



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, January 20, 2021 7:00 P.M.  
7:00 P.M.**

**1. CALL TO ORDER:**

The meeting was called to order by Chairman Muck

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

Absent:           None

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

**2. PLEDGE TO THE FLAG:**

**3. APPROVAL OF THE AGENDA:**

Motion by Priebe, supported by Hughes

To approve the agenda as presented

Voice Vote: Ayes: 7                   Nays: 0                   MOTION CARRIED

**4. APPROVAL OF MINUTES:**

a) November 18, 2020 Planning Commission Meeting Minutes

Motion by Hughes, supported by Muir

To approve the minutes of the November 18, 2020 meeting with the amendment to New Business Item a) to remove the last two sentences which are for items b & c for the minutes which are address later in the minutes

Voice Vote: Ayes: 7                   Nays: 0                   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:**

**7. NEW BUSINESS:**

- a. Public hearing to consider Preliminary Site Plan review for a Mixed Planned Unit Development (SPA20-002 and MPUD20-001) to allow a 47-51 unit single family housing development on the property at 4715-35-300-044 (48.79

Acres). This development proposes a unique mix of housing types that will be clustered on the site allowing 31.75 acres of the site to remain undeveloped. Twenty of the single-family housing units will be reserved for elderly housing and will meet the regulations in the Elderly Housing Cottage Opportunity Planned Unit Development regulations.

Chairman Muck opened the public hearing.

Mr. Ryan Parrott of 11946 Merrill Road expressed his concern regarding the Thompson Pond Drive and the location in relation to the wetlands and natural features of the property as well as the neighborhood design does not align with current development's wetlands. He stated that the homes in the development within Webster Township maintain the two-acre lot size with 200 feet width. He discussed the number of homes allowed in the parallel plan versus the proposed number. He stated that even though this site plan is still at the preliminary stage, they are harvesting trees within the property which may have not been on the original tree plan. He discussed the increase in traffic due to the number of homes within the development and allowing residents access from the Mystic Creek development to US-23 significantly increasing traffic on Thompson Pond, Merrill and Sheldon. He would hope that a development or alternative development could be considered to expand upon the Thompson Pond community, which is low density, residential homes.

Malvina Stolyar of 6346 Thompson Pond asked why people were not notified sooner. She expressed concern about her property value going down because of the type of community being built as well as difficulty in selling property during road construction. She further questioned and expressed her frustrations regarding road maintenance, other designs using Centennial Drive and then back to this subdivision, why they were not notified when the project was introduced, etc.

Scott Thompson of 6384 Thompson Pond Drive explained how they determined where to purchase their property and their ability to enjoy the beauty that Michigan has to offer. This type of development changes that significantly. He discussed his concerns with increase traffic, additional roads for the Township to manage including a bridge. He stated that when he purchased this property, none of these items were addressed in his disclosures. There needs to be a better way to grow as a community and not turn Hamburg Township into a bedroom community for surrounding areas.

Mike Reardon of 6435 Thompson Pond Drive and first to purchase his property in his development, discussed what they were told at that time about what could be built on this proposed development and his understandings at that time. Further, if this was to be a re-zoning, then people should have been notified and given opportunity to speak at other meetings. He expressed his concerns with this becoming rental properties, the definition of "elderly" as well as who would keep record of that qualification, maintenance of the roads and finally his thoughts about paying his taxes versus what his property value will become. He stated that seeing that they are cutting down trees, that tells him that this was already a "done deal".

Chad Hall stated that he is the current owner of the Thompson Farm that the family sold off this property. He discussed the original plan that included 16 2-acre lots and not connected to Mystic Ridge. He expressed his opinion of anyone who would vote to approve this property. He discussed the construction of Thompson Pond, the continual maintenance and the increase in need with additional traffic. He discussed the additional revenue that the Township will receive with additional permits, etc. and feels that it does nothing for the people who live here. He discussed the history of Mystic Ridge. Finally, he discussed the notifications to surrounding properties regarding this property and proposed development.

John Swift of 11754 Merrill Road stated that there are some serious issues with this development including densities, traffic and degradation of the wetlands. He further discussed using this as a cut-through road at the current owner's expense. He further discussed his concerns with regards to the possibility of Hamburg Township facing litigation with the decrease in property values.

Rich Hall of 11742 Centennial Drive stated he shares the concerns regarding the density and traffic, especially with the potential additional development of Mystic Ridge. Further, he stated that he is one of the homeowners that did not get notified and he is on the edge of this development.

Doreen Reardon of 6435 Thompson Pond discussed past maintenance of this property and asked if these developers intended to maintain their roads knowing that was in the clause. She discussed the reason they moved here including the natural features and relaxing atmosphere that they do not want taken away from them.

A resident at 5425 Seney Circle stated that many people this evening have mentioned Mystic Ridge and wanted to state that she as well as her neighbors were not notified that this was happening. They noted that trees were being removed and were wondering, but they found out about this last night.

Sue McKenney of 11742 Centennial Drive stated that they are connected to this property and it is hard to see the development. They knew what was going on when the previous owners developed Thompson Pond and thought that was where it would end. They never thought that it would be connected to Mystic Ridge. She voiced her objection to what is being proposed simply because they have all enjoyed the serenity of this area.

Hearing no further comment, Chairman Muck closed the public hearing.

Jeff Wilkerson and Doug Selby of CL 48 Properties LLC/Volta Homes were present as the applicants as well as their designer Kristin Snyder. Mr. Wilkerson stated that they hope to demonstrate their passion for the community. They have spent a considerable amount of time and it has gone through many designs. They are working to preserve the natural features and character of the parcels. The logging is preliminary and they are taking select trees and overgrown trees that were nearing the end of their life cycle. He presented a slide show presentation representing their plans for this development and its site characteristics and location, site access, extension of utilities, lot numbers and density, site design, fire safety, wetland preservation and impact, architecture, home design and who they are as a company and their values and philosophy. He discussed the proposed timeline.

Mr. Selby discussed the Hamburg Master Plan Goals, need for diverse housing types, and preservation of natural resources.

Mr. Selby and Mr. Wilkerson discussed the location of the development they have named Murie Glen as well as their plans for ingress and egress. They discussed their goals to respect the privacy of the current residents. They will make every effort to minimize any intrusive construction activities.

Mr. Selby described their utilities which will be accessed from Sagebrush Trail as well as their utility easements with Mystic Ridge. They discussed the Parallel Plan and their base of 47 units and the result of clustering. Mr. Selby stated that they feel that this design will promote increase in property values over a long term. He described the Exemplary Development Bonus Standards per Hamburg Township MPUD that they have met. He further described the maximum Density Bonus and the 15% maximum they would receive. This pushes their total number of units to 51 of which 20 are smaller units which should have far less impact on the traffic and other things in surrounding neighborhoods. Mr. Wilkerson discussed the location of the additional 4 units from the density bonus. They discussed the location of their proposed buffer between the property edge and the nearest structure and the proximity of the buffer in the Mystic Ridge development.

Mr. Selby stated that their design was primarily focused around the preservation of open space. He highlighted the 27.9 acres of open space they are going to preserve as well as their projected layout. He discussed the connection to existing walking trails which will be five foot to help with the elderly. Discussion was held on the fire safety plans which were developed in coordination with the Hamburg Fire Department. He stated that they are aware of the potential to impact the wetland and are working with EGLE toward final approval and will also include their final engineering calculations as they determine the water detention and storm water management.

Mr. Wilkerson highlighted what is important to them and their design principles including pedestrian friendly streets, parks and walkways, generous front porches, small setbacks between homes and sidewalks, garages behind homes, net-zero energy and all-electric homes and houses built to "Passive House" standards. He stated the connection to the natural features of the area are important to them. Every lot backs up to forest or wetland and would have ample open space and views. They do not want to impact the neighbors in other communities. He stated that their decision to mingle the ECHO units within the neighborhood was to create a diversity of age ranges as well as types of housing creating interesting architecture. ECHO housing is a need everywhere. They feel that this would create a beautiful neighborhood that would enhance property values rather than detract. He presented views of the neighborhood and their desire to keep as many mature trees to help make it look like it is a community that has been there for some time. The houses are meant to be traditional in nature, yet not everyone needs to be. He presented views of the various models, which is a mixture of small and larger homes. He stated that they understand that this represents a big change to a lot of people, especially those people along Thompson Pond. He discussed the need for smaller type, high-quality housing. He discussed the architectural interest and how they want to provide park land and trails that will also benefit others by providing access to areas.

Scott Pacheco, Township Planner, stated that we are here to review the preliminary site plan for the mixed, planned unit development. He explained the process including submission, review of application and plans, plan submittal to EAGL, Fire Department and Public Works Department, Township Engineers, Road Commission, and Health Department for comment. Those comments have been attached for the Commissions review. If the Commission determines that the concepts of this plan are adequate and approves the Preliminary Site Plan Review, then the applicants would then need to come back and go through final site plan review. That is when they would complete the final documents including engineering. At that time, if the

Commission feels it necessary, they could request traffic studies, etc. The mixed PUD includes a mixture of Echo Housing and Open Space PUDs. He discussed the requirements of the RAA zoning district. He discussed the calculations using parallel plan. They are requesting that the Commission review the project and approve an Exemplary Project bonus. He discussed the Exemplary Project bonus and the calculations used to achieve an additional 4 homes. He has provided his review of the request for the bonus. He further discussed with the commission the discretionary standards that the Commission will use for the preliminary MPUD site plan review. For those residents that expressed concern, he explained the notice procedure and timeline as well as the next steps moving forward and requests for approval to the Planning Commission as well as the Township Board. He further stated that there is nothing in our code that prevents the cutting of trees on vacant property. He discussed the developer's timeline. He stated that after preliminary approval, they cannot start building roads, etc. without first going through final review. Prior to any construction on the site, we would require that all federal, state and local regulations are met.

Pacheco stated that in his staff report he does go through the development compliance table which tells you what the requirements are in the zoning ordinance and how this project would meet those requirements. His review also includes the eligibility criteria for open space projects including the standard and his comments on that standard and finally his suggested conditions of approval if the Commission decides to recommend approval of the project. A lot of these things are things that would have to be done anyway but he likes to add them as conditions so that the developer is reminded. The other issue that the Commission will review tonight is the Exemplary Project Bonus, and he has provided his review on that as well. This project is doing a lot in its design of the project including preserving a lot more open space than what is required by the code and meeting the setback from wetlands that we require. They have provided a list of all of those items they feel make this an exemplary project.

Commissioner Bohn stated the presentation was thorough, in depth and complete, and staff did an excellent job giving this a very thorough review. He asked the status of the EAGL application. He asked what level of impact in acreage this would have. He stated that by virtue of the agreements with Mystic Ridge and Shadbush Trail for both road as well as extension of water, sewer and trail, he would assume that the developer would have to adopt their road requirements or contribute to their road. How do you address the concerns of neighbors on Thompson Pond regarding the maintenance or use of their existing road?

Mr. Selby stated that they do have reciprocal agreements with Mystic Ridge for water and sewer as well as access. He stated that once they complete their final engineering, there will likely be a resubmission of their application to EAGL which could re-set the timeline. Right now they are looking at impacting less than one-third of an acre. They are more than open to contributing to the maintenance of Thompson Pond through their Homeowner's Association as they develop.

Pacheco stated that the applicants will need to provide all their legal documents prior to approval showing that they have legal rights to access through Mystic Ridge and over the existing Thompson Pond roadway. Also, as part of a PUD agreement, all road maintenance agreements are required.

Discussion was held on current road maintenance agreements for Thompson Pond.

Discussion was held on access to the site through Merrill Road.

Commissioner Muir stated that the plan shows things that are sustainable including gardens, parks and trails and the architecture is unique. He would be in favor of a density bonus based on what has been presented.

Commissioner Leabu further discussed the access to Merrill. He stated that this is a very complete development and meets the eligibility requirements. They have gone past what we would ask as far as architecture. They are setting a high standard and he would be in support of the bonus.

Commissioner Hamlin stated that he does not feel that the parallel plan meets compliance. He discussed the intent section of the Elderly Cottage PUDs. He discussed the open-space eligibility section. He stated that we need to remember that this plan allows for up to 51 homes and will become a throughfare for the Mystic Ridge development and has the potential for accessory dwelling units. This area is master planned and zoned for low-density development. This development is 150% greater than what zoning would allow. He further stated that we might want to consider that the ECHO units be owner-occupied. Finally, he stated that there have been some comments that the developer should be required to be involved with the paving of Merrill and/or Sheldon.

Commissioner Priebe stated that the purpose of an open-space development is to preserve the natural features and keep the rural atmosphere. If you own the land, you have the right to develop it. It looks like they have taken a lot of care including a great deal of open space. She would be in favor of moving forward.

Chairman Muck stated that when he first reviewed this, he did have concern about the Thompson Pond connection. He does feel that there are some concerns about the impact to Merrill and Sheldon roads.

Commissioner Hughes asked for clarification on the exemplary projects. Pacheco stated that those items could be used to determine eligibility for the bonus, you do not have to include all of those items to receive a bonus.

Discussion was held on setback and buffer from the property line.

Discussion was held on the comment made regarding increasing the width of the sidewalks. Pacheco stated that he would be concerned that it would decrease the rural nature. We do not require sidewalks, but a sidewalk is appropriate. We care talking about accommodating the elderly. He further discussed these being private roadways, sidewalks, etc.

Chairman Muck explained that this is a recommendation to the Township Board so there will be additional time for public input.

Discussion was held on the density bonus.

Motion by Muir, supported by Priebe

The Planning Commission recommends approval of the preliminary MPUD site plan with a 15 percent density bonus, as shown on plan page AS-06, to the Township Board because the project as conditioned is consistent with the requirements of the open space, elderly cottage housing opportunity, and mixed planned unit development regulations under Article 14 and will be able to meet site plan review standards under article 4 of the zoning ordinance as discussed at the meeting tonight and presented in the staff report with the following conditioned of approval:

1. As a part of the final site plan review the project plan shall include the location of the road right-of-ways and how the property will be split under the proposed use. All information required by the Township Assessor will be required prior to issuance of a land use permit.
2. A more detailed landscape plan shall be included as part of the final site plan submittal. This plan shall address the required street trees and transition area landscaping (Section 9.4)
3. A sign plan for the proposed project signs shall be included as a part of the final site plan submittal.
4. A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney. Hamburg Township Planning Commission January 20, 2021 30 | Page This agreement shall address the items regarding the dedicated open space for the project under Section 14.1.4 (H) 6, 7 and 8.
5. The applicant shall work with staff and an architectural committee made up of one or two PC members if deemed necessary, to prepare a more detailed guide book and finalize the home designs prior to final site plan approval.
6. Prior to the final MPUD the applicant will submit documentation for review by the Township Attorney provides legal access, for the use of the roadways and utilities, through the Mystic Ridge Development and Thompson Pond Drive. Documentation of the ability to utilize the common well and water treatment facility of the Mystic Ridge Development for this project will also be required prior to the final MPUD approvals.
7. A road maintenance agreement shall be included within or as a separate document attached to the final development agreement. Also a cross access agreement that allows public use of the private roadways within the project will be required as a part of the final development agreement.
8. Prior to final site plan approval the property owner shall work with the schools and postal service to determine if a community bus stop or mail kiosk will be required. If they are required the applicant shall show them as a part of the final site plan. Also a cross access agreement that allows public use of the trails and sidewalks will be required as a part of the final development agreement.
9. The applicant shall work with the township engineer on review of the sidewalk width. The developer may wish to consider the possibility of making the sidewalk out of a decomposed granite or another material that allows a more rural appearance and provides better drainage solutions, prior to the final site plan review.
10. Because the MPUD project include 20 ECHO units park benches shall be include along the trail systems to offer rest areas for the senior population of the project.
11. As a part of the final site plan approval, if it is not already, the applicant shall consider at least a four-foot wide shoulder on one side be included on the roadway that is extended over the wetlands to Thompson Pond Road to allow safer pedestrian traffic.
12. Prior to review of the final MPUD site plan the applicant shall submit a final MPUD 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 Environment, Great Lakes and Energy. Some agency approvals are not required until prior to the issuance of the land use permit.

Roll Call Vote: Bohn Aye  
Hamlin Nay  
Hughes Aye  
Leabu Aye  
Muck Aye  
Muir Aye  
Priebe Aye

MOTION CARRIED

Discussion was held on requiring a traffic study. Pacheco stated that it can be required based on Planning Commission recommendation.

Motion by Priebe, supported by Muir

To add as a condition of approval of the MPUD that a traffic study will be required prior to final approval

Roll Call Vote: Bohn Aye  
Hamlin Aye  
Hughes Aye  
Leabu Aye  
Muck Aye  
Muir Aye  
Priebe Aye

MOTION CARRIED

#### 8. ZONING ADMINISTRATOR'S REPORT:

Planning & Zoning Administrator Steffens reminded the Commission of the joint meeting on February 24. If there are any topics of concern or zoning text amendments you would like discussed, please let her know so that it may be included in their reports. This will set the Commission's work schedule for 2021.

#### 9. ADJOURNMENT

Motion by Priebe, supported by Muir

To adjourn the meeting

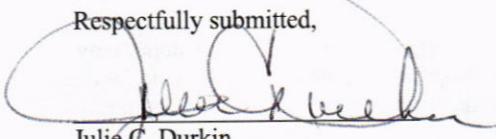
Voice Vote: Ayes: 7

Nays: 0

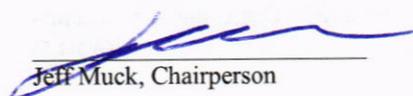
MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 9:06 p.m.

Respectfully submitted,

  
Julie C. Durkin  
Recording Secretary

The minutes were approved as presented/Corrected: \_\_\_\_\_

  
Jeff Muck, Chairperson

