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

PLANNING COMMISSION MEETING
Wednesday, February 21, 2024, 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.

Approval Motion made by Commissioner Mariani, seconded by Commissioner Priebe, to approve the February 21, 2024, agenda as presented.

VOTE: MOTION CARRIED UNANIMOUSLY

APPROVAL OF THE MEETING MINUTES

Approval Motion made by Commissioner Hughes, seconded by Commissioner Muir, to approve December 20, 2023, Planning Commission Meeting Minutes with correction to the spelling of Ronnie Hamama's name as noted by Commissioner Hughes.

VOTE: MOTION CARRIED UNANIMOUSLY

CALL TO THE PUBLIC- for Apartments

1. **Sara Bennett** – 10582 Livingston St. who mentioned that this new version of these apartments involved 3-story structures, where the past proposal did not. She said that these buildings should fit in with the existing architecture, and there currently are not any 3-story buildings. She was concerned about the entry into the community off M-36, with no left-hand turn lane. As a result, she felt it would help to increase traffic onto Livingston Rd because it would make it difficult to turn left out of the community. She felt there was not enough width to Livingston Rd to allow for 2 car passage while allowing for pedestrian walking along the road too. Traffic count studies stated that there will be increased traffic due to this community. She mentioned that traffic volumes from the new developments should not have negative impacts on the surrounding residential character. The location of the sewer lift station is not favorable being on the edge of someone's back yard.
2. **Dustin Hutchings**- 10530 Hall Rd. stated the has concerns with how the new apartment complex is being proposed behind Lucy's house, north of Hall Rd. They originally were proposed as 2-story buildings and now they are 3-story buildings. Trees were clear cut last year so it is obvious there will not be any tree coverage between the residents and these complexes. We see no improvements to traffic patterns and volumes onto M-36 from this complex. No traffic light, left-turn lane or yield signs are being implemented here. He also is concerned that there is no proposed fencing, and screening barriers between these new proposed communities and the existing single-family homes in the area. He stated that he feels these communities will change the aesthetics of Hamburg Township.
3. **Nicole Fanzine McClusky**- Old Hamburg Rd. stated she appeared before the PC seven years ago when this project was first proposed. She stated that she had sold her home nearby to avoid living next to this proposed complex. Now it is being repropoed at a higher density and it is nonconforming to the surrounding character of the single-family homes. There are affordable units here in Hamburg in the mobile home parks and nearby apartments in Whitmore Lake. She feels that the environmental impact is not being addressed in this proposal. Also, the increased cost of fire & police services is not being considered. She said she just wanted to remind the PC members that we love the community and please consider its value when reviewing such dense projects in this area.
4. **Christine Linsey**- 7750 E. M-36 called Genoa Group -CEI. She is concerned with the new proposed 3-story buildings that are directly behind their property. She said they have done a great deal to their properties, making them aesthetically pleasing to fit their surrounding community. The view of the existing residents will be impacted greatly by these 3-story buildings. Also, traffic volumes as well as the traffic patterns will become negatively averse to residents who live in this community, as they come and go, with an additional 208-unit community and retail gas station. Tree screening should be considered here as well.

OLD BUSINESS

1. **Preliminary Site Plan Application for General Planned Unit Development (PCPUD23-0001) -Hamburg Townhouses and Gas Station**

Project located at 10303 Hamburg Road (Parcel A) and 7620 M-36 (Parcel B). Parcel A will consist of 40 attached two-story multi-family units (38,800 SF) and a community center (1,400 SF). Parcel B will include a gas station building (2-story, 5,475 SF) attached to a mixed-use retail/residential building (2-story, 2,400 SF), as well as a gas station canopy with 12 stalls and a height of 17'. The Retail building will be used as offices for the apartment use.

CALL TO THE PUBLIC- Public Hearing

1. **Edward Nighswonger** -10484 Campbell Ct. Lives on the west side so his property abuts this new proposed complex and retail gas station. Originally purchased in this area because of its quiet and peaceful neighborhood, that abutted the woods. He discussed his displeasure that the woods would be removed, and a great deal of traffic flow would increase in their neighborhood. He requested that the PC members uphold the Zoning Ordinance requirements to protect the interests of the residents in this neighborhood.

The chair, Jeff Muck invited the applicant Ronnie Hamama to the podium who introduced his team to the members. He invited Hunter, the architect, to the podium next. Hunter did a site plan presentation on the proposed community and gas station. He explained that this new project is denser, but it also has more acquired land to work with. He shared in this new proposal the townhomes would be 50+ feet set back on the east side and 60+ feet on the west side. In the original proposal, the townhomes did not have as much setback distance as this newer project does. A solid cedar wood fence and landscaping are being proposed in this new plan to block noise and light pollution from the neighboring properties. Past meeting stormwater management and flooding concerns will be addressed by the detention pond that will be built behind the units. There is a MDOT permit that was submitted for a 4-way stop at the community entrance off M-36.

Chair Muck invited David to present his staff report. He debriefed the members about the past with the project. Chair Muck then opened the meeting up to the Planning Committee members, Commissioner Leabu being the first to speak. He said that the architect has come a long way in his design, having an entrance way facing the community. He mentioned that he would still like to see a roof line theme carried around the whole community complex.

Commissioner Hamlin expressed that he was concerned with the lack of the east and west buffers for this community, not just the east side. He read the township ordinance that states the natural resources such as woodlands are to be preserved to the maximum extent possible in the design. The Planning Commission shall require a 20-foot vegetative buffer and a masonry screen wall between multifamily developments and single-family homes. The PC may waive or modify if certain conditions are met. During the review of the previous proposed project the PC followed the recommendations of the township's planning consultant to only require a wooden fence without the 20-foot buffer. Commissioner Hamlin said that he thought this was a mistake. They did not grant a waiver because the consultant said one was not needed. The buffer requirement had not been met. These requirements are for the betterment of the township and the protection of the citizens. Also, a 20-foot buffer of planted trees will help mitigate the elimination of existing woodlands. These developments will result in extreme changes in this neighborhood. We need to ensure that rules are followed to ensure that these required protections are provided. The maturing buffers around these complexes will be an added benefit and value to the community and project.

Commissioner Leabu responded to Commissioner Hamlin's comments about this project needing a variance. Commissioner Leabu said in place of the buffer, there is the distance of a road between the two uses. He said the architect has moved the community units further from the single-family homes surrounding the proposed project. Hamlin responded that this still does not meet the ordinance requirements for granting a waiver. Commissioner Muir said that this project is a GPUD which allows them to do different things. David responded that there are

certain waivers that are permitted to the builder since this is a GPUD. Commissioner Muir stated that everything that the PC members had provided at the last meeting had been addressed. He said he appreciated the side-by-side picture comparisons of the previous and current proposals, and how they differed.

Chair Muck said he appreciated the changes that had been made since the last meeting as well, especially regarding the rear patios. He felt that it was important to provide these units with ample outdoor space in the rear. Commissioner Leabu clarified that there is a trail being proposed as a walking aesthetic around the retention pond. Commissioner Muir also clarified that there is no exit going out to Livingston Street now, but it had been turned into a path with trees.

Commissioner Leabu stated for the record that the PC members do not decide about the intersection off of M-36; that is in MDOT's jurisdiction. He said that they need to do something with this intersection since it is so dangerous.

Commissioner Hughes referred to when the Master Plan charettes were held and the residents who attended those meetings spoke of the type of look that you see in these proposed units. She said that trying to match the Master Plan, that there would be a park and trails for the surrounding residential owners to utilize. That connectivity would allow any new community development to become part of the whole Village area. She said that she didn't think that going from 24 to 48 units would allow for this transition and connectivity with the surrounding neighborhood. The detention open space and trails could only be accessed and used by the community's members and not connected with the surrounding homeowners.

Chair Muck asked how the builder would deal with the periods of stagnation and drought regarding the detention pond. Hunter stated that this pond was depicted incorrectly in the designs and is supposed to be a dry pond. It will only retain water with heavy rain events but over time the water will not stay there. There will be no fountain.

Commissioner Priebe read through the conditions issued at the last PC meeting regarding the specificity of the landscaping requirements that the architect wishes to have waived. She stated that this would be the 20-foot front landscape buffer. She had asked if they wanted to waive the east or west side buffer, or both. Hunter responded that they would look for a waiver from both east and west side buffers. Hunter stated that despite this waiver request, there would still be a 6-foot buffer. She asked if they should include the fence, but Commissioner Muir stated there were sections with blocks for the wall. Hunter said that the current proposal fence was all wood, and the block had been removed. He also stated they would be willing to work with the PC decisions on this aspect. Muir said that the blocks were proposed to block headlights from onsite vehicles at the community from surrounding homes. Hunter said that wood would look more natural and aesthetically pleasing than block. Ronnie stated from his seat that there would be blocks between the gas station convenience store and the townhomes. The cedar fence would be around the rest of the complex. Commissioner Mariani asked Hunter how tall the fence would be. He said 6 feet.

Commissioner Priebe asked David for some more clarification regarding the final conditions that needed to be removed for a motion, then she made a motion.

Approval motion made by Commissioner Priebe, seconded by Commissioner Leabu, to approve the preliminary GPUD site plan as shown on project plan (Exhibit A) to the Township Board because the project as conditioned it is consistent with the requirements of the General Planned Unit Development regulations and will be able to meet site plan review standards of the zoning ordinance as discussed at the meeting tonight and presented in the staff report with the following conditions of approval:

Condition 1: A more detailed landscaping plan that meets all the requirements. The 20-foot buffer on the east and west side will be reduced to permit a 6-foot buffer.

Condition 2: A lighting plan that meets all the requirements for the village center area shall be submitted as a part of the final site plan review. This plan should include pedestrian scale lighting in the park to allow safe pedestrian access to the front doors of the units facing this park.

Condition 3: Prior to the review of a final site plan or issuance of a land use permit as needed all appropriate approvals from local, county, state, and federal agencies, including, but not limited to, Hamburg Township Fire, Accessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department, and the Michigan Department of Environment, Great Lakes and Energy (EGLE), and Transportation shall be reviewed.

Condition 4: A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney. This agreement shall include a cross access agreement that allows public use of the private roadways, sidewalks, and parks within the project.

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

Motion carried.

NEW BUSINESS

1. **PPAM 24-001 Conceptual Site Plan** -GPUD Conceptual Site Plan review for a 208-unit apartment complex with a club house.

Chair Muck invited the applicant up to the podium to address the Planning Commission members. Cliff Seaber, the Elevate project engineer introduced Mat Lyons and Kim Thompson who are partners of this proposed conceptual plan. Cliff continued to state that this project was last proposed back on December 17, 2016. They found many problems with this 2016 approved plan such as parking distributions, configurations, and the compactness of the community. He then went on to show the approved plan on the presentation slide while explaining the parking was not located according to each building’s needs. The club house has no parking on the past site plan rendering. There are parallel and 90-degree parking configurations located within the same space with is considered unsafe. Some dumpster corrals are positioned in locations where the large truck would not be able to get lines up to empty the dumpster safely. The open space behind the club house does not provide direct access to the community’s buildings. There were only a few buildings that abut that park area and have easy access to the park. The remaining buildings are remote from this park area. We wanted to design something that would allow more open space. They installed some calming islands to slow traffic entering the community. They are proposing a dog park, two pickle ball courts, electrical vehicle charging stations, barbeque picnic areas as well as a continuous sidewalk network that connects all the buildings to each other. The two northern buildings would be 3-stories high, which is not compliant with the township zoning ordinance. This project proposes a left turn passing lane. The old, proposed plan only planned for 37% open space, but this new proposed plan is a little over 50% open space. There is also a secondary emergency exit being proposed to the south side, where a breakaway chain or gate would be provided, dependent on the fire marshal’s approval. There is a proposed sidewalk extension off Washington St. that they would like to connect to the trails across a neighboring property. They are still in the process of working with that owner to make this connection.

Chair Muck invited David to speak to the PC members. He reminded the members this is only a conceptual site plan, and no formal actions will be taken tonight on this proposal. It is only to give the developer a chance to present his renderings to the community and PC members, so he can get some feedback.

Chair Muck then opened the meeting to the Planning Committee members. Commissioner Leabu began by asking Cliff why the 2 three story buildings to the north side. Cliff said they just built a 72-unit apartment complex in South Lyon that was 3- stories high and they rent out as soon as they are built. Cliff said that if that location of where they were proposing that 3-story building was undesirable in that spot, they could place it elsewhere in the complex. Commissioner Leabu agreed that moving these two buildings elsewhere in this proposed community would be more favorable moving forward for the commercial entities along the M-36 corridor.

Commissioner Priebe said she liked the layout much better than the previous project. Commissioner Hamlin asked David if this apartment project needs to go back through all the approvals again. David said yes, the original final site plan had expired. Hamlin asked David if our most dense zoning district was 10 units per acre, why is this project which is 25% greater than this being proposed here? David said maybe a waiver had been granted for the past project. Hamlin asked David if there was still a need for such a waiver here? David said yes, just like the landscaping buffer requirement from the previous project, they would need to get that from the PC. Hamlin mentioned that the required screening landscape where existing single-family homes exist should be required to buffer the different uses. Cliff mentioned that buffering was being proposed along the entry way where many single-family home garages are abutting their property. Cliff also mentioned that there were 17 storage buildings being proposed with this project for individual renters to use for the storage of extra stuff. He said they seem well received by the tenants. Hamlin asked Cliff if the pickle ball courts would be lit and hopefully, they wouldn't be close to the residents since they are so loud. Cliff said the courts would be near the retention pond to the south of the community. Hamlin asked Cliff if the sewage lift station was located by the residents. He said yes, it was located where it had been originally proposed in the earlier plan. Hamlin asked if they could investigate relocating it so it wouldn't impact too many residents. Cliff said he didn't think that these lift stations created much noise.

Chair Muck said he liked that the proposal for the connection at Washington to be an emergency exit only. He supported Commissioner Hamlin in his recommendation of the location of the pickle ball courts in relation to the nearest residents. Muck let him know that he should be at least 400 feet away from residents and recommended that he check his calculations with nearby single-family homes and building #12 in the community. Muck said that he really liked the amount of open space being proposed with this project, as well as the possible trail connection.

Chair Muck said that the applicant should take the provided feedback from the commissioners and utilize this information on further development of this proposal, so they could bring this back for a preliminary site plan review.

ZONING ADMINISTRATOR'S REPORT:

1. Future items:
 - i) March there will be a rezoning for a property on 9300 Hamburg Road, going from Residential to Neighborhood Service which meets the Master Plans goals. It is near the Hamburg Fitness Center.
 - ii) April 2 at 7pm - Year end review with all the boards.

ADJOURNMENT

Approval motion made by Commissioner Priebe, seconded by Commissioner Muir, to adjourn at 8:15pm.

VOTE: MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Lisa Perschke

Planning/Zoning Coordinator & Recording Secretary

David Rohr

Planning & Zoning Director

The minutes were approved as presented/corrected: _____

Commissioner Jeff Muck, Chairperson