

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



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

To: Planning Commissioners
From: Amy Steffens, AICP
Planning and Zoning Director
Date: March 15, 2023
Agenda Item: 7a
Project address and Description: **Preliminary Site Plan Review (SPA 22-0006)** for a second-story addition over an existing commercial building to accommodate two residential units. Project will include exterior renovations to commercial building, removal of asphalt parking areas to north and west, and installation of new parking lot to the south. Applicant has requested waivers to the landscaping and parking requirements.
Owner: D&G Real Estate
Applicant: David Woolley
Agent: Momus Inc.

PROJECT HISTORY

On January 18, 2023, the Planning Commission held a public hearing to consider a special use permit to allow the addition of two residential units above a commercial structure. After taking testimony from the public, applicant, and staff, a motion to approve the special use permit failed 3 to 1. The meeting minutes are attached as Exhibit I.

Because the motion to approve the special use permit failed, the Planning Commission tabled the site plan review for the same project. The Commissioners did, however, offer comments on the proposed site plan. Particularly, Commissioners suggested that the applicant address the deficient landscaping and parking, as well as address the township engineer's drainage comments.

LOCATION



The subject site (15-21-405-016) is a 0.44-acre site located at the corner of Kress Road to the east and Shan-Gri-La Drive to the north. The subject property is zoned Neighborhood Service (NS) and has most recently been used as a convenience and liquor store. In the 2020 Master Plan the subject site has a Future Land Use Designation of Neighborhood Commercial.

	Current Zoning Classification	Current Use of Property	Future Land Use Designation
Subject Site	Neighborhood Service	Vacant retail	Neighborhood Commercial
North	Neighborhood Service	Post office	Neighborhood Commercial
South	Waterfront Residential	single-family residential	Waterfront Residential
East	Waterfront Residential	single-family residential	Medium Density Residential
West	Waterfront Residential	single-family residential	Waterfront Residential

PROJECT DESCRIPTION

Site plan review application to allow a second-story addition to the existing commercial building to accommodate two residential units. Existing asphalt parking areas along the west and north will be removed and replaced with grass. In addition, the applicant is requesting a waiver of the paved parking standards and landscaping standards.

The project plans, building elevations, floorplans and sign plans are attached to this report for the Planning Commissions review.

Table 1
Development Review Compliance Table

Criteria/Regulation	Required by Regulations	Proposed Project	Status
NS SETBACKS: Front Yard:	25'	17'4" (Kress)	Variance granted*

Criteria/Regulation	Required by Regulations	Proposed Project	Status
Rear Yard: Minimum Side:	25' 20'	18'6" (Shan-Gri-La) 44'9' 79'4"	Variance granted* Conforms Conforms
* On December 14, 2022, the Zoning Board of Appeals granted two dimensional variances for construction of the second story: addition and deck will be 17 feet, 4 inches from the front (east) property line, where 25 feet is required. The roof top deck will be 18 feet, 5 inches from the side (north) property line, where 19 feet is required (Section 36-187 and 36-230).			
NUMBER OF STORIES/ HEIGHT	2.5 story/ 35 feet	2 story/ 26 feet	Conforms
LOT SIZE:	10,000 square feet	19,166 square feet	Conforms
LOT COVERAGE: Building: Total Impermeable:	40% of Lot Size 75% of Lot Size	16.0% (existing) 54%	Conforms Conforms

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>LANDSCAPING:</p> <p>20' Wide Greenbelt East and North 1 canopy tree and 4 shrubs, for 40 linear feet of frontage</p> <p>20' Wide Buffer Com:Res (B) South and West: 6 foot high continuous wall or berm, and 1 canopy tree, 1 evergreen tree and 4 shrubs per each 30 linear feet along the property line</p> <p>Parking Lot 1 canopy tree for each (2,000) square feet of paved driveway and parking lot surface, with no less than 2 trees provided</p>	<p>East: 5 canopy trees and 18 shrubs</p> <p>North: 3 canopy trees and 16 shrubs</p> <p>West: 7 canopy, 7 evergreen, and 28 shrubs; berm or wall</p> <p>South: 4 canopy, 4 evergreen trees, and 16 shrubs; berm or wall</p> <p>8 canopy trees</p>	<p>None</p> <p>2 existing canopy trees</p> <p>Existing tree line</p> <p>None</p> <p>None</p>	<p>Waiver requested</p> <p>Waiver requested</p> <p>Waiver requested</p> <p>Waiver requested</p> <p>Waiver requested</p>

Sec. 36-280. Existing plant material.

- (a) *Consideration of existing elements in the landscape design.* In instances where healthy plant material exists on a site prior to its development, the planning commission may permit substitution of such plant material in place of the requirements set forth in this section.

Waivers and Modifications. The Planning Commission may waive or modify the fencing or landscape buffering requirements upon a determination that a solid fence or landscaping buffer will not be necessary or effective for screening. In making such a determination, the following shall be considered.

1. Need for security;
2. Abutting district or existing use;
3. Extent that existing natural vegetation provides the desired screening;
4. Topography which would eliminate the benefits of required landscaping;
5. Building heights and views in relation to existing topography and vegetation as well as views from adjacent uses;
6. Similar conditions existing such that no good purpose would be served by providing the required landscaping plan.

Staff Analysis:

South Side: The existing lot to the south is currently developed with a single-family home sited at the southwest corner of the subject site. The applicant proposes a gravel parking area along the side of the site, with a 16.7-foot bioswale, with no proposed required berm or wall and no landscaping. Staff has concerns about the impact of headlight flicker and vehicular sounds becoming a nuisance to the single-family dwelling to the south.

Staff Suggestion Conditions 1:

The Planning Commission should consider requiring the applicant, at a minimum, to add a 6-foot-tall solid fence near the south side of the parking lot to lessen the impact from this project on the property to the south, with the required shrubs on the outside of the fence to soften the aesthetic appearance of the fence.

Staff comment: a six-foot tall fence is proposed per the revised plans along the south property boundary.

West Side:

The existing home is approximately 58 feet from the west property line and the proposed paved and gravel parking areas will abut the shared property boundary. There is adequate room immediately west of the commercial building to provide the required landscaping.

Staff Suggestion Condition 2:

The Planning Commission should consider requiring the applicant, at a minimum, to add a 6-foot-tall solid fence along the west property boundary to lessen the impact from this project on the property to the west, and to install the required landscaping material on the west side of the fence. Trees and shrubs should be installed in the existing grassed yard.

Staff comment: a six-foot tall fence is proposed per the revised plans along the west property boundary.

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>East and North right-of-way greenbelt: There is no landscaping, nor the required 20-foot wide greenbelt, proposed along the west front or north front property boundaries. The existing asphalt parking areas will be removed and replaced with grass. While the removal of the hard surface along the street right-of-ways would be an improvement to the aesthetics of the site, staff finds that the request to provide no landscaping in these areas is not supportable due to a unusual characteristics of the site.</p> <p>Staff Suggestion Condition 3: At a minimum, the required landscaping for the portion of the west yard that will be grassed should be landscaped to the township requirements. Required landscaping should be installed along the north property boundary.</p> <p>Parking lot: The proposed asphalt and gravel parking lot does not provide adequate space in order to meet required parking and maneuverability. However, there is a bioswale proposed along the south gravel parking lot and additional landscaping may be appropriate.</p> <p>Staff Suggestion Condition 4: Applicant shall provide additional landscaping materials along the bioswale.</p>			
<p>LIGHTING:</p>			
<p>Section 36-295:</p> <ol style="list-style-type: none"> <p>1. Exterior lighting shall be fully shielded and directed downward toward the Earths surface, away from residential uses, roads, glass, water or other reflective materials which would create excessive off-site glare or incident rays.</p> <p>The lighting plan provided is not adequate to determine the conformance to the zoning ordinance requirements. The building elevations show that three wall mounted lights will be installed, but the photometric plan indicates four lights will be installed. Additionally, two different types of spec sheets were provided but it is not clear from the plans which light is proposed to go in which location. It appears that the light labeled as WP2FA60 would not comply with the zoning requirements for being fully shielded.</p> <p>Staff Suggestion Condition 5: Prior to issuance of a land use permit the applicant shall submit a photometric plan that shows that the intensity of light within a site does not exceed ten (10) footcandles or one (1) footcandle at any property line, except where it abuts a residentially used or zoned site whereby a maximum of 0.5 footcandles is permitted.</p> <p>2. The Zoning Administrator and/or Planning Commission may approve decorative light fixtures as an alternative to shielded fixtures when it can be proven that there will be no off-site glare and the proposed fixtures will improve the appearance of the site.</p> <p>The proposed lights are not decorative light fixtures.</p> <p>3. Lights on poles shall not be taller than the building whose area they illuminate nor taller than fifteen (15) feet whichever is shorter. Lights on poles may exceed fifteen (15) feet up to twenty (20) feet if the fixtures are located a minimum of seventy-five (75) feet from any planned, zoned</p> 			

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>or used residential areas. No light poles are proposed.</p> <p>4. Lighting shall not be of a flashing, moving or intermittent type. No flashing lighting is proposed.</p> <p>5. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained shall be turned off between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use is open for business after 11:00 p.m. but only for so long as such use open for business. Businesses with light fixtures used for security purposes are encouraged to use a motion detection device which is directed to detect motion within the property.</p> <p>Staff Suggested Condition 6: All lighting shall be turned off between 11:00 PM and Sunrise except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use is open for business after 11:00 p.m. but only for so long as such use open for business. Lighting used for security between 11:00 pm and sunrise shall be controlled by a motion sensor.</p> <p>6. Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level. See above.</p> <p>7. The intensity of light within a site shall not exceed ten (10) footcandles or one (1) footcandle at any property line, except where it abuts a residentially used or zoned site whereby a maximum of 0.5 footcandles is permitted. The only exception is with gas station canopy and automobile dealership lighting, where a maximum of twenty (20) footcandles is permitted within the site but the above standards shall apply to intensity at the property line. The photometric plan that was submitted in the project plans does not include the residential porch lights.</p>			
<p>PARKING: Regular Parking Stalls</p> <p>Retail store requirement: 1 parking space for each 150 square feet of floor area</p>	<p>20</p> <p>4</p>	<p>20</p>	<p>Conforms</p>

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>Apartment unit in NS district Two spaces for each dwelling unit</p> <p>Loading Spaces Not required for use under 5,000 square feet</p>	0	No dedicated apartment spaces	Waiver required
<p>Staff analysis: The requested parking waiver would be appropriate given the small footprint of the commercial building, if the four required apartment spaces were permanently delineated on the site plan and on-site.</p> <p>Staff Suggested Condition 7: Four parking spaces shall be delineated on the site plan and on-site using permanent signage as dedicated to the residents of the second-story dwelling units.</p>			
<p>General Parking Requirements:</p> <ol style="list-style-type: none"> 1. Off-street parking for non-residential uses shall be located on the same lot or parcel or within three hundred (300) feet of the building it is intended to serve provided the provisions of Section 10.2.2., Collective Parking, are met. 2. A minimum area of 200 square feet shall be provided for each vehicle parking space and each space shall be designated and reserved for parking. 3. A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movement. The location of all entrances and exits and directional signs, shall be approved by the Planning Commission, and where required by the Livingston County Road Commission and the Michigan Department of Transportation. 4. Parking areas with a capacity of four or more vehicles shall be hard surfaced (either concrete, bituminous asphalt or other stabilized engineered surface) prior to occupancy and shall provide adequate drainage facilities to dispose of all collected surface water. The requirement for paving may be waived by the Planning Commission through paragraph 10.2.1.I. 5. Except for single-family residential lots, lighting shall be provided for use when a parking area is in operation. The installation of such lighting shall be so hooded or shielded as to reflect the light away from abutting or neighboring property. 6. When required off-street parking in a non-residential district abuts a residential district, there shall be located a landscaped buffer strip fifteen (15) feet wide and parallel to the mutual boundary. 			<p>Conforms</p> <p>See engineer comments</p> <p>*See Suggested Condition 8</p> <p>Waiver requested</p> <p>See suggested conditions 5 and 6</p> <p>See suggested conditions 1, 2, and 3</p>

Criteria/Regulation	Required by Regulations	Proposed Project	Status
	<p>The buffer strip shall be composed of trees and/or foliage. In lieu of a buffer strip, the Planning Commission may permit or require a solid fence or wall between six (6) and eight (8) feet in height shall be located along the mutual boundary.</p> <p>7. Federal and State requirements regarding handicapped parking and access shall apply.</p>		<p>No accessible space is indicated on the plans. See suggested condition 8</p>
<p>Staff analysis of hard surface requirement: The Planning Commission may grant a waiver to the paving requirement for off-street parking areas per Section 36-330(h):</p> <p>Federal and state requirements regarding handicapped parking and access shall apply. Where the planning commission determines that a gravel off-street parking lot or loading area would be preferable to hard surface paving for environmental and drainage reasons, a gravel parking lot and/or loading area may be permitted. This determination will be based upon the following criteria:</p> <ul style="list-style-type: none"> (1) The types of uses to be conducted in the storage area; (2) The types and amounts of hazardous materials to be used at the site; (3) The extent of natural vegetation to filter dust generated by a gravel parking or loading area; (4) The existence of adjacent uses which may be impacted by dust generated by a gravel parking or loading area; (5) Existing hydrologic and ecologic features such as adjacent wetland complexes which may be better protected by the reduced runoff resulting from gravel parking or loading area; (6) Existing soil permeability sufficient to provide desired infiltration; (7) The potential for, or ability to minimize, erosion and sedimentation from a gravel parking or loading area. <p>The applicant has indicated that the gravel parking area will “significantly reduced storm runoff given the gravelly sand formation as described by the observed soil test pits.” As a practical matter, staff would have concerns about the location of a gravel parking area within proximity to the single family residential use to the south. Currently, the area where the proposed gravel parking lot is shown is grassed yard and is not used in conjunction with a commercial business. Per the township engineer’s letter dated January 10, 2023, stormwater calculations have not been provided for the bioswale. Staff suggested that the applicant provide the requested information to the township engineer on which the engineer can provide a response to the storm runoff and the necessity for the gravel parking lot prior to a decision on the waiver.</p>			
<p>DRIVEWAYS: COMMERCIAL Section 36-335</p>			
<p>General Standards</p>	<p>A. Driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to</p>		<p>See suggested condition 8</p>

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>provide the most favorable driveway grade.</p> <p>B. Driveways, including the radii but not including right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by Livingston County or the Michigan Department of Transportation and upon written certification from the adjacent property owner agreeing to such encroachment.</p> <p>Spacing of Driveways: Posted speed limit 35 to 39 MPH has minimum commercial driveway spacing of 185 feet.</p> <p>Spacing at Intersections: Along local streets from intersection with a non-arterial intersection the minimum spacing for a full movement driveway is 75 feet</p>			
<p>Staff Suggested Condition 8: Prior to issuance of a land use permit the applicant shall receive approval from all required agencies including, but not limited to, Hamburg Township Fire, Engineering and Public Works Departments, Livingston County Drain Commissioner, Livingston County Road Commission, and Health Department.</p>			
<p>SIGNS Section 36-477:</p>			
<p>Freestanding Sign: Monument:</p> <p>OR</p> <p>Pole</p> <p>Wall Sign: One square foot for every two linear feet of building frontage, or 100 square feet, which is less.</p> <p>Projecting or Hanging: One projecting or hanging sign permitted; shall not exceed 10 square feet.</p>	<p>One maximum 32 square feet, 6-foot height, 2-foot base, and 10-foot setback.</p> <p>One maximum 25 square feet, 15-foot height, and 10-foot setback</p> <p>One square foot of wall sign per two lineal feet of tenant space frontage</p> <p>One awning sign may be used in lieu of a wall signs</p>	<p>No freestanding sign proposed</p> <p>No freestanding sign proposed</p> <p>Two wall signs of 20-square feet are shown on the elevations.</p> <p>Awning sign shown on elevations, along with two wall signs.</p>	

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>Staff Suggested Condition 9: All signage shall conform to Article XIII, Signs, and land use permits shall be issued prior to installation of signage.</p>			

SITE PLAN REVIEW STANDARDS

In the review of all site plans, the Zoning Administrator and the Planning Commission shall endeavor to assure the following:

A. The proposed development conforms to all provisions of the Zoning Ordinances.

Please see the “Table 1 Development Review Compliance Table” on pages 3-14 for analysis on the project compliance and consistency with the intent and purpose of the Township’s Zoning Ordinance.

Variances have been granted for reduced north and west yard setbacks for the second-story addition.

With suggested Conditions 1-10 staff believe the proposed development will conform to all the provisions of the Zoning Ordinance.

B. All required information has been provided.

The information submitted appears to be adequate to allow the Planning Commission to review the preliminary site plan for the subject site. However, the township engineer has indicated that the plans do not meet engineering and design standards and should be revised.

C. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.

The Livingston County Road Commission has indicated that a commercial driveway could be installed in the south corner of the property. A driveway permit will be a requirement of the land use permit.

Removal of the asphalt parking area along the right-of-ways of Kress and Shang-Gri-La make ingress and egress safer for customers, as well as motorists and pedestrians traversing either street.

D. The proposed development will be harmonious with existing and future uses in the immediate area and the community.

The proposed development will provide for interior improvements, site work, and a second-story addition to an existing commercial building. This site has been used historically as a retail establishment and will continue to be used for retail purposes, or could be used for any permitted use in the NS district. The addition of the two proposed dwelling units will be harmonious with the existing residential uses to the

east, west, and south. Additionally, this area is a small neighborhood-oriented commercial center with the post office to the north.

Please review staff analysis of the landscaping and lighting requirements. The landscaping requirements could partly be waived given the site constraints. However, to offer no greenbelt along either right-of-way is not appropriate, particularly since there is adequate room in the area along both streets. Additionally, this site does abut residential uses to the west and south and some additional protections should be afforded those residential uses from the commercial use.

It appears that the design of the proposed development as conditioned will be harmonious with the existing and future uses in the immediate area and the community.

- E. 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.**
Per the township engineer's review letter, the necessary drainage requirements cannot be evaluated. The engineer has requested stormwater calculations be provided.
- F. 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.**
Prior to issuance of a land use permit the applicant will need approvals from all the required local, state, and federal agencies.
- G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.**
The lot is relatively flat and there is an existing commercial structure on the site. There are no natural features present on the site.
- H. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.**
The subject property is mostly flat and minimal grading will be required as a part of this project in order to remove the existing asphalt and install a new parking area.
- I. The proposed development will not cause soil erosion or sedimentation.**
The LCDC will need to issuance a soil erosion or sedimentation control permit prior to issuance of a building permit.
- J. Landscaping, including trees, shrubs and other vegetative material is provided to maintain, improve and/or restore the aesthetic quality of the site.**

As proposed, the landscaping plan is deficient to improve the aesthetic quality of the site, particularly with the adjacent residential use and the proposed residential use. With the suggested landscaping conditions this requirement would be met.

K. Conformance to the adopted Hamburg Township Engineering and Design Standards.

The engineer has reviewed the plans for compliance with the Engineering and Design Standard and provided comments (Exhibit H). It appears that there is a question as to whether the provided storm water management is adequate.

L. All proposed commercial, office, industrial, institutional and multiple family development shall utilize quality architecture to ensure that buildings are compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously into the streetscape and meet the objectives the Township Master Plan. New buildings, additions and renovations shall be designed to preserve or complement the design character of existing development provide visual harmony between old and new buildings, and create a positive image for the Township's various commercial shopping nodes. Commercial, office, industrial, institutional and multiple family architecture shall be reviewed by the Planning Commission under the following criteria:

- 1. Buildings shall front towards and relate to the public street. Buildings shall be located to create a define streetscape through uniform setbacks and proper relationship to adjacent structures. Proper relationship to existing structures in the area shall be maintained through building mass, proportion, scale, roof line shapes and rhythm. Buildings within the area designated on the M-36 Corridor Plan/Master Plan as the "Hamburg Village" shall be compatible with the historic character of the unincorporated place commonly referred to as the "Old Hamburg Village."**
- 2. Building materials and colors shall relate well and be harmonious with the surrounding area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. For any side of a principal building facing a public or private street, at least fifty percent (50%) of the facade shall be constructed of, or covered with, the following materials:**
 - a. Brick;**
 - b. Fluted or scored concrete block;**
 - c. Cut stone;**
 - d. Vinyl siding;**
 - e. Wood siding;**
 - f. Glass; or,**
 - g. Other materials similar to the above as determined by the Planning Commission.**
- 3. Buildings shall possess architectural variety, but enhance the overall cohesive community character. Buildings shall provide architectural features, details and ornaments such as archways, colonnades, towers, cornices or peaked roof lines.**

4. **Building walls over 100 feet in length shall be broken up with a combination of the following: varying building lines, windows, architectural accents and trees.**
5. **Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.**
6. **Where the rear facade of a building will be visible from a residential zoning district, or the rear of the site will be used for public access or parking, such rear facade shall be constructed to a finished quality comparable to the front facade.**
7. **Signs, landscaping, lighting and other site elements shall be coordinated and compatible with the building design, as well as harmonious with other nearby developments. Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian plazas and/or pedestrian furniture.**

Staff Analysis:

The proposed use will utilize the existing structure on the site. The changes proposed to the existing structure will provide much needed upgrades to the exterior aesthetic. The design is compatible with adjacent uses. However, the Commission should consider the exterior finishes and whether they are compatible with the use and adjacent properties.

36-187(d) NS Neighborhood Service and CS Community Service District Standards

The following criteria shall be used, in addition to the standards contained in article III of this chapter or the subdivision control ordinance, as a basis upon which site plans or subdivision plats shall be reviewed and approved by the Township:

- (1) All uses permitted in these districts including storage shall be conducted entirely within an enclosed structure unless otherwise specified herein.

Staff analysis: There is no proposed outdoor use of this site.

Staff suggested condition: The second story decks are for private residential use only and shall not be used in conjunction with a commercial use of the site unless granted Township approval.

- (2) Where these districts abut a residential district, there shall be provided either a landscape buffer strip designed in accordance with the provisions of Section 36-278 or a fence between six and eight feet in height as determined and approved by the Planning Commission.

Staff analysis: see landscape waiver discussion

RECOMMENDATIONS:

Staff recommend the Planning Commission review, discuss and make a recommendation to the Township Board to either approval or denial of the Preliminary Site Plan Application (PSPA22-

0006) or table the application and request any additional information deemed necessary for review.

Site Plan Review 22-0006 Draft Approval Motion:

The Planning Commission recommends approval of the preliminary site plan (SPA22-002) to the Township Board with the following conditions; because as conditioned the project meets the site plan review standards A-L in section 36-73 (7) and the additional approval standards of the Neighborhood Service District under section 36-187 as discussed at tonight's meeting and as presented in the Staff Report.

The Planning Commission approves the landscaping waiver for _____ (please state the specific landscaping requirements for which a waiver is granted) because it meets the standards set forth in Section 36-281(f). The Commission directs the applicant to work with the planning staff on submittal of a landscaping plan that conforms to site plan approval.

The Planning Commission approves the parking requirement waiver for _____ (please state the number of parking spaces the waiver allows) because as conditioned it meets the standards of Section 36-330 (h).

Condition 1: A 6-foot-tall solid fence along the south side of the parking lot to lessen the impact from this project on the residential use south shall be installed, with the required shrubs planted on the south side of the fence. Fence details should be submitted prior to final site plan approval.

Staff comment: A six-foot tall wooden fence is proposed along the west and south property boundary. However, no additional landscaping is provided.

Condition 2: A 6-foot-tall solid fence along the west property boundary to lessen the impact from this project on the residential use to the west shall be installed, with the required shrubs planted on the west side of the fence. Trees and shrubs shall be installed in the west yard adjacent to the building. Fence details should be submitted prior to final site plan approval.

Staff comment: While a six-foot tall wooden fence is proposed along the west property boundary, no additional landscaping is proposed along the fence nor in the west rear yard.

Condition 3: The required landscaping for the portion of the east front yard shall be landscaped to township requirements. Required landscaping shall be installed along the north property boundary.

Staff comment: No landscaping is proposed in the east front yard or the north front yard.

Condition 4: Applicant shall provide additional landscaping material along the bioswale.

Staff comment: No landscaping is proposed along the bioswale.

Condition 5: Prior to issuance of a land use permit the applicant shall submit a photometric plan that shows that the intensity of light within a site does not exceed ten (10) footcandles or one (1) footcandle at any property line, except where it abuts a residentially used or zoned site whereby a

maximum of 0.5 footcandles is permitted.

Staff comment: No photometric plan has been submitted that shows the second-story residential porch lighting.

Condition 6: All lighting shall be turned off between 11:00 PM and Sunrise except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use is open for business after 11:00 p.m. but only for so long as such use open for business. Lighting used for security between 11:00 pm and sunrise shall be controlled by a motion sensor.

Condition 7: Four parking spaces shall be delineated on the site plan and on-site using permanent signage as dedicated to the residents of the second-story dwelling units.

Condition 8: Prior to issuance of a land use permit *for either site improvements or construction of the residential units* the applicant shall receive approval from all required agencies including, but not limited to, Hamburg Township Fire, Engineering and Public Works Departments, Livingston County Drain Commissioner, Livingston County Road Commission, and Health Department.

Condition 9: All signage shall conform to Article XIII, Signs, and land use permits shall be issued prior to installation of signage.

Staff comment: The plans submitted for the January 18, 2023 Commission meeting did not indicate that the first-floor commercial space would be subdivided to allow two tenants but the elevation plans showed signage that would not have been permitted for one tenant space. Each tenant space may have a sign, not to exceed one square foot per two lineal feet of tenant space frontage; wall signs may be up to 20 square feet regardless of frontage.

Condition 10: Trash bin enclosure details shall be submitted prior to final site plan approval.

EXHIBITS:

Exhibit A: Site Plan Project Plans (dated March 1, 2023)

Exhibit B: Project plans

Exhibit C: Elevations (fire dated January 27, 2023)

Exhibit D: Landscaping plans

Exhibit E: Lighting plans

Exhibit F: Applications

Exhibit G: Livingston County Road Commission sight distance review

Exhibit H: Township engineer review letter

Exhibit I: January 18, 2023 draft Planning Commission meeting minutes