for final site plan review that is not yet available as well as his proposed conditions of approval. He discussed the lighting requirements and stated that again this can be revised prior to final site plan review. He stated that the Planning Commission is the approving body for the special use permit. However, the preliminary site plan will go to the Township Board with a recommendation by the Planning Commission. He has provided a review of the site plan standards that are used for final site plan approval. We want to make sure that they can meet those standards when they come back for final site plan. He has provided 10 suggested conditions of approval. He reviewed the discretionary standards in his report. He stated that the applicant submitted very complete plans and they meet most of the requirements with some small conditions. Chairman Muck added that they did a good job protecting the residential area including the amplified noise and the non-motorized connection.

Discussion was held on the non-motorized connection to the Lakeland Trail. Commissioner Bohn stated that he would like to see that as part of the project. Mr. Yatooma stated that they will make sure that happens. This is a family business and they want to make sure that they provide everything the community needs. Discussion was held on the future trails plan. Discussion was held on connecting this property to the property across the street.

Commissioner Leabu discussed the Commission seeing the building colors and materials prior to final. He further discussed the material of the trail and stated that he does not like wood-chip trails and would like to see some type of hard surface or crushed aggregate.

Commissioner Hamlin asked if there are bike racks proposed. Pacheco stated that they are not currently on the plan but could be part of the non-motorized plan that they will be working on.

Discussion was held on the turn radius for a large tanker truck to turn out of the site. Pacheco stated that he will have the Township Engineer review this.

Discussion was held on the fake windows to break up the brick wall and match the windows on the front.

Commissioner Hughes discussed the Neighborhood Commercial zoning to serve the residents of the immediate areas and smaller uses. She stated that she does not have a problem with the retail aspect but has trouble with 16 pumps based on the zoning district. It seems out of proportion when we are talking about smaller neighborhood services. Mr. Yatooma discussed the rush-hour business as well as vehicles with trailers. He discussed trying to eliminate people waiting for a pumping station.

Discussion was held on the access to the Lakeland Trail and the traffic signals and crosswalks.

Discussion was held on the orientation of the building on the site. Discussion was held on the location of the well. Commissioner Hughes stated that she would be opposed to granting a waiver if the location does not meet the distance from the residents.

Discussion was held on the installation of the storage tanks and the level of environmental protection. Mr. Yatooma discussed the construction of the tanks and the monitoring and level of protection. Discussion was held on the capacity of the tanks and the deliveries to the station.

Discussion was held on the landscape plan and vinyl fence. Discussion was held on the lighting and the trees acting as a buffer.

Commissioner Muir stated that he feels that there should be a sign posted on a site where there is a proposed site plan, special use permit or zoning change with the time, date and location of the hearing. He further stated that there does not seem to be anything in the submittal that indicates that there will be a removal of the existing gas station. That should be addressed as part of this project that the site would be renovated or removed to the satisfaction of the Township. Pacheco stated that the Township Attorney directed him to not put this as a condition of approval. Although the applicant has indicated that the gas station would be removed, we have to address this as if that gas station could re-open in the future. This applicant would be removing the gas tanks at the direction of EGL, but any future gas station would have to go through a special use permit and site plan review. The applicant addressed the potential sale and use of the property and adding a deed restriction that another establishment could not sell anything that they do.

Discussion was held on the architectural review. Discussion was held on brick and color choices.

Discussion was held on potential business during the early morning hours. The applicant stated that they will be assessing the need to be open 24 hours for the first year.

Commissioner Hamlin asked why we would not want to see where the off-road path is going to be before the final site plan. Pacheco stated that he put it in as research and potential, but he has heard tonight that there has to be a non-motorized connection to the convenience store.

Motion by Muir, supported by Muck

That the Planning Commission approves the Special Use Permit 21-001 to allow the Gas Station Use at Parcel 15-20-201-002 because as proposed as part of the Preliminary Site Plan 21-001 and as conditioned, the proposed project will meet the zoning regulations and the special use permit standards A-G in section 3.5.3.

Conditions of Approval:

Condition 1: The wall lights on the east and west sides of the structure and the free standing pole lights (1 in the dog walk area and 1 by the Pettysville Road access point) shall be turned off between 11:00 p.m. and sunrise. The wall lights on the east side may turned on to use at night for deliveries and to take out the garbage.

Condition 2: Prior to final site plan review, the lighting plan shall be revised so the canopy lights provide no more than 20 footcandles at the earth's surface.

Condition 3: Prior to final site plan approval, the applicant shall submit plans for the signage on the property that meet the sign regulations in Article 18 and shall meet the sign lighting requirement of section 9. 11.5 of the zoning ordinance.

Condition 4: Prior to final site plan approval, the applicant shall receive LCRC and MDOT approval of the proposed access and egress to Pettysville Road and M-36.

Condition 5: A note shall be added to the site plans that states all activities, except those required to be performed at the service island, shall be conducted entirely within an enclosed building.

Condition 6: Prior to the Final Site Plan review, the developer shall work with staff to create an architectural design that better blends into the area. (The PC may wish to have a PC member help with the architectural review).

Condition 7: To require that the applicant, prior to the Final Site Plan review, work with staff, LCRC, and MDOT to include the best location to provide non-motorized connections to this project from the Neighboring Community and the Lakelands Trail.

Condition 8: No amplified noise, be it music or other systems, will be utilized at the gas pumps. The only amplified noise will be a PA system that will be lightly used in the event that a service attendant needs to talk with someone at a pump.

Condition 9: Prior to review of the final site plan, the applicant shall submit a final site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance and any required approvals from all appropriate local, county, state and federal agencies including, but not limited to, Hamburg Township Fire, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department; and the Michigan Department of Transportation. Some agency approvals may not required until prior to the issuance of the land use permit.

Condition 10: The Special Use Permit approval is only valid with the approval of the final site plan for the project.

Roll Call Vote: Bohn - Yes
Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

Motion by Muir, supported by Muck

That the Planning Commission recommends approval of the preliminary site plan (SPA21-001) to the Township Board as conditioned in the Planning Commission approval of SUP21-001 because the project will be able to meet the site plan review standers A-I in section 4.4.3 in the Township zoning ordinance:

Roll Call Vote: Bohn - Yes
Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

6. OLD BUSINESS:

- a. ZTA20-008: Continued discussion of the draft zoning text amendments to regulate alternative energy systems (Solar and Wind Power)

Planner Pacheco gave a brief history of the discussions that have taken place with regards to alternative energy systems. He has provided some regulations from surrounding communities that were discussed at the previous meeting. He reviewed the suggestions that had been made at that time. He has put together a rough draft of an Alternative Energy Systems Ordinance for our community. He reviewed the language. He stated that it is putting into place how we have been regulating alternative energy, but with additional regulations. He discussed those changes to the current handling of requests. He indicated that he did pose the question to the Township Attorney regarding possible exemption under the Right to Farm Act, and he believes that they are not exempt. Further discussion was held on the special use permit requirements and additional regulations. He discussed the public inquiry and complaint process. He stated that he has not yet completed the graphics portions. At this time, he would like to hear comments and suggestions to move forward.

Discussion was held on the amount of land that would be required for a large-scale solar project. Discussion was held on a solar farm versus wind. Pacheco discussed a goal of the Master Plan to preserve farm activities, which by allowing them to convert to a solar farm would not allow them to preserve the farm activity. Discussion was held on wind energy versus solar.

Discussion was held on height regulations. Pacheco asked if the 100-foot height restriction would be what the Commission would be looking for in a small-scale project. He stated that he can bring back what other communities are requiring. Discussion was held on leaving the large-scale projects in the industrial zonings.

Discussion was held on requiring a qualified design professional for all the proposals. Discussion was held on how the measurements are made and the graphics section.

7. NEW BUSINESS:

- b. ZTA21-002: Public Hearing to consider the Zoning Text Amendment to provide code cleanup and clarification to the following sections of the Zoning Ordinance: Section 7.3.2 (E) regarding the minimum space required in a dwelling unit, Section 7.5.1 (G) F.1 regarding the approvals required for dredging and fillings of fish and wildlife ponds within 500 feet of a river, Section 7.6.1 Footnote 3 regarding restrictions for front yard setbacks, Section 7.6.1 Footnote 4 regarding reduced the setbacks from a natural river if there is an elevation change between the edge of the river and the proposed improvement, Section 7.7.1 (B) and (C) regarding the keeping of horses and chickens on vacant properties, Section 7.7.9.1 regarding review of historic buildings, and Section 8.18.1 and 8.18.2 regarding regulations for non-contiguous wind breaks, visual screens and walls around decks, terraces, patios, elevated decks and balconies.

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

Chairman Muck stated that we received the information at the March meeting and discussed the details. After approval and recommendation by the Planning Commission, it will go before the Township Board for approval

Discussion was held on accessory structures in rear lots. Pacheco stated that we are not dealing with that currently.

Motion by Hamlin, supported by Bohn

That the Planning Commission recommends approval to the Township Board of the minor amendments to the Zoning ordinance 7.3.2 (E) regarding the minimum space required in a dwelling unit, Section 7.5.1 (G) F.1 regarding the approvals required for dredging and fillings of fish and wildlife ponds within 500 feet of a river, Section 7.6.1 Footnote 3 regarding restrictions for front yard setbacks, Section 7.6.1 Footnote 4 regarding reduced the setbacks from a natural river if there is an elevation change between the edge of the river and the proposed improvement, Section 7.7.1 (B) and (C) regarding the keeping of horses and chickens on vacant properties, Section 7.7.9.1 regarding review of historic buildings, and Section 8.18.1 and 8.18.2 regarding regulations for non-contiguous wind breaks, visual screens and walls around decks, terraces, patios, elevated decks and balconies as the draft Zoning Text Amendment as shown in Exhibit A

Roll Call Vote: Bohn - Yes

Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes

MOTION CARRIED

8. ZONING ADMINISTRATOR'S REPORT:

Amy Steffens, Planning & Zoning Administrator stated that there will be a new Zoning Administrator at the next meeting. The Commission thanked Amy for her service to the community and wished her the best in her future endeavors.

9. ADJOURNMENT

Motion by Muir, supported by Bohn

To adjourn the meeting

Voice Vote: Ayes: 6 Nays: 0 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: _____

Jeff Muck, Chairperson

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



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



To: Planning Commissioners
From: Brittany Stein,
Zoning Coordinator
Date: July 21, 2021
Agenda Item: 7a
Project address and description: **Site Plan Review (SP21-003)** to consider an expansion to PRT Brighton Nursery at 4653 Bishop Lake Road (TID15-04-100-004). The site of the nursery is on 13.95 acres near the corner of Chilson Road and Bishop Lake Road.
Owner: PRT Growing Services, LTD - State of Michigan Department of Natural Resources (DNR)
Applicant: PRT Brighton Nursery (PRT Growing Services, LTD)

Project Description:

The proposed expansion to the existing commercial nursery operation will comprise a 5.15 acres additional acres of leased area of the 457.94 acre parcel 15-04-100-004 owned by the DNR. This property is accessed off of Bishop Lake Road and is near the northeast corner of Chilson Road and Bishop Lake Road. This site plan review includes six 205' by 35' greenhouse structures and seven 205' by 35' open raised beds will be built on the site, expansion of the existing detention pond and addition of a well and pump house.

The commercial nursery produces approximately 14 million trees a year and is staffed by 2 full time employees. There are approximately 10 seasonal employees from December to September, and up to 40 seasonal employees in October and November. The number of employees is not changing. During production and shipping (Oct/Nov) there is approximately one semi-truck shipment of trees processed each day.

History:

At the July 12, 2018 Planning Commission meeting the original site plan was approved for a commercial nursery operation leasing a 13.95 acre area of the 457.94 acre parcel owned by the DNR. One 70' by 143' metal sided production building, twenty six 205' by 35' greenhouse structures and four 205' by 35' open raised beds have built on the site. Most of the 13.95 acre area is graded and covered with gravel. The handicap parking spaces and the ADA accessible pathway to the building are paved. There is an existing 32 space parking lot, and a detention pond at the southeast corner of the leased area and a landscaped screening berm along Chilson Road.

<u>Criteria/Regulation</u>	<u>Required by Regulations</u>	<u>Proposed Project</u>	<u>Status</u>
<u>PPRF Setbacks:</u> Front Yard: Rear Yard: Side: Side with street frontage:	100' 100' 50' 100'	>100' >50' >50' 100'	✓ ✓ ✓ ✓
Because the lot is a 457.94 acres DNR property the only setback that is close to a property line is the west side setback which is along Chilson Road. This setback meets the PPRF zoning district regulations.			
<u>Height:</u>	2.5 story/ 35 feet	Green Houses: 1 Story/ 14 feet	✓
<u>Lot Size:</u>	40 Acres	Leased Area: 13.95 + 5.15 acres Lot Area: 457.94 acres	✓
<u>Lot Coverage</u> <u>Building:</u> <u>Total Impermeable:</u>	20% of Lot Size 20% of Lot Size	Leased Area: 75% Lot Area: less than 1%	✓ ✓

<p><u>Landscaping:</u> 20' Wide Greenbelt</p>	<p>1 canopy tree and 4 shrubs, for 40 linear feet of frontage</p>		<p>✓</p>
<p>Section 9.4.6 (B) does not require a landscape buffer in the PPRF district however because the use of this DNR property will be commercial in nature staff believe that the commercial district screen buffer should be required along the roadway.</p> <p>Landscaping, including trees, shrubs and other vegetative material is provided to maintain, improve and/or restore the aesthetic quality of the site.</p> <p>The proposed landscape plan will preserve the existing berm with the existing trees and shrubs along Chilson road. The plan proposes to extend the existing three (3)-foot tall berm along the west property boundary to help screen the development and additional greenhouses from Chilson Road. The two (2) existing trees are intended to be removed. The applicant is intending to plant a total of six (6) canopy trees and 22 shrubs along the new berm.</p> <p>Upon a site visit to the property the nursery manager mentioned would like to plant a couple of pine trees which are grown from the facility within the berm. This would add additional screening and be a nice display of the trees grown and distributed from the site. These trees do not need township approvals, and can be planted at later dates. Staff suggests to evenly distribute the plantings of these trees, which are not labeled on the plans.</p>			

<p><u>Engineering:</u></p> <p>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.</p> <p>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.</p> <p>Conformance to the adopted Hamburg Township Engineering and Design Standards.</p> <p>See the Township Engineering, Progressive Results, review of the project (exhibit C).</p> <p>Prior to the issuance of a Land Use Permit for the project, the comments of the Township Engineer shall be adequately addressed.</p>

Outdoor Storage:

Currently there is an area of outdoor storage of materials between the parking area and the detention pond, including pallets. Outdoor storage of materials is not specified within the PPRF zoning district. Staff considers this to be accessory to the principal permitted use, and does not object to the storage of these materials on site. However it is recommended that the applicant note this storage area on the site plan, and therefore it should not be expanded.

Parking:

No changes proposed. The parking area is remaining the same size. Based upon the expansion of additional greenhouses and other work proposed on site, staff believes the parking needs and requirements are adequate. As stated there are no additional employees or other reasons to require additional parking. Although, if in the foreseeable future the nursery manager may need to work with the State DNR to accommodate any additional parking needs.

Lighting:

No changes proposed.

Recommendations:

Staff recommend the Planning Commission review the proposed amendment to the site plan project (SP21-003) to allow an expansion of the commercial nursery on 5.15 acres of leased area on the 457.94 acres site (parcel 15-04-400-004) owned by the DNR, near the corner of Chilson Road and Bishop Lake Road. If the Planning Commission decides to recommend approval of the site plan application to the Township Board staff suggestion the following conditions of project approval:

Suggested Conditions of Approval:

- 1) Prior to the issuance of a Land Use Permit for the project the comments of the Township Engineer shall be adequately addressed.
- 2) Prior to the issuance of a building permit all state, federal and local requirements shall be address. Including but not limited to a permit for the LCRC shall be obtained for the proposed driveway location, a permit for the LCDC shall be obtained for any soil erosion control and drainage requirements, a permit shall be obtained from LCHD for septic and well locations and sizes, approvals shall be obtained from the Hamburg Township Fire District and a land use permit shall be obtained from the Hamburg Township Zoning Department.
- 3) Outdoor storage of materials shall be addressed by the planning commission. It is recommended that the applicant indicate this storage area on the site plan, and it should not be expanded.
- 4) Comments from the Engineer shall be addressed:
 - a. The existing detention basin is proposed to be expanded to accommodate the additional run off. The volume calculations are in conformance with the Township ordinance and current Livingston County Drain Commissioner

standards (LCDC). However, the existing outfall will likely require modification.

The petitioner should provide calculations and details for the modification.

- b. The petitioner should provide storm water conveyance calculations.
- c. The proposed gravel sections are similar to the existing surface.

Next Steps:

If the Planning Commission recommends approval of the final site plan to the Township Board the Planning Commission's recommendation will be forwarded to the Township Board for review. The Township Board will make the final determination of the final site plan application.

Exhibits:

Exhibit A: Application Materials

Exhibit B: Project Plans (24" by 36" Planning Commissioners Only)

Exhibit C: July 15, 2021 Engineering Comments



HAMBURG TOWNSHIP
Date 06/16/2021 3:54:58 PM
Ref SP21-003
Receipt 1251097
Amount \$6,100.00

SPA 21-003
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:** PRT Submittal Date: _____

4. **PROJECT ADDRESS:** 4653 Bishop Lake Rd, Howell, MI 48843

Tax Code Numbers: 15 - 04-100-004 15 - _____ 15 - _____
15 - _____ 15 - _____ 15 - _____

Metes & Bounds Parcel Subdivision _____ Lot Numbers: _____

Zoning District Classification: PPRF Floodplain Classification: N/A

Number of Lots Proposed: N/A Acreage of Project: 5.15

5. **PROJECT DESCRIPTION:** Additional greenhouses and open compound growing areas plus new well and pumphouse

6. OWNER/PROPRIETOR INFORMATION:

Name: PRT Growing Services Ltd. Phone Number(s): 250 308-6861
Email: peter.richter@prt.com Address: 668 St. Anne Rd
City: Armstrong State: BC Zip: VOE 1B5
Province postal code

7. APPLICANT:

Name: PRT Brighton Nursery Phone Number(s): 810-626-7009 / 517-715-3702
Email: chad.fields@prt.com Address: 4653 Bishop Lake Rd
City: Howell State: MI Zip: 48843

8. DESIGNER INFORMATION:

Name: Livingston Engineering Phone Number(s): (810) 225-7100
Email: info@livingstone.com Address: 3300 S. Old 4523
City: Brighton State: MI Zip: 48114

9. SPECIAL USE PERMIT:

Is a Special Use Permit required for this project? No Yes
IF YES, Attach Special Use Permit Application Form with this site plan review application form

APPLICANT CERTIFICATION:

I hereby certify that all structures and uses for which this application is made shall conform to the Ordinances of Hamburg Township, Livingston County and the State of Michigan. All information submitted as a part of the site plan application is to my knowledge accurate. If the information is determined either now or in the future to be inaccurate any permits granted for the incorrect information shall be void and any structures built or uses approved may be in violation of the required ordinances and must otherwise be brought into compliance with all regulations.

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

PROPERTY OWNERS SIGNATURE: _____



DATE: June 15/21

*If an agent submits the project to the Township for the property owner a letter authorizing must be submitted.

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.

6. Location of existing and proposed service facilities above and below ground, including:
- a. Well sites.
 - b. Septic systems and other wastewater treatment systems. The location of the septic tank and drain field (soil absorption system) should be clearly distinguished.
 - c. Chemical and fuel storage tanks and containers.
 - d. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - e. Water mains, hydrants, pump houses, standpipes, and building services and sizes.
 - f. Sanitary sewers and pumping stations.
 - g. Stormwater control facilities and structures including storm sewers, swales, retention and detention basins, drainage ways and other facilities, including calculations for sizes.
 - h. Location of all easements.

7. Any other pertinent physical features.

———— C. **Natural Features**

1. Map of existing topography at two-foot (2') contour intervals with existing surface drainage indicated.
2. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service "Soil Survey of Livingston County, Michigan."
3. On parcels of more than one acre, existing topography with a maximum contour interval of two feet indicated. Topography on the site and beyond the site for a distance of 100 feet in all directions should be indicated. Grading plan, showing finished contours at a maximum interval of two feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
4. Location of existing drainage courses, including lakes, ponds, rivers and streams, and all elevations.
5. Location of existing wetlands, delineated under the requirements of section 3.6, Wetland Determination. A Michigan Department of Natural Resources (MDNR) permit shall be required for activities in a regulated wetland or an inland lake or stream. A copy of any correspondence with and applications to the MDNR shall be submitted with the site plan application. The Planning Commission shall not grant final site plan approval until all necessary permits have been obtained.
6. Location of natural resource features, including woodlands and areas with slopes greater than 10 percent (one foot of vertical elevation for every 10 feet of horizontal distance).
7. Location of the required 50 foot natural features setback.
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.

NA

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 Hamburg Environmental Review Board (HERB). The HERB 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 HERB 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 HERB may recommend a mitigation plan be required which will describe how disturbed natural features were relocated or replace. (See Article 2.00 for complete definition of terms)
6. Impact on storm water management: Description of natural drainage patterns and soil infiltration and unsaturated soil capacity. A description of changes to site drainage and storm water

management facilities to be installed in compliance with the Township Storm Water Ordinance. Description of measures to control soil erosion and sedimentation during grading and construction operations and until a permanent ground cover is established. Recommendations for such measures may be obtained from the County Soil Conservation Service.

- 7. **Special Provisions:** Provide a general description of any existing deed restrictions, protective covenants, master deed or association bylaws as they relate to the protection of natural features. Zoning Ordinance Hamburg Township, Livingston County, Michigan
- 8. **Information Sources:** A list of all sources of information contained in the NFIS, if any shall be provided.
- 9. **Previous Submittals:** Any impact assessment previously submitted relative to the site and proposed development, which fulfills the above requirements (and contains accurate information of the site) may be submitted as the required Impact Assessment.



July 15, 2021

Ms. Brittany Stein
Zoning Coordinator
Hamburg Township
10405 Merrill Road, P.O. Box 157
Hamburg, Michigan 48139-0157

Re: PRT Brighton Nursery
Preliminary Site Plan Review

Dear Ms. Stein

We have received plans for the above referenced project dated June 16, 2021, as prepared by Livingston Engineering. The petitioner is proposing to expand the existing PRT Brighton Nursery with an additional green house. We offer the following comments for your consideration:

1. The existing detention basin is proposed to be expanded to accommodate the additional run off. The volume calculations are in conformance with the Township ordinance and current Livingston County Drain Commissioner standards (LCDC). However, the existing outfall will likely require modification. The petitioner should provide calculations and details for the modification.
2. The petitioner should provide storm water conveyance calculations.
3. The proposed gravel sections are similar to the existing surface.

In summary, we offer no objection to the approval of the preliminary site plan. The final site plan should address the above comments.

If you have any questions, please contact me at (734) 657.4925.

Sincerely,

Ted L. Erickson, P.E.
Associate Principal