



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

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

PLANNING COMMISSION MEETING

Wednesday, 6-19-2024 at 7:00 PM
Hamburg Township Hall Board Room

MINUTES

CALL TO ORDER

Commissioner Muir 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, Chair

2) **ABSENT:**

Jeff Muck
Joyce Priebe

APPROVAL OF MEETING AGENDA for tonight.

Approval Motion made by Commissioner Mariani, seconded by Commissioner Hughes, to approve the agenda as presented.

VOTE: MOTION CARRIED

APPROVAL OF THE MEETING MINUTES

Approval Motion made by Commissioner Hamlin, seconded by Commissioner Mariani, to approve May 15, 2024, Planning Commission Meeting Minutes with two corrections.

VOTE: MOTION CARRIED

CALL TO THE PUBLIC- No public response

OLD BUSINESS

None

NEW BUSINESS

1. **Proposed text amendments (PZTA 24-0002)** to Zoning Ordinance Article 3, Section 36-429, Elderly Cottage Housing Opportunity (ECHO) Planned Unit Development.

Chair Muir opened and closed the public meeting for open comment for this line item. No one was present in the audience. Chair Muir opened the meeting to David Rohr for the overview of his staff report. Commissioner Hamlin, Leabu and David met a few months ago to discuss some changes that would be needed to this amendment. Then David brought it to the Planning Commission board meeting last month to ask each member to send David any proposed changes, questions or concerns before today's meeting. David shared that several members had emailed him, which he noted in his notes in red lined language in the document that everyone has. This was formerly referred to as an (ECHO) Elderly Cottage Housing Opportunity which has been reduced to a Cottage Housing Opportunity (CHO). David asked if this acronym name was something everyone was comfortable with? Commissioners Leabu, Hamlin, and Mariani agreed that "CHO" abbreviation was unnecessary. Commissioners Leabu and Hamlin agreed that "Cottage" referred to what this development truly is, and the term "Community" in its place would not. David confirmed that this amendment change would be called the "Cottage Housing Opportunity" without using an acronym. The VC would still contain the development term "Cottage Housing Planned Unit Development" that might be changed later by the PC, if needed. Everyone on the board agreed.

David then opened the meeting to the Planning Commission members for comments and questions. Commissioner Hughes asked for some clarification on the "Schedule of area, height and bulk regulations" table. She stated that she would like to see that the minimum setbacks around these type of developments within a parcel are kept at least 20 feet from any surrounding single-family homes in the vicinity, or perimeter setback of the whole development. These bulk minimum setbacks are based on one single home on an individual parcel, but we are working on a larger scale community where there aren't individual parcels or lots. Having a 10-foot rear and side lot setback doesn't make sense in this type of density development so the PC agreed that this should be removed. Commissioner Leabu asked Hamlin if the 10-foot overhang is included in this setback for a fire code requirement. Commissioner Hamlin wasn't sure. David clarified that our ordinance measures setbacks based on the foundation and not the roof drip lines. Commissioner Leabu mentioned that architecturally that the roof overhangs looks better and that we should require it, as well as fire separation. Fire trucks would not access between the homes to address fires. Hamlin and Leabu agreed that they should keep the 10 feet setback separation between each cottage in the development. Commissioner Hughes asked about the 15 feet from the street right of way, and the 5 feet setback for the "common access drive". Commissioner Leabu stated that the first one refers to the distance the whole development would be set back from the public or private road. The access drive would be the internal roads that connect the units within the development. David clarified that the private road right of ways cover both the roads coming into the development as well as the roads within the development. Commissioner Hughes and

Mariani stated that having only 5 feet between units in a development would allow vehicular traffic to pass too closely to the home and this might be unsafe. Commissioner Leabu mentioned that the PC worked to plan each unit in Regency Village with a two-vehicle parking area with narrow roads to reduce street parking. David stated that the PC doesn't have a good working definition for what a "common access road" is. He said that it is common to have 4-5 feet between lots for a driveway. The Planning Commission members discussed where parking should be allowed in such developments. Commissioner Leabu said he envisions these types of developments being like Regency Village with smaller homes. He asked David what the fire Marshall will require for the right of way. David said 66 ft. Leabu mentioned that our ordinance doesn't require such a wide right of way for private roads. The 66 feet is based on traffic and with reduced traffic the roads got narrower. Commissioner Hamlin said instead of putting 10 feet between structures, we should put "per building code" in the language incase anything ever changes in the future. David recommended that they stay with our zoning ordinance and require setbacks to be measured from the structure and not the roof overhangs. The PC agreed to get rid of the 5 feet from common access drives and 4 feet from all lot lines, while keeping the 15 feet setback from the private road right of way and 10 ft from structure to structure.

Commissioner Hughes asked for clarification on whether the PC would require such dense developments to be connected to available water and septic system service, if they are close. A septic system drain field would take up more room than the housing units so requiring connection to sewer would be needed. The PC members decided to strike line 12.

Approval motion made by Commissioner Hamlin, seconded by Commissioner Leabu, to approve the recommendation for approval of Section 36-429 Cottage Housing Opportunity Planned Unite Development. Changes to the Area, Height and Bulk Regulations:

1. Change under minimum setbacks, 10 feet from street or private road right of way. Eliminate 10 feet from the side and rear lot lines. Eliminate 5 feet from the common access drives. Eliminate 4 feet from all lot lines under common access drives. Remove the question mark and make 20 feet from the shared adjacent parcel lines.
2. Eliminate line 12 under Section 36-432 where a sewer septic system is required and is required previously.
3. Parking has to be located within the project.

VOTE: MOTION CARRIED

2. General discussion of PUD Regulation flexible standards.

Planning Commissioners discussed the PUD Regulatory flexible standards making recommendations to staff. Commissioner Hamlin began the discussion about recent site plan approvals and flexibility given by the Planning Commission. He asked for clarification on what standards the PC needed to uphold and which ones they could allow regulatory flexibility with. Hamlin asked why the townhouse project did not preserve some of the natural features onsite. David began by saying the reason that we have these PUDs in the Zoning Ordinance, and every municipality in Michigan use PUDs, is because it gives townships,

developers, residents and planners the ability to be flexible with developments. This regulatory flexibility is a give and take process of negotiating where allowed. David let Hamlin know that if the developer meets all our ordinance development standards, he checks them off and he is required to approve the development if it meets our ordinance. If he doesn't, then the case could be taken to the courts. The things that we are allowed to be flexible with things that can be seen and controlled on a site plan such as setbacks, buffers, and density. The last two projects have asked for modifications to the district requirements. The PC determines if these modifications seem reasonable and if those make the development better for the community or worse. During the conceptual and preliminary site plan review stages, the developer throws a lot of their ideas out there and changes their site plans to match what is recommended by the PC. This is part of regulatory flexibility while viewing if the development makes the master plan for the area.

Commissioner Leabu mentioned that if the PC doesn't like the rules, then they need to change them. David reminded the PC that they can allow for modifications on a PUD site plan or a formal waiver at the board level. The townhouse development asked for waivers from the landscaping buffer due to the narrowness of the parcel. Hamlin said that there was no discussion on the development preserving any of the natural features, and it would have benefited the community if the PC would have asked for reservation on the whole parcel being developed. David agreed with that.

Commissioner Hughes stated that she felt that recent projects did not reflect the master plan for the Village Center. She said that the original plans from seven years ago were more community friendly, but the recent submittals have grown more in density. David agreed that the plans did change from the past submittals, but the VC area has an identity crisis. Commissioner Muir said that we paid a great deal to have a marketing study to tell us where our shortcomings are. Making sewer available in the VC has supported increasing the density in the VC district, according to the master plan. Commissioner Leabu said it is expensive to develop in the VC because of the cost of sewer and water hookup. He wanted to work with these developers to ensure that they didn't leave like the others due to costs. The VC is zoned for over 2000 units. Commissioners Leabu and Hamlin agree that they need to be careful when they set precedence in the area of PUD developments. Everyone was happy for the chance for this discussion together.

3. Zoning Administrator's Report

No Planning Commission Meeting in July 2024.

The Apartments will be making some adjustments to their development plans, and back before the PC at the August 2024 Meeting.

In the Fall, David would like to put together a work plan for the 25-calendar year. Commissioner Hughes reminded the PC members that the Township will be closed on Fridays due to a implemented and approved 4, 10-hour work week starting on July 1, 2024.

Commissioner Leabu asked about the storage unit project and the existing debilitated building that is still standing onsite there. David let him know that we have received several complaints about that building. Now that we have the abandoned and dangerous building ordinance, we now have a mechanism to address this building. David let the PC members know that the self-storage building project permit has now expired. He was told that the road extension might have declined the builder's interest. David let the members know that he is working with the fire department on some of the decrepit buildings downtown.

ADJOURNMENT

Approval motion to adjourn at 8:28 pm, was made by Commissioner Hamlin and seconded by Commissioner Muir.

VOTE: MOTION CARRIED

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