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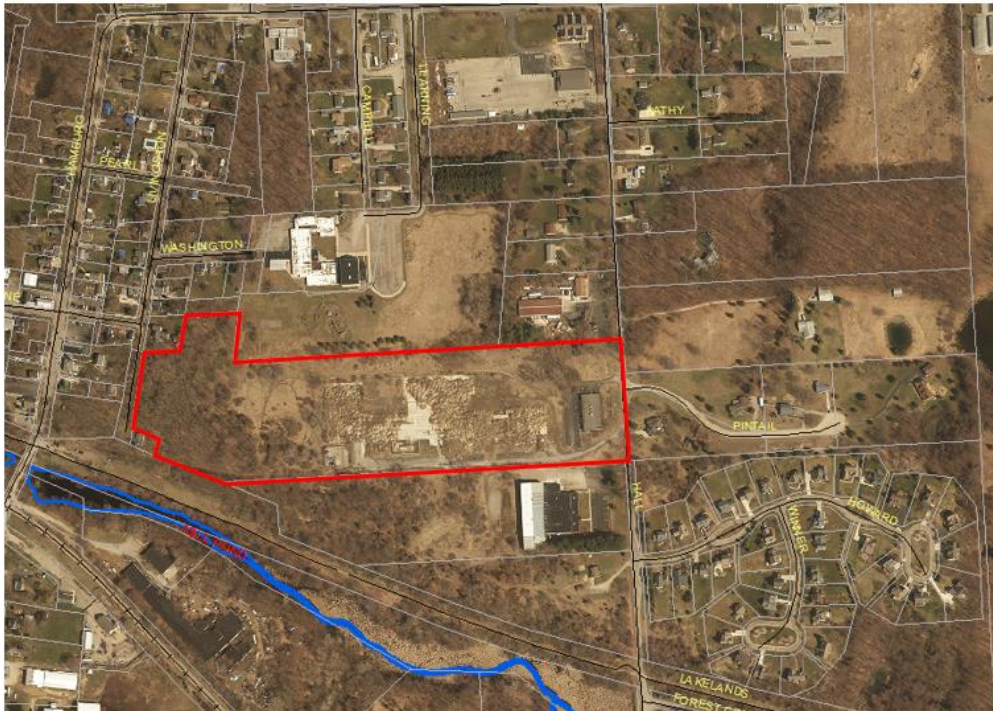


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Hamburg, Michigan 48139-0157

To: Planning Commissioners
From: Scott Pacheco, AICP
Hamburg Township
Planner
Date: November 16, 2022
Agenda Item: 7a
Project address and Description: **Special Use Permit (SUP 22-002)** to consider allowing to allow a storage facility use on a portion of the property at 10776 Hall Road (parcel number 15-25-400-014).
Owner: Lakeland Building Concepts Inc
Staff Recommendation: **Deny:** Deny the Special Use Permit as it does not meet the discretionary standards in section 36-36 (C)(1, 2, and 3)

LOCATION:

Location Map



The subject site (Parcel 15-25-400-014) is a 19.95 acres site located off of Hall Road to the east and Livingston Street to the west. The subject property is currently zoned General Industrial (GI) on the east portion of the site and Village Residential (VR) on the west portion

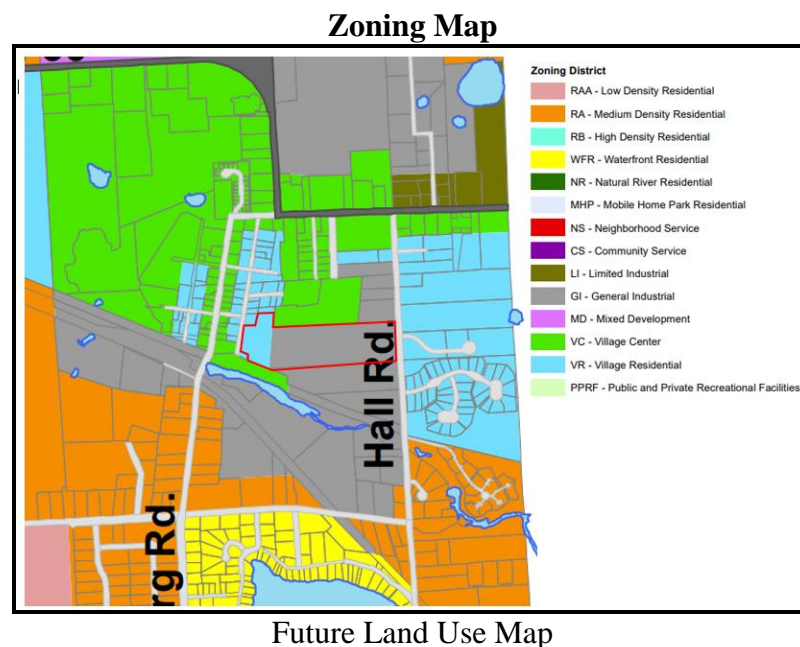
of the site. The subject site has a Future Land Use Designation of Village Residential 10 (See the Zoning Map and Future Land Use Map for the area on page 2). This site was the location of the old Hoskins Manufacturing industrial plant.

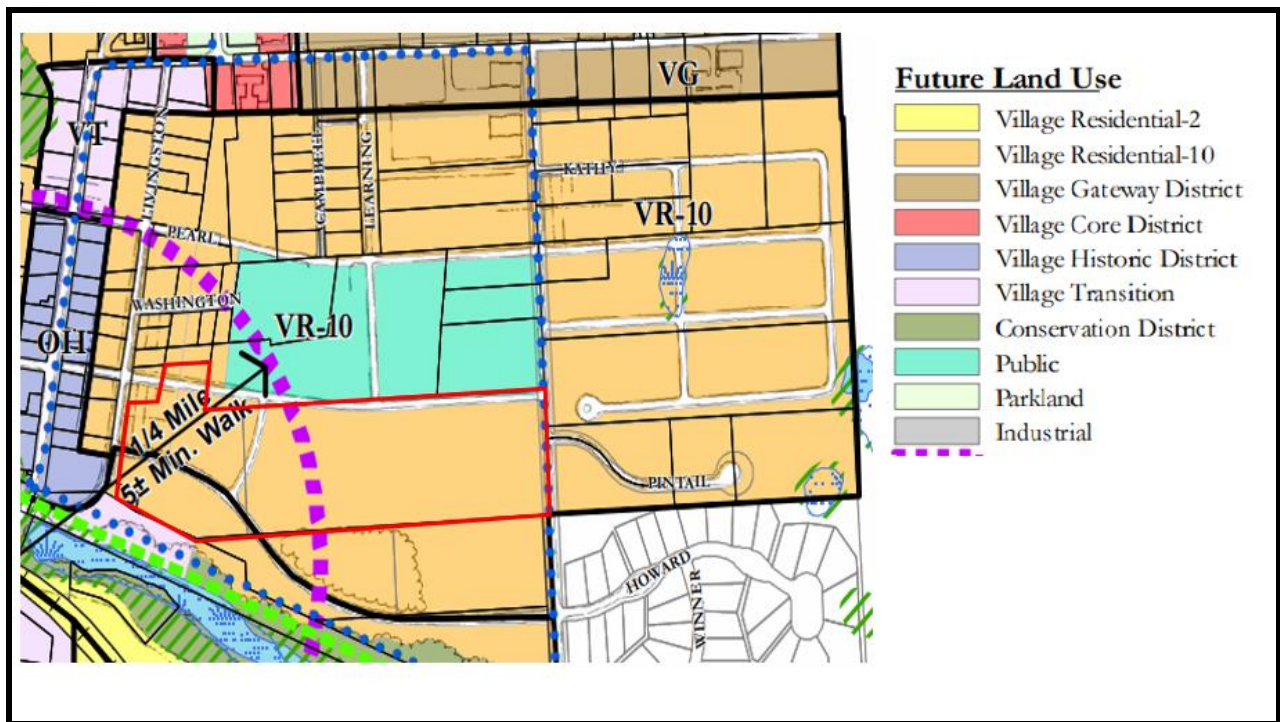
The subject property stretches approximately 1900 feet from Hall Road to the east to Livingston Street to the west. The first 500 feet of the north property line off of Hall Road is adjacent to parcel 15-25-400-027 at 1570 Hall Road. This parcel is currently used as an automotive repair shop. Parcel 15-25-400-027 is currently zoned GI and has a Future Land Use Designation as Public. The next 1000 feet of the north property line is adjacent to parcel 15-25-400-013 (the old Hamburg Elementary School Site) which is currently vacant and has been approved by the Township for a 208 unit multi family residential apartment project. Parcel 15-25-400-013 is currently zoned Village Center (VC) and has a Future Land Use Designation in the Master Plan as Public. The remaining 400 feet of the north property line of the subject property is adjacent to existing single family residential homes off of Washington Street and Livingston Street. These parcels are zoned Village Residential (VR) and have a Future Land Use Designation in the Master Plan and Village Residential-10.

The properties to the east of the subject site across Hall Road are developed with single family residential homes and are zoned VR and have a future land use designation of Village Residential 10.

The properties to the west are currently developed with residential homes or vacant and are zoned VR and have a future land use designation of Village Residential 10.

The property to the south at 10850 Hall Road is developed with an existing a metal stamping company (progressive Metal Forming) is zoned GI and has a future land use designation of Village Residential 10. The existing structure is located on the first 500 feet of the property off Hall Road. The remaining 1200 feet of the site is vacant and left in a natural state.





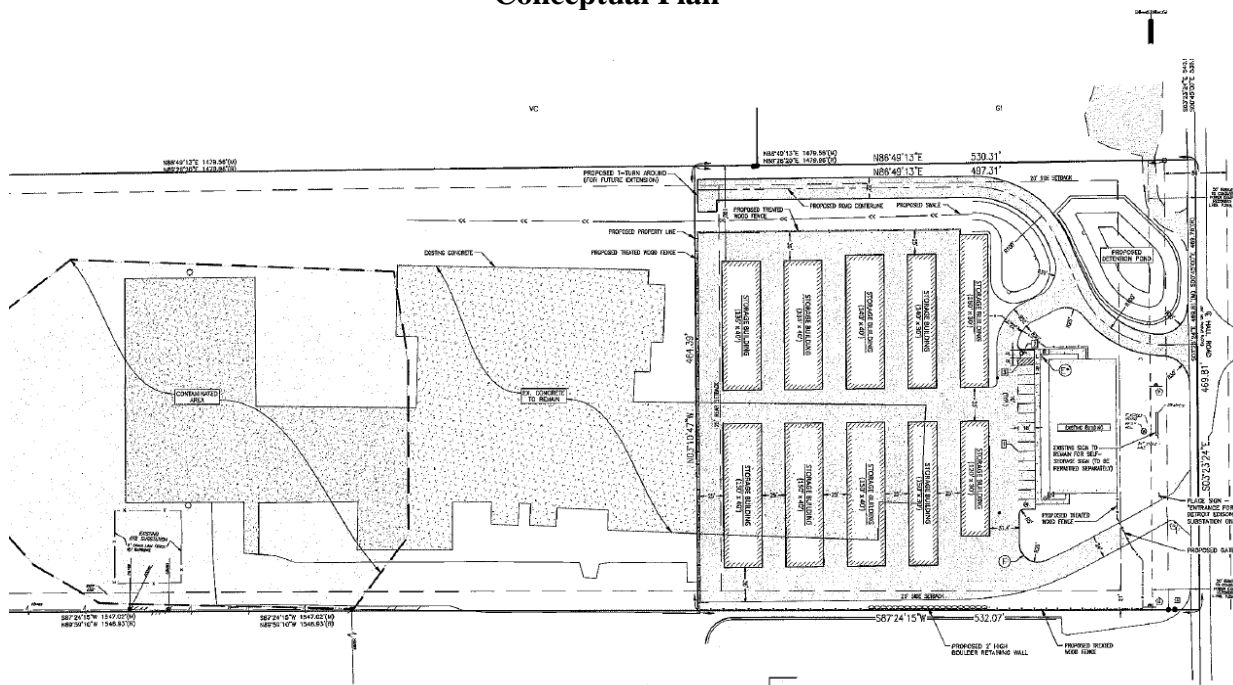
The subject site was the location of the former Hoskins manufacturing plant. This site is a current Brownfield site and was purchased by the current owners knowing the site may have environmental contamination. The property owners, state agencies and Township Brownfield Authority have been following all required processes to investigate any potential contamination of the site and any clean-up of the site that may be necessary. To this date the Township has not received any documentation that the site cannot be remediated and used for any purposes.

PROJECT DESCRIPTION

The proposed special use permit would allow a storage facility use on the first 500 feet of the subject site off of the property line adjacent to Hall Road. The applicant has not submitted a site plan at this time but has submitted a conceptual plan for a future storage facility project.

The conceptual plan, shown on page 4 of this report and in Exhibit A, includes 10 new buildings for indoor storage and would remodel the existing building on the site to be used as a part of this project. No building elevations, landscaping plans, lighting plans, engineering or other items needed for site plan review under section 36-73 of the zoning ordinance, have been provided at this time. The project also proposes that the property be divided to allow the land used for the storage facility to remain on an independent site and the remainder of the site to be on a separate parcel that does not include a development proposal at this time. If the Planning Commission approves the SUP22-003, in no way does the approval mean the conceptual plan for the storage facility is approved. A site plan application will need to be submitted and reviewed under Article III Site Plan Review of the Township Zoning Ordinance prior to the use of this site as a storage facility.

Conceptual Plan



Because this is a conceptual plan, staff has not reviewed the plan to verify that all the zoning regulations are met. If the Planning Commission approves the Special Use Permit there may be revision necessary to this layout in order to meet all of the zoning regulations when the official site plan is submitted and reviewed. Example regulations include but are not limited to setbacks, lot coverage, landscaping, lighting, signage, sidewalks, street design, drainage, building design, exc.

Staff Suggested Condition 1:

If the Planning Commission approves SUP22-002 staff suggest the following be made a condition of project approval:

Condition 1: The Special Use Permit for the storage facility use is only valid with approval of a final site plan from Hamburg Township. The site plan submitted for the storage facility on this site shall not increase the size or significantly change the location of the proposed use on the subject site from that shown in the conceptual plan (Exhibit A).

DISCRETIONARY REVIEW STANDARDS:

Summary of Staffs Review: Staff believes that this Special Use Permit 22-002 to allow the storage facility use on the subject site should be denied. Staff believes that the proposed storage facility use does not meet the discretionary review standards for the Special Use Permit(section 36-36 (c)). The location of the site would be detrimental to the existing uses and the future use of the adjacent properties in the area. The development would not be compatible with the Master Plan and will not be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and would change the essential character of the area. If a storage facility where to be built on this property staff believe this facility would hinder the intent of the master plan and further divide the residential properties to the west of the storage facility from the residential properties to the

east of the proposed storage facility. And therefore, is under the opinion that the proposed use would have negative impact on the future development of the surrounding properties as intended in the master plan.

Below are the Special Use Permit Standards in **Bold** followed by staff analysis.

Special Use Permit Review, Basis of Determinations (Section 36-36(C)):

The Township Planning Commission shall review the proposed special land use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:

- 1. Compatibility with the Master Plan: Will be harmonious and in accordance with the general objectives or any specific objectives of the Hamburg Township Master Plan.**

The following are some excerpts from the 2020 Hamburg Township Master Plan that apply to this site and the proposed project followed by Staff Analysis.

Hamburg Township Master Plan:

Land Use

Goal 3: Promote a mix of development types to manage sustainable growth.

Objective A: Provide an avenue to allow for a diversity in housing types to support the changing demographics, such as young professionals, empty nesters and the increasing elderly population.

Objective B: Encourage development that supports the aging population of the community, including aging in place, access to core services, and the expansion of necessary medical services.

Objective C: Provide an avenue for attainable housing.

Objective D: Encourage development in the Village Center area as indicated in the Village Center Master Plan.

Goal 4: Create a more visible identity for Hamburg Township and promote a sense of place within Hamburg Township.

Objective A: Encourage the development of the Village Center as indicated in the Village Center Master Plan.

Staff Analysis:

As stated in the section below the proposed development will not encourage the development of village center area as indicated in the VCMP. Allowing a commercial storage facility use on this site would decrease the opportunity for future residential build out as intended. This reduction would have an impact on the diversity of housing types able to be provided in the area and would reduce the possibilities for attainable housing within the Township.

Village Center Master Plan

The Future Land Use designation of the subject site is Village Residential 10 in the Village Center Master Plan.

“The purpose of the Village Residential Districts are to provide a variety of predominantly residential uses which include different housing opportunities while providing services such as parks, schools and convenience shops designed to encourage walking and biking minimizing the impact of the

automobile. The intent is to create high quality residential neighborhoods, which are integrated with other neighborhoods, as well as other districts.”

Staff Analysis:

It does not appear that the proposed project would meet the intent of the future land use designation in the VCMP on this property. The proposal is for a commercial storage facility use and does not include a residential. However, the storage facility use only utilizes approximately 5.7 acres of the subject property and the conceptual plan does propose splitting the site into two parcels. Although there is no proposal for the area of the subject site west of the storage facility a residential use may be proposed on this portion of the site in the future.

There are also many portions of the Village Center Master Plan (VR-10) that the proposed project design does not follow; however because the commercial use itself is in conflict with the VR-10 Future Land Use Designation of the VCMP, this report does not go into detail on all of the Village Center Master Plan regulations that this conceptual plan does not adequately meet. But instead some of those items have been listed below:

- Street Layout- Streets should be connected to knit neighborhoods together, streets should be designed to link neighborhoods to major amenities.
- Residential Design- Development should be designed to provide a wide variety of residential living opportunities within a neighborhood, designed in this area should be predominantly residential in nature.
- Streetscape- Lighting, Street trees, pedestrian crossings and sidewalks should be provided along roadways.
- Open Space- Neighborhood parks/plazes should be provided and linked to other open spaces amenities in the surrounding areas.
- Site Planning and Building Type- Buildings and site development should contribute to a cohesive urban pattern, define and frame the public street and open space system, and reinforce the overall goal of creating a walkable district.

Staff Suggested Condition:

If the Planning Commission approves the Special Use Permit 22-003 for the storage facility use the site plan should take into consideration the requirement of the Village Center Master Plan.

Condition 2: During site plan review for this project the regulations and requirement in the Village Center Master Plan shall be considered.

2. **Compatibility with Surrounding Area:** Will able designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will not change the essential character of the area, and will not be hazardous or disturbing to existing or future nearby uses. In determining whether a special land use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses,

consideration shall be given to the degree of impact the special land use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

1. Use activities, processes, materials, equipment or conditions of operation;
2. vehicular circulation and parking areas;
3. outdoor activity, storage and work areas;
4. hours of operation;
5. production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
6. impacts on adjacent property values; and
7. the relative ease by which the impacts above will be mitigated.

The subject site is approximately 20 acres. According to the conceptual plan (Exhibit A) approximately 5.7 acres of the site is proposed to be used as a part of the storage facility use if this special use permit is approved. The proposed storage facility will extend west on the site from Hall Road for approximately 530 feet. No outdoor storage is proposed as a part of the special use permit request.

The existing commercial developments of the properties to the north and south of the subject property also extend approximately 500 feet from hall road.

Although the storage facility use may be appropriate in comparison with the existing uses to the north and south along hall road it is staff opinion that because the master plan future land use for the area, including the future land use on the properties north and south of the subject site, is for residential use the location of a storage facility on this site would not be harmonious and appropriate in appearance with the intended character of the general vicinity, and will change the essential character of the area, and will be hazardous or disturbing to future nearby uses.

The conceptual plan does not include building designs, landscaping, lighting, traffic reports or other items that will be required as part of the site plan review for this project (Section 36-73). However, if the Planning Commission does approve this special use permit site plan review by the Planning Commission will be required prior to construction of the project.

3. Improvement to the Immediate Vicinity: Will be an improvement in relation to property in the immediate vicinity and to the Township as a whole.

The subject site was the site of Hoskins Manufacturing. This site has been vacant for many years, there is a large foundation for the old Manufacturing building and a vacant/gutted 9800 square foot single story building with a brick façade that remains on the site. This existing building will be used as a part of the storage facility. The site has undergone extensive environmental clean-up. The clean-up is now complete and the owners are looking to develop the site.

Existing vacant building on the site as seen from Hall Road



Although the project would remodel and reuse the existing building on the site and a storage facility use would allow people in the area easy access to storage. Because of the location of this site the storage facility use would reduce the land available and potentially impact future development of the adjacent site as intended in the Village Center Master Plan, for more dense residential development near the old downtown village area. This would have an impact on future development of the area and could impact the viability of the revitalization effort for the old downtown village area as a whole and therefore further impact the vitality of the Township as a whole.

- 4. Impact of Traffic on the Street System:** The location and design of the proposed special land use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volumes), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The Township may require submittal of a traffic impact study to ensure compliance with this standard. Such a traffic study shall be in accordance with standard practices and procedures, and prepared by a qualified traffic professional. The Township may require mitigation to maintain traffic operations at a level that is consistent with other types of permitted uses in the district. Route and operational restrictions (such as hours, cleaning of dust, or debris) may be established for construction traffic to minimize negative impacts.

The project has not yet been submitted for site plan review. No traffic study has been submitted for this project. This project has not yet been forwarded to the Livingston County Road Commission for review as currently designed.

The conceptual plan does include a roadway off of Hall Road that will extend along the north property line to the west side of the storage facility use and to the proposed new property line if/once the site is legally split. This roadway is depicted in the VCMP as a future connection from Livingston Street to Hall Road. The VCMP requires sidewalks, street trees, lighting, and pedestrian crossings along roadways within the village residential-10 areas to create a

common design feature that would visually connects the Village areas. This also will allow for pedestrian connections through this site to Hall Road eventually connecting to Livingston Street in the Village Downtown.

Staff Suggested Condition:

If the Planning Commission approves SUP22-002 staff suggest the following be made a condition of project approval:

Condition 3: Prior to issuance of a land use permit the LCRC approval will be required. During the site plan review for the Storage Facility a roadway that allows for the connection from the west property line to Hall Road will be part of the proposed design. This roadway will be constructed meeting the regulations in the VCMF and a roadway easement granting access for use of the roadway from and to the adjacent parcels and for the public use of this private roadway will be created as a part of the site plan review process.

5. **Impact on the Overall Environment:** The proposed special land use shall not have an unacceptable significant adverse effect on the quality of the natural environment in comparison to the impacts associated with typical permitted uses. The Planning Commission may require a quantitative comparison of the impacts of typical permitted uses and the special land use to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant environmental problem, mitigation shall be provided to alleviate the impacts associated with the environmental problem, mitigations shall be provided to alleviate the impacts associated with the requested use.

The subject site was the location of the Hoskins Manufacturing plant. There is currently a 9,600 square foot vacant/gutted building on the east portion of the site and a large concrete foundation where the old Plant building used to be located. Although there is a slight elevation change between the subject site and the sites to the north (6-8 feet) most of the area proposed as part of the storage facility use is relatively flat and devoid of much significant vegetation.

Staff Suggested Condition:

If the Planning Commission approves SUP22-002 staff suggest the following be made a condition of project approval:

Condition 4: Because of the location of contamination from the prior use of the property before the issuance of a land use permit the approval of the project by the Michigan Department of Environment and Great Lakes and any other federal or state agencies that may be required shall be received.

6. **Public Services Impact:** Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility, will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township. Public facilities shall include, but

not be limited to: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, water and sewage facilities, and schools.

See review of the proposed roadway under Special Use Permit Standard 4 on page 8 and 9.

The proposed drainage will be review as a part of the site plan review by the Township Engineer. The proposed water and sewage facilities will also need to be approved prior to any permit for the project on the site.

7. Compliance with Zoning Ordinance Standards: Will be consistent with the intent and purposes of this Ordinance and be designed, constructed, operated, and maintained to meet the stated intent of the zoning district.

A site plan review application will be required to meet all the non-discretionary standards of the Zoning Ordinance. When the site plan application and project plan is submitted staff will work with the applicant to make sure the project meets all of the non-discretionary review standards include but not limited to setbacks, heights, landscaping, parking, signs, and lighting regulations.

RECOMMENDATIONS:

Staff recommend the Planning Commission review, discuss and make a determination on the Special Use Permit (SUP22-002) to allow the Storage facility use on the portion of the site (parcel number 15-25-400-014) at 10776 Hall Road as shown in the conceptual plan.

Staff suggests the Planning Commission deny the Special Use Permit as it does not meet the special use permit standards 1, 2, and 3 as stated in the staff report and presented on pages 5-8 of the staff report.

Example Denial Motion:

The Planning Commission denies the Special Use Permit 22-002 to allow the storage facility use as presented on parcel 15-25-400-014 at 10776 Hall Road. Due to the location of the site; this project would not be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan, would not meet the intent of the Village Center Master Plan, would not be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the intended character of the general vicinity, would change the essential character of the area, and would be hazardous or disturbing to future nearby uses. The proposed project would therefore not meet the Special Land Use standards in section 36-36 (c) (1, 2, and 3) as discussed at tonight's meeting and as presented in the Staff Report.

If the Planning Commission finds that the Special Use Permit does meet the Standards in section 36-36 (c)(1-8) they should discuss how they believe the project meet each of these standard and make a motion to approve the project. Because the special use permit requires a site plan, the proposed approval should be linked to the site plan approval for the project.

Example Approval Motions:

The Planning Commission approves the Special Use Permit 22-001 to allow the storage facility as presented because the proposed project will meet the zoning regulations and the special use permit standards under section 36-36 (c)(1-8) as discussed at tonight Planning Commission meeting and with the following condition.

Conditions of Approval:

Condition 1: The Special Use Permit for the storage facility use is only valid with approval of a final site plan from Hamburg Township. The site plan submitted for the storage facility on this site shall not increase the size or significantly change the location of the proposed use on the subject site.

Condition 2: During site plan review for this project the regulations and requirement in the Village Center Master Plan shall be considered.

Condition 3: Prior to issuance of a land use permit the LCRC approval will be required. During the site plan review for the Storage Facility a roadway that allows for the connection from the west property line to Hall Road will be part of the proposed design. This roadway will be constructed meeting the regulations in the VCMP and a roadway easement granting access for use of the roadway from and to the adjacent parcels and for the public use of this private roadway will be created as a part of the site plan review process.

Condition 4: Because of the location of contamination from the prior use of the property before the issuance of a land use permit the approval of the project by the Michigan Department of Environment and Great Lakes and any other federal or state agencies that may be required shall be received.

Condition 5: The special land use permit for the storage facility use shall be null and void unless a land use permit for a storage facility use on the site is granted within one year from the date of this approval.

EXHIBITS:

Exhibit A: Conceptual Storage Facility Plan

Exhibit B: Application Materials

