



10405 Merrill Road  
P.O. Box 157  
Hamburg, MI 48139  
(810) 231-1000  
[www.hamburg.mi.us](http://www.hamburg.mi.us)

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Supervisor Pat Hohl Clerk Mike Dolan Treasurer Jason Negri Trustees Bill Hahn, Patricia Hughes, Chuck Menzies, Cindy Michniewicz

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## PLANNING COMMISSION MEETING

Wednesday, March 15 at 7:00 PM  
Hamburg Township Hall Board Room

### MINUTES

#### CALL TO ORDER

Commissioner Muck called the meeting to order at 7:00 pm.

#### PLEDGE TO THE FLAG

#### ROLL CALL OF THE BOARD:

##### 1) PRESENT:

John Hamlin  
Patricia Hughes  
Victor Leabu Jr  
Deborah Mariani  
Ron Muir  
Jeff Muck, Chair  
Joyce Priebe

##### 2) ABSENT:

#### APPROVAL OF MEETING AGENDA for tonight.

Motion made by Commissioner Mariani, supported by Commissioner Priebe, to approve the agenda as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

#### APPROVAL OF THE MEETING MINUTES

Motion made by Commissioner Muir, supported by Commissioner Hughes, to approve January 18, 2023, Planning Commission Meeting Minutes as amended by Commissioner Hamlin to remove Chris Madigan and add Amy Steffens as zoning administrator.

VOTE: MOTION CARRIED UNANIMOUSLY

## CALL TO THE PUBLIC

None

## UNFINISHED BUSINESS:

1. **Special Use Permit (22-003):** to consider a request to construct two residential units in a proposed second-story addition at 9704 Kress Road (15-21-405-016).
- Co-chair Muir **opened the meeting to Amy Steffens**, the Planning and Zoning Director. She reminded everyone that this project was originally heard before the Planning Commission at the January 18, 2023, meeting as a required public hearing to consider the special use permit application to construct two residential units in a proposed second-story addition at 9704 Kress Road. She referred to page 2 on this month's staff report which is taken directly from the minutes of the comments made by the members of the public. After closing the public hearing, the planning commission did hold a hearing, taking additional testimony from staff and the applicant regarding the project. Because there was not a quorum, the motion did not pass because it was a 3 to 1 vote. Therefore, we tabled this project until tonight's meeting to take up the project again given that three of the commissioners were not present at the January meeting. She debriefed everyone again on the important details regarding the comments and staff report.

This site is where the old Blue Front Party Store has been for a number of years on the corner of Rd and Shan-Gri-La Dr, which is zoned as Neighborhood Service and has most recently been used as a convenience and liquor store. The master plan has targeted this area as Neighborhood Commercial. The submitted plans that were revised on January 27, 2023, indicate that interior renovations to the existing single story retail space will create two tenant spaces, with the addition of two 1,152 sq ft, 2-bedroom residential units on a proposed second-story addition. Apartments in the Neighborhood District are permitted with the approval of a special use permit with the list of conditions stipulated in **section 36-235** of the Hamburg Township Ordinance in Municode. On December 14, 2022, the Zoning Board of Appeals granted two dimensional variances for construction of the second story addition and deck. Each residential unit has an exterior deck which required setback variances that were granted by the ZBA. Staff reviewed the report.

Before approval or denial of a special use permit, the discretionary review standards of the ordinance need to be reviewed. 1) Compatibility with the master plan, while being harmonious with the objectives of the master plan. Such mixed-use development types help manage sustainable growth. Providing residential dwelling units above a retail office is not a new mixed-use concept. Hamburg is lacking apartments units and having two units is an attractive option for people who are looking for housing that is not detached single-family residential. We have a model of this option across the street, above the marina. 2) Compatibility with the surrounding area will be designed, constructed, operated, and maintained to be harmonious and appropriate

for the character of the general vicinity. This project will not change the essential character of the area. 3) Improvement to the immediate vicinity will be an improvement in relation to the property in the neighborhood and Township as a whole, which this project would meet these standards. This subject site has been used for years as a convenient store and continues to be zoned for such uses even though it has been vacant for many years. The building has fallen into disrepair which has been partly remediated at various times. Having a viable retail use at this location that is designated for such uses would be an improvement to the immediate vicinity. Providing two low-impact residential uses will keep the retail use viable. 4) Impact on traffic on the street system -because this is an existing small site, no traffic impact study is warranted with the addition of two residential units. Staff expects that the impact of these two units to be negligible with would not impact the traffic of the neighborhood. There is a comment from the Road Commission that mentioned a commercial approach could be approved 40' north of the south property boundary, which is shared with the party store and the home directly to the south. One of staff's suggested conditions in reference to the issuance of a land use permit, the approval of the county road commission will be required. 5) Impact of the overall environment, a use should not have an adverse impact on the quality of the natural environment in comparison to other typical permitted land uses. Staff finds that this subject site is an existing commercial building with an associated parking lot. The proposed additional units will be a vertical addition and will not increase the amount of impervious surface area. Further improvements to the site will be discussed during the site plan review, that if this project is approved will follow immediately. But in terms of the special use request for the two residential units, there will be no adverse effect on the environment. 6) Public services impact will be served adequately by essential public services and facilities. The Township has adequate public services and facility capacity to serve two apartment units and the residential portion will not have an adverse impact on streets, public safety protection, utility systems, schools, or pedestrian and bicycling facilities. 7) Compliance with zoning ordinance standards will be consistent with the intent of the zoning district. The site is already zoning Neighborhood Service. The intent which is to provide retail and personal service establishments which cater to the day to day needs of families residing within immediately assessable neighborhoods. The intent of the Neighborhood Services district envisions commercial development for which this site is zoned and developed. The addition of the residential dwelling units would support the long-term financial viability of the small commercial site. Additionally, it is important to remember that there is no path forward under the current zoning ordinance that would permit the site to be used solely for residential purposes under its current zoning classification.

Additional standards exist in our ordinance for buildings that contain residential uses in our commercial districts of NS, CS, and OH. To be approved, 1) this site cannot consist of a one-family, two-family or a multi-family dwelling. This building will be mixed use, with retail on the first floor and two residential units on the second floor. This condition is met. 2) The gross foot sq footage for apartments within a building shall not exceed the gross square footage available for business occupancy within the building. This condition is met. The sq footage of the retail component is 2,911 with 2,304 sq footage of proposed residential space. 3) All construction within the building shall comply with adopted building and fire codes for mixed use buildings. Livingston County Building Department and the Hamburg Township fire department will work to ensure this condition is met prior to issuance of building permits. Currently, neither of these departments can determine, based on the plans that they have, what codes are going to need to be met as far as suppression goes. It is not up to the Planning Commission to determine this standard. This will be dealt with at the time of permit issuance. We will not issue a permit until

we receive the fire marshal's approval of those building plans. Once the interior layout for the first floor and the second floor residential is submitted, and the types of uses that will be utilized the first-floor area, then the fire marshal can make the determination of what type of fire suppression codes will be required. We are waiting for full building plans and specific uses have not been identified. That will come later. 4) When a building is used for both business and residential occupancy, the uses shall be located as follows: apartments may only occupy spaces above the first story, no business or office shall be located on the same level or a level above a residential floor. This condition is met. 5) Each building that contains a business and a residential use shall provide and maintain an enclosed entrance to the interior for the exclusive use of the occupants of the residential portion of the building. This design is typically seen in a more urban setting for a larger apartment project, and I think we all have seen such a separate access than the business below. This is an existing building. It would be very difficult to provide this and then provide all of the site amenities as well. The intent of the that condition has been met, and both residential units have exterior entrances to their residents from outside. 6) All accessory structures, such as garages and storage sheds related to the apartments shall be so designed on the site plan and subject to approval by the PC. No such structures have been proposed here. If that were proposed in the future, then those structures would need to come back to the P.C. for review. 7) A parking area shall be reserved on the same lot or parcel as the principal building and designated exclusively for the apartment occupants. This condition has been met since all parking is on-site. Staff would recommend that condition be placed on approval that would require 4 parking spaces (two spaces per residential unit) for residential use to be delineated by permanent signage on the site plan. 8) Modification to the building or a site that include residential uses are subject to requirements for site plan review as stated in Article III of this chapter. If future alternations are proposed to the site, we would have to go back through site plan approval. 9) The conversion of an approved apartment to a use permitted for the zoning district in Section 36-36 shall not require special use approval. If applicant wanted to turn the whole building back into a use that is permitted by right in the NS district, there is no additional approval that would be required.

- Chair Muck reminded everyone that we are only discussing the special use permit. Anything to do with the preliminary site plan will be held under the new business. Chair Muck offered the applicant or any of his representatives a chance to address the planning commission board members.
- David Wooley stepped up at the podium and addressed the commissioners. He explained that he was a partner of D & G Real Estate. The current commercial use has not been viable for a number of years, and that is why it has sat empty for a number of years. When I purchased it with my partner, we wanted to find a way to have the commercial use with a viable future use. I felt this design fit well in this neighborhood; making a improvement of what is there currently. The two residential neighbors on either side of this commercial location are present to support this endeavor.
- Chair Muck opened the discussion to the Planning Commissioners. No one spoke up.
- Commissioner Hughes stated that she was probably the only one with issues regarding this development as a special use. Under the criteria, #2 regarding compatibility with the surrounding area, item two under that says vehicular circulation and parking areas. She said she has a concern about this use not being compatible with the home next door. The parking being so far to the

south and installation of a swale would impact the homeowner to the south. Also, under #3, regarding improvement to the immediate vicinity of the area. All of the homes surrounding this commercial site are all single-story. I do not see this as being an improvement to those homes.

- Commissioner Priebe stated she is in favor of this project. Having the two units above this commercial site will be condo units and not apartments. We would have ownership of those two residential units, encouraging them to take more care of them in retrospect of the community.
- Commissioner Hughes followed up with a question about who will take care of the commercial units on the first floor if the condo owners do not. Commissioner Priebe said the owner of the building would be held responsible for upkeep and maintenance. Commissioner Hamlin said the PC would be approving a site plan which would show the improvement of the commercial space below. The site plan approval would cover all improvements to the whole building.

**An Approval Motion** made by Commissioner Hamlin, supported by Commissioner Priebe, that the Planning Commission approve the special use permit #22-003 to permit the construction of two residential units in a proposed second story addition at 9704 Kress Rd (15-21-405-016) 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 by the Planning Commission with the following conditions:

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

**Condition 2:** 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 by Township Approval.

**Condition 3:** Prior to issuance of all land use permit the LCRC approval will be required.

**Condition 4:** The four required residential parking spaces shall be delineated on the site plan and permanent signage be provided prior to certificate of occupancy for the residential use.

**Condition 5:** The special land use permit for the resident 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 the approval.

**Roll Call Vote: Ayes (6); Muck, Hamlin, Muir, Priebe, Leabu, Mariani      Nays (1); Hughes.**

**Motion carries with (6: 1 Vote).**

## **CURRENT BUSINESS**

1. **Site Plan Review (SPA 22-0006):** to consider for a second-story addition over an existing commercial building to accommodate two residential units at 9704 Kress Road (15-21-405-016). 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.

- Commissioner Chair Muck **opened the meeting to Amy Steffens**, the Planning and Zoning Director. This site is located off Kress Rd (east) and Shan-Gri-La Dr (north) and it is a .44 acre sized lot. The parcel is zoned Neighborhood Service district and has most recently been used as a convenience and liquor store. The master plan calls for the future use of this area as neighborhood residential. The ordinance and the master plan are in harmony for this site.

We are now reviewing the site plan application to allow for a two story residential addition above a commercial building. If this developer came in today and tried to pull a permit to improve the interior of the existing commercial building, for a use that is permitted, we wouldn't need to go through site plan review. But because the special use permit was approved, we require that this project go through a site plan review. There is an existing asphalt parking area on the west and north side of parcel that will be removed and replaced with grass. The applicant is requesting a waiver of the paved parking and landscaping standards. The project plans, building elevations, floor plans and site plans are attached to the report for your review. Table 1 in the staff report are the bulk standards from the township ordinance that apply to the neighborhood service district. A 25' setback is required by the ordinance and the proposed project setback is 17.4'. The Zoning Board of Appeals granted a variance in December 2022. A 25' rear yard setback is required by the ordinance but the proposed project's rear setback is 18.6', which a variance was granted for as well. A 20' side yard setback is required, and the proposed project's side yard setbacks are compliant. The ordinance requires 2.5 stories and 35' for the height of structures and the applicant project conforms to this regulation. This site is twice the required lot size for the neighborhood service district. The maximum building lot coverage requirement is 40% of the total lot size is permitted by the ordinance. The regulation standards allow for 75% impervious surface which this project conforms to.

The landscaping requirement of the ordinance is a 20' wide greenbelt along the east and north, along the two rights-of-way. Trees and shrub ordinance requirements is one canopy tree and four shrubs for 40' linear feet of frontage along the east boundary. The applicant would need to provide 5 canopy trees and 18 shrubs, where none are proposed for this project. Along Shan-Gri-La Dr (on the north), 3 canopy trees and 16 shrubs would be required by our site plan requirements. The applicant is proposing to only use two existing canopy trees that are onsite in this area. Another 20' wide greenbelt buffer is required by our landscaping standards for between commercial and residential districts. The boundaries on the south and west side of this commercial parcel is where two residential dwellings exist. What is required under the landscaping regulations is a 6' high continuous wall or berm. We also require one canopy tree, one evergreen tree, and four shrubs per 30 linear feet along the property line here. Along the west boundary, 7 canopy trees, 7 evergreen trees, and 28 shrubs and a berm or a wall are required by our standards. The applicant is proposing to make use of an existing tree line as well as requesting a waiver from these requirements. Along the south, we would require 4 canopy trees, 4 evergreen trees, 16 shrubs, as well as a continuous berm or a wall would be required by our landscape standards. And again the applicant is requesting a waiver from all of these requirements. The parking lot also has landscaping standards in our ordinance for commercial districts. What is required is one canopy tree for each 2,000 sq ft. of paved driveway and parking lot surface, with no less than 2 trees provided. This project would require 8 canopy trees but none are proposed. The applicant is requesting a waiver from the parking lot standards. The Township Planning Commission can consider existing elements in the landscape design, in instances where healthy plant materials existing on site prior to its development. The planning commission may permit substitution of such materials in place of required landscape elements set forth in this section. The PC can also waive or modify the fencing or landscape buffering requirements upon a determination that a solid fence or landscaping buffer will not be necessary or affective for screening. When making that determination, the planning commission shall consider the following; 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, and 6) similar conditions existing such that no good purpose would be served by providing the required landscaping plan. Staff believes that not all conditions have been met to warrant a waiver of the landscaping requirements. The existing lot to the south has a single family home. The applicant is proposing a gravel parking lot along this side of the site, with a 16 ½' bioswale with no proposed required berm, or no wall or landscaping. Staff has concerns about the impact of headlights flicker and vehicular sounds becoming a nuisance to this single family homeowner. In the original staff report for the January 2023 PC Meeting, Amy stated that the PC should require, at minimum, the addition of a 6' tall solid fence on the southside of the parking lot to lessen the impact from this project on the property to the south. Put the required shrubs on the outside of the fence to soften the aesthetic appearance of the fence. The applicant is proposing a 6' tall fence along the south property boundary with no additional landscaping. On the west side, an existing home is 58' from the west property line and the proposed paved and gravel parking areas will abut part of the shared property boundary. Staff believes there is adequate room immediately west of the commercial building to provide the required landscaping. Staff suggests that at a minimum, the PC should require a 6' fall fence along the west property line, again to lessen the impact of the project to the property to the west, and install the required landscaping material outside of the fence. With the latest revisions, the applicant is proposing a 6' fence along the west property boundary with no additional required landscaping. Along the east and north right-of-way where the greenbelt is required, there is no landscaping nor the required 20' wide greenbelt proposed on the east front or the north front property boundaries. The existing asphalt parking areas will be removed and replanted with grass, with a 5' strip of grass along the north and east. Staff finds the request to not provide landscaping is not supportable due to the usual characteristics of this site. There is nothing unusual about this site not to warrant this require landscaping requirement. Minimum recommendations for the portion of the east boundary should be landscaped according to the township requirements and on the north property boundary. The proposed asphalt and gravel parking lot does not provide space to require landscaped islands for so many parking spaces. The bioswale that is proposed to the south gravel parking lot, and the additional landscape maybe appropriate there.

- Commissioner Hughes asked for clarification regarding the stated “west parking area” but it appears to be “east and north.” Amy agreed with her statement correction.

Lighting is required to be fully shielded, and directed towards the earth’s surface, and away from residential uses. Staff finds that the lighting plan is not adequate to determine the conformance of the township ordinance requirements. The revised elevations include standard style porch lights for the two residential units but that is not include in the photometric plan. Staff suggests that prior to the issuance of a land use permit, the applicant shall submit a photometric plan that includes all of the proposed lighting. Decorative light fixtures shall be approved by either the Zoning Administrator and/or PC as an alternative to shielded fixtures, when it can be proven that no offsite glare and the proposed fixtures will improve the appearance of the site. The wall packs on the first floor are not decorative; they are just standard wall packs. No lights poles are being proposed here. Lighting shall not be flashy or of an intermittent type. All outdoor lighting fixtures, except where used for security purposes, shall be turned off between 11pm and sunrise. An exception to this would be when the commercial business is open after 11pm. Businesses that use lighting for security purposes are encouraged to use a motion detection device. The lighting needs to meet that time frame. Amy asked if there are any questions on the lighting.

- Commissioner Leabu asked if the residential lights need to be turned off. Amy stated that residential lights are not required to be turned off during this time frame. Amy clarified that is why we need a photometric plan to prove there will be no impact on the property to the west.

Parking-the applicant is asking for a waiver to the parking lot requirements. Retail store requirements is one parking space for each 150 sq ft of floor area. This requirement would require 20 parking spaces for the commercial use, and 4 are required for the residential use, which totals a requirement of 24 parking spaces for this project but only 20 spaces are being proposed with this project. The applicant is requesting a waiver for the 4 residential parking spaces. Staff believes that this parking lot waiver would be appropriate given the small footprint of the commercial site, as long as the 4 residential spaces were permanently delineated on the site plan and on the site. Amy asked if there were any questions.

General parking requirements- off street parking for nonresidential uses will be located on the same lot or parcel, which it is. A minimum area of 200 sq ft. shall be provided for each vehicular parking space, and shall be designated and reserved for parking. Our engineer looked at that and approved it. Suitable means for ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movement. The Road Commission has reviewed these plans and has agree to the curb cut of 40'. We will require the **road commission** permit before we issue the land use permit. Our regulations require that parking areas with capacity of four or more vehicles must be hard surfaced, with either concrete or asphalt, or another stabilized engineered surface. Prior to occupancy, the parking area shall provide adequate drainage for facilities to dispose of all collected surface water. This requirement may be waived by the planning commission, under the criteria standards found on page 35 of the staff report. Our township engineer reviewed the site plan for this pavement waiver request. The review letter from Ted Erickson, the township engineer is included in the packet. He raised no issues with this site plan regarding the stormwater management system. Amy asked for Mr. Erickson's review of the gravel parking lot and he raised no issue with it being gravel. Amy said she will be asking if the planning commissioners will require a hard surface parking area. In our standards, we include gravel areas in our impervious calculations for maximum lot coverage because of the way it compacts and doesn't allow water to infiltrate through it. Staff does have an issue of the proximity of the gravel parking area to the single-family home to the south. We are requiring the movement of the parking area to the south where currently grass exists due to the use of the commercial business. Staff recommends that the whole parking area be required to be paved.

Commercial driveway standards-driveways shall be located as to minimize interference with the free movement of traffic and provide adequate site distance. Driveways, including the radii, but not including the right turn land and the passing lanes, all of which are administered through Livingston County, and they have reviewed this project. The posted speed limit will be 35-39 mph. The driveway has the minimum spacing of 185' in accordance with our township ordinance. The permit for the driveway will need to be approved by Livingston County Road Commission.

Signs -we have revised plans that show two commercial units in the first floor area. Each tenant can have a wall sign. These sign requirements are listed on page 36 of the staff report. Land use permits are required for signage. We will review the proposed signs at the time they will be installed, or as part of the building application.

- Commissioner Hughes asked for clarification on the parking lot and driveway standards.

Amy moved on to the Site Plan Review Standards on page 37 of the staff report which she quickly covered. The proposed development conforms to all provisions of the township ordinance. Variances have been granted by the ZBA for the reduced north and west yard setbacks for the



second-story addition. Currently, the revisions to the site plan meet the engineering, design standards as well as the stormwater calculations meet our ordinance regulations and have been confirmed with the township engineer.

- Commissioner Chair Muck asked David Wooley if he wanted to address the commissioners on any items.
- David stated that the gravel proposal was the idea from the Livingston County Drain Commission and the engineer. David explained that he had no issue with paving the parking area. Commissioner Leabu expressed concern about winter plowing with a gravel drive would fill in the bioswale to the south with gravel. David admitted that the maintenance of a paved parking area would be less expensive than a gravel area. David asked for clarification regarding the landscaping. He explained that the homeowner to the south already had a line of arborvitae to the north of his home. He wanted to know if those shrubs would be appropriate as a substitute for the proposed landscape to the outside of the fence. David also stated that he could ensure to put in the required landscaping in the right-of-way but that he doesn't want to be held liable if someone gets hit due to limited sight distances. David explained that he was concerned that would be a safety issue. He expressed frustration with his past dealings with each Zoning Administrator/Planner regarding his development of this project. Commissioner Chair Muck asked David to stand by for questions of the Commissioners. He directed the Commissioners to start their discussion.
- Commissioner Leabu started with agreement with the asphalt pavement of the parking area. He also said that the row of arborvitae would be approval on the outside of the fence. He also stated that he would keep lower height landscaping towards Kress Rd.
- Commissioner Hughes asked if sidewalks were required in the Neighborhood Services District. Amy let her know that our ordinance standards do not require sidewalks in that district. Commissioner Hughes asked if our ordinance would allow the two residential units to have some area for a yard to enjoy being outdoors. Amy let her know that she had considered that and that there is a significant size yard onsite, in the front and rear of the building. Landscaping along Kress Rd, the township has visibility requirements that could be applied here so that would alleviate any safety concerns with pulling out of the driveway at this location.
- Commissioner Priebe mentioned that she was concerned with landscaping on Shan-Gri-La Dr and coming out of the Post Office. She stated that we would want to require any large trees and bushes to be set back from the road right-of-way. Amy said that we could apply these same visibility requirements to that area as well.
- Commissioner Muir stated that the landscaping should be around the decks. David reminded the commissioners that the decks were on the side and in the rear of the building.
- Commissioner Priebe asked if these residential units were condos, and those units had two parking spaces per unit, what else would they own? Would they really own anything at ground level that would require landscaping? Commissioner Leabu reminded the commissioners that there are many legal documents regarding what the condo purchases would entail regarding ownership and repairs. Commissioner Leabu said that the developer might be required to put in landscaping on the inside of the fence so that the residential owners could enjoy an area that is landscaped and enjoyable.

- David Wooley explained that on the west side of the parcel were a whole line of lilac bushes between Dennis Down's home and his commercial property.
- Dennis Down, 4710 Shan-Gri-La Dr (west of the development) came up to the microphone with recommendation of the commissioners. He asked for clarification of where landscaping for this project would be required, inside or outside of the fence. The commissioners stated inside the fence. Dennis was good with that information, so he walked back to his seat.
- Commissioner Leabu stated that he was fine with leaving the rest of the landscaping requirements to staff since this was just the preliminary site plan review. He said that the applicant had many hurdles to overcome before the final site plan.
- Commissioner Hughes stated that she wasn't expecting landscaping right up against the right-of-way off Shan-Gri-La but she had some concerns about the parking. She explained that she would be hesitant to not require 24 parking spaces here so that there would be 4 parking spaces dedicated to the two residential units onsite. Commissioner Muir replied that there is only space enough on the site to allow for 20 parking spaces.
- Commissioner Leabu stated that the party store off Chilson Rd. only has never had more than 4-5 customers at a time in their parking area.
- Commissioner Hamlin asked for clarification if this was a preliminary or a final site plan. He asked if this is a preliminary site plan, would we require that they come back for a Final Site Plan.? Amy stated that an applicant can request either. She stated that the PC could give final site plan approval and condition it on, no permits issued until the applicant meets these conditions, whatever the PC wants. A Final Site Plan still has to go to the Township Board for approval. Hamlin stated that lighting should be required for the stairway since that is how the residents will access their units. Low lying landscaping along Shan-Gri-La should not impact the visibility along that right-of-way.
- Commissioner Muir stated that the landscape could be placed in the grassy area to avoid losing more parking spaces on the west side of the parcel. Amy agreed with his recommendation there.
- Commissioner Hughes asked why we must waive our site plan standards on this site due to space constraints. She said she is having difficulty with understanding why we are allowing this development to occur on this 4.4-acre parcel even though there isn't enough space to meet the required parking spaces or the bioswale for the site. She agreed that the building plan is beautiful.
- Commissioner Chair Muck asked if there were any other questions.
- Rodney Marlow 9732 Kress Rd (property to the south) voiced his concern of the PC requirement of a 6' high fence. He stated that his property is a 1 ½' higher than this site's parking lot. He is concerned that the run off from a paved parking lot will continue to erode the area of where his arborvitaes exist. He asked if a bioswale will be installed to help with the run off from this site. Rodney also asked if the 6' fence would be high enough to block headlights at the commercial site from his view.

- Commissioner Hughes reminded the commissioners that at the PC Meeting in January 2023 that she had stated that the elevation of the home was quite different then the commercial site.
- Commissioner Priebe asked Amy if our standard allowed a taller fence at this location, such as an 8' high fence.
- Commissioner Hamlin reminded the commissioners that 20 cars headlights could be impacting Rodney's view.
- Commissioner Priebe stated that it might be wise to keep this site plan review as a preliminary review, due to the headlights and landscaping so the developer can improve their plans for the final site plan. Commissioners Hamlin and Priebe asked Rodney Marlow if he wanted an 8' fence.
- Rodney Marlow stated he did not want an 8' fence, and that the 6' fence would be good.

**An Approval Motion** made by Commissioner Priebe, supported by Commissioner Muir, that the Planning Commission recommends approval of the preliminary site plan SPA #22-002 to the Township Board with the following condition; 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 directs the applicant to work with planning staff on the submittal of a landscaping plan that conforms prior to Final Site Plan approval.

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

**Condition 1:** Prior to approval of the final site plan review, 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.

**Condition 2:** 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 3:** 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 4:** Prior to the 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 5:** All signage shall conform to Article XIII, Signs, and land use permits shall be issued prior to installation of signage.

**Condition 6:** Trash bin enclosure details shall be submitted prior to final site plan approval.

**Roll Call Vote: Ayes (6); Muck, Hughes, Hamlin, Muir, Priebe, Leabu, Mariani**

**VOTE: MOTION CARRIED UNANIMOUSLY**

2. **Waiver to the sign regulations** to permit four wall signs on the east front elevation of Kroger grocery store, totaling 481.2 square feet, and two wall signs on the south side facade totaling 31.65 square feet (one wall sign with a maximum size of 198 square feet permitted per Section 36-477) at 9700 Chilson Commons Circle (TID 15-22-402-001)
3. **Waiver to the sign regulations** to permit four wall signs on an existing gas station canopy totaling 113.5 square feet (one sign with a maximum size of 48 square feet permitted per Section 36-477) at 9528 Chilson Commons Circle

- Commissioner Chair Muck opened the floor to Amy Steffens, the Planning and Zoning Director.

Amy stated that the current sign application that is for the Kroger Store and the Gas Kiosk. This is a sign waiver application for wall signs. It is for a 50' additional sign panel on the existing free-standing sign at the entrance of the Chilson Commons Shopping Center that was granted by the planning commission through the site plan approval for the building expansion. But no additional wall signage was considered at site plan approval. On page 2 of the staff report, is a table showing wall signs and what is permitted and what needs a waiver. For Kroger, only one wall sign is allowed, sized at 198 sq. ft. Amy read through the applicant's signage waiver for all of their proposed signage. She continued to explain all of the requirements of the Hamburg Township site plan review standards and sign ordinance regulations. Amy stated the sign lighting standards and Section 36-479 Sign Regulation Waiver.

- Commissioner Chair Muck opened up the floor to the applicant David Michael from St. Joseph, MI . The signs are to assist customers with the pharmacy drive through, grocery store pickup area, and the Starbucks location sign.
- Commissioner Muir asked if these signs were for now or for later after the expansion is completed. Amy addressed his question by walking the commissioners through the Kroger East Elevation Drawings. She explained that this package will cover the expansion of the current store.
- Commissioner Hughes asked if these new signs would replace the existing gas station signs that are behind the big bushes. The applicant David said no that the signs would still be there, but they could trim those bushes so that customers can see them better.

**An Approval Motion** made by Commissioner Muir, supported by Commissioner Mariani, to approve all of the sign waivers for properties 9700 Chilson Commons Circle and 9528 Chilson Commons Circle, in addition all nonpermitted signage, including banners, flags and temperate signage be removed prior to issuance of the final zoning compliance of sign permits.

- David let the commissioners know that he has begun the process of getting all of these nonpermitted signs removed from these locations.

- Commissioner Hamlin requested that site plans should be 11X17 as hard copies and placed in the outside pickup box for all the commissioners. The rest of the packet materials are fine to stay as electronic copies via through email.
- Commissioner Hughes requested a hard copy of all materials (site plans and other exhibits).
- Everyone welcomed Debbie Mariani to the Planning Commission.

## **ADJOURNMENT**

**Motion to adjourn at 8:52 pm.**

**Motion made by Commissioner Leabu for adjournment. Seconded by Commissioner Hamlin.**

**VOTE: MOTION CARRIED UNANIMOUSLY**

Respectfully submitted,

**Lisa Perschke**

*Planning/Zoning Coordinator & Recording Secretary*

**Amy Steffens**

*Planning & Zoning Director*

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

\_\_\_\_\_  
Commissioner Jeff Muck, Chairperson