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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, November 19 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
Jeff Muck, Chair
Joyce Priebe

2) ABSENT:

Ron Muir, Vice Chair

APPROVAL OF MEETING AGENDA for tonight.

Approval Motion made by Commissioner Priebe, seconded by Commissioner Mariani, to approve the agenda as amended by Commissioner Leabu.

Voice Vote: Ayes (6); Absent (1) Commissioner Muir

VOTE: MOTION CARRIED

APPROVAL OF THE MEETING MINUTES

Approval Motion made by Commissioner Priebe, seconded by Commissioner Hamlin, to approve September 17, 2025, Planning Commission Meeting Minutes with corrections as noted by Commissioner Muir.

Voice Vote: Ayes (6); Absent (1) Commissioner Muir

VOTE: MOTION CARRIED

CALL TO THE PUBLIC-

1. Brenda Vibbatt located at 10564 Hall Rd came up to the podium to discuss the transition of the approval of putting up a fence to block her view to the Crossing at Lakelands Trail. She is requesting that some kind of quality fence be put up between this community development and her residence. She left the podium.

Chair Muck closed the meeting since there were no other residents to comment at the meeting.

OLD BUSINESS

None

NEW BUSINESS

1. **PMSP 25-0001 Site Plan Amendment (The Crossing at Lakelands Trail).**

Chair Muck stated that the applicant is present to discuss some minor modifications to the originally approved site plan. There are some reduced reductions in density. Muck invited David Rohr to present his staff report to the commissioners.

David said that this is an amendment to the original site plan that was approved at the Planning Commission Meeting in October of 2024. The original site plan project received an extension last month from the PC and the Township Board. The applicant provided documentation that is affecting one area of the site plan in particular. They are proposing to remove one building, reducing the number of units from 208 to 192. They will be building some smaller structures in that area that will become covered parking and storage units for residents who rent here. The developer had a market study done that showed that such an amenity change would attract renters to the new community development. This is a minor project modification and everything else will essentially stay the same. The proposal does reduce the density of this development while increasing the open space by .34. We have the updated traffic study and the comments back from the engineer. The fire department is still reviewing the modified site plan and will be sending in their last comments soon. Their indication was that the overall flow of the project hadn't changed. They don't anticipate any major issues with these changes. Staff support this modification.

Chair Muck commented on this amendment by saying he was pleasantly surprised when he reviewed the plans. He said it was the first time in his career of seeing a developer reduce their density without being directed to do so. He said it was a great change to add covered parking. He said he was fully in favor of the amendment. Chair Muck then turned the meeting over to the other commissioners for comments and questions.

Commissioner Leabu asked the developer if the architecture plans were changed from the original approved site plan since they were included in this modification documentation. Bob Langan from Elevate came up to the podium to address Leabu's questions. Langan said that nothing has changed regarding the architecture, the layout or other details. Langan said the only changes were the removing of one building, adding garages, and the changes to the traffic. Langan said that he included the architecture designs as a reminder of what they should expect with the new smaller garages and storage units.

Commissioner Priebe asked Langan about the fence. Langan said that there were no changes to the fence. He stated that all their past conversations with the residents and PC commissioners were done in good faith. He said we propose something and then we get feedback, and then we make the changes requested. We have had many fence iteration discussions over the past few years. At some point, we agreed on the location and composition of the fence. Unless there is something that requires me to change our agreement of the fence, then I will not change it. Commissioner Priebe asked where they were regarding this fence. Langan said it was proposed to be a 6 ft high wooden fence along the borders of the property where the apartment community abuts residential. Commissioner Leabu agreed. Langan continued to state that even though some of the residential properties were zoned as industrially, their company would still plan on installing the wooden fence along those parcels if they are used as residential. Initially the site plan didn't show a fence along the industrial zone properties since the ordinance does not require fencing along industrial-zoned properties. Much land located along Hall Road is zoned as industrial. Again, Langan said that is how he remembered the fence discussion and this was done in good faith. Commissioner Priebe said she appreciated him working with the PC board on this issue. She said she wanted to make sure that the PC members, residents, and Langan were on the same page regarding the fence modifications.

Commissioner Hamlin asked Langan if there have always been two phases for this project. Langan said yes, there have always been two phases for this community development. He said it has never been discussed at a public meeting before. Hamlin asked how much time would elapse between phase one and phase two. Langan said when he submitted for financing, the financers expect certain milestones to be completed, such as leasing, before they would issue further funding for the second phase. Langan said hopefully phase two should start on the heels of phase one. Langan said that is his hope, but nothing is guaranteed. David stated that the phasing would be included in the development agreement, which the developer still needs to finalize with the township. David said that the agreement will include these milestones and the time frames for the two phases.

Commissioner Mariani asked how the two garage storage units will be used by the residents. Langan said they can't give everyone a garage and a storage unit. He said not everyone will want one of those units, so that will be a challenge. There will be 28 garage units available. He said he can't remember how many storage units will be available. If a lot of people want these garages and storage units then we are going to come back to the PC and ask to modify phase two. The garage and storage units would be based on availability to new renters. It would be an extra additional expense to the renter each month. If none of these units are rented, then they will be vacant. Commissioner Mariani said she couldn't imagine that. Langan said they were quite surprised when they received their market study update back. Their analyst said that this kind of amenity was necessary for rentals of this type. Mariani asked if Langan had these garage and storage units at his South Lyon community. He said the first phase

development did not have them. He said they added them to the second phase. Mariani mentioned that elderly people will want a garage to keep the snow and ice off their cars. Langan said that elders who sell their homes and move into a rental unit will have stuff to store. Younger folks who are starting out might get engaged and will start collecting stuff for store.

Trustee Hughes said that she thought this addition was an excellent change. Hughes applauded him for making this amendment. Langan said they had considered making carports instead of garages, but they felt they would be too ugly to build. Commissioner Leabu asked Langan where the phasing was mentioned in the site plan. Commissioner Hughes said it was on page 19 in red. Chair Muck asked if anyone else had any further questions or comments. Langan said that the branding would be called Paxton, not the Crossings. There are too many “crossings” out there.

Approval Motion made by Commissioner Priebe, seconded by Commissioner Hamlin, to recommend approval by the Township Board of PMSP 25-0001 Amendment to the final site plan for the Crossings at Lakelands Trail since it follows the Hamburg Township Ordinance.

Voice Vote: Ayes (6); Absent (1) Commissioner Muir

VOTE: MOTION CARRIED

2. Rezoning PZTA 25-0001 requiring a public hearing meeting.

Chair Muck opened the public hearing for this item. Since no one was present in the audience to give a comment, he closed the public hearing. Muck stated that this item was requested by the parks committee that he serves on. He said that the item was clear and straight forward, which was in need of some bookkeeping and boundary adjustment cleanup for the parks. Rezoning will allow the township to apply for MDNR trust fund grants to assist with some future projects.

He invited David Rohr to briefly address the commissioners. David said that this rezoning was supposed to have happened twenty years ago. It simply slipped through the cracks. The township had this whole area rezoned so the Public Works buildings were in compliance. We separated the township hall, the library, the police station, and the senior center from the parkland. Chair Muck clarified that we need to comply with our own zoning and that of the state otherwise it will reduce your scoring for any potential grants. With noncompliance, it becomes difficult to attain those grants. This is a necessary process to make these corrections. David clarified that they are seeking a recommendation to the Livingston County Planning Commission for review, and to the township board in January 2026 for their final approval.

Commissioner Hamlin asked if the smaller parcels were being rezoned. David clarified that they would remain as RA (residential) since they are too small to meet the parks zoning requirements (Public and Private Recreational Facilities District). Only the two larger parcels were being rezoned.

Trustee Hughes asked David how far the land behind the Senior Center extends to the next parcel. David said he didn't know the exact square footage of the area behind the Senior Center. She asked what does the township parcel border at the rear. Commissioner Leabu said it was industrial zoned land. Commissioner Hamlin showed Hughes that it was abutting the railroad tracks in there. Hughes said that there has been conversation that the senior center needs to be expanded. David confirmed that the center has room enough on its own township parcel to expand or rebuild if needed.

Parcel(s):



Approval Motion made by Commissioner Hamlin, seconded by Commissioner Priebe, the planning commission recommends approval of zoning map amendment PZTA 25-0001 to change the zoning of the parcels commonly known as TID# 4715-26-100-028 & 4715-26-100-023 from medium density residential to Public and Private Recreational Facilities District to the Township Board. We approve this change because it would make the parcels conform with their use. We direct staff to forward this request to the Livingston County Planning Commission for review.

Voice Vote: Ayes (6); Absent (1) Commissioner Muir

VOTE: MOTION CARRIED

3. Brief Discussion on Short Term Rental by Member Leabu

Chair Muck reminded Commissioner Leabu that he was going to lead a short discussion on short-term rentals. Leabu said he was going to give a small report and then he would like some comments from the board members afterwards regarding short-term rentals.

Leabu said we have short-term rentals, and we have plenty of them. None of what I state here reflects on David. Leabu said our ordinance says you can do this. We were a little hesitant because we did not know what the courts were going to do a few years ago. The Supreme and Michigan courts have upheld that you can ban short term rentals in residential zoned areas. I am bringing this up because someone has a million dollars invested in a house on Winans Lake. To our surprise, why would someone do an Airbnb on a lake with no motors? Apparently, we missed that. We have some rules and that is not for tonight's discussion but one thing that came up in our ordinance, is that the structure is supposed to meet the size of the lot of its district. David corrected Leabu, saying that the parcel doesn't need to conform to the zoned district, but that the structure needs to conform to the setbacks of the district it is zoned in. Leabu said they had done a study when Leslie was here. There are about 4,000 waterfront residential lots but we could only find 8 that met this requirement. Leabu continued to state that they tried to change the setback requirement on a 60 ft wide lot, so that one side could be 5 ft and the other 10 ft. Commissioner Priebe helped him complete this statement. Leabu continued that someone is doing a 5-bedroom Airbnb with a rec room in the garage and a sauna at the lake. The neighbors are not thrilled with this Airbnb investment. Is that an issue? Maybe not.

Leabu continued that many master deeds do stipulate that you can't rent anything for less than a year. This puts David our Zoning Administrator, into a tough situation. Leabu said when he owned Riverdale back in 1955, almost every HOA has a clause, legal or not, that you can't rent the home for less than a year. If I come in to pull an Airbnb land use permit, and the lot conforms, the township will issue a land use permit without checking to see if the homeowner's association allows it. Winas Lake is cleaning up their rules because Lakeland Golf & Country Club owns the lake. They are upset about this issue. We are going to make it crystal clear and ready to go to court if someone else comes. I want to make sure we don't rent homes as an Airbnb. Leabu said he is not trying to take away people's rights. We don't want to be in the business of causing lawsuits. If a homeowner's association says no Airbnb's, then what? I am seeing firsthand what is happening. Everyone is saying Victor, you are on the Planning Commission. Do something about it. Does anyone have any thoughts? I am just curious as to what they are.

Commissioner Hamlin asked Leabu what he was asking for. Commissioner Leabu said that Jason told him to go to the Planning Commission to see what they think. Leabu asked if we want to keep Airbnb's legal. We need to think about this issue since we can prevent the operation of them.

Leabu asked, "Do we want them to stay the same as they are currently. We don't want to create more work for the planning department. Do we want to require them to be under a special use permit? The Lakeland Golf & Country Club is very sophisticated, so they look at Airbnb's as a commercial operation on a private lake. We are a little different. We have had people wanting to give little fishing companies an opportunity to take you to Winas Lake. Do we want the township to get involved in it, not with lawsuits and homeowners, but do they have to prove that there isn't any deed restriction on the property, that makes short-term rentals illegal? If the township just gives a land use permit, then it means that the homeowners association must go to civil court.

Trustee Hughs said if the ordinance said that the homeowner association rules supersede the township ordinance, is that in theory what you're saying? Commissioner Priebe said they don't. Trustee Hughes asked if our ordinance could state that the homeowner must abide by their home association's rules when applying for land use. Leabu continued that every subdivision that he has lived in has stated in their master deed, no accessory dwelling units. Just because it is legal in the township, doesn't mean I

can get a land use permit to build an accessory structure if my homeowner's association says no. If the township issues a land use permit, they will be setting up a lawsuit. Extrapolate that to Airbnb's. Leabu said he knew about Portage Lake and other motorized lakes, with private equity companies buying stuff. A millionaire guy who is doing a 1031 that's an exchange of some other rental property. He blows into town. Maybe he knows something that we don't know. I didn't know about this issue until I was confronted with it in my own community.

Commissioner Priebe stated that the township can't enforce deed restrictions. She said that it is a civil suit, and the township must issue a land use if they meet the township ordinance requirements. Priebe said she had a friend who lived on Wide Valley. We had an assisted living place operating there, and he asked why they can do that. We had a law in the deed restrictions that stated no operation of a business there. Priebe said that assisted living places are regulated by the state. We can have some input, but you are not going to win. Well, he of course took them to court anyway and he lost. This was a couple of years ago, and he died recently. Commissioner Hamlin asked if there was a deed restriction against that use. She said yes, but he had lost the court case anyway. The operation was state regulated, and the business had already been operating. And he did not win.

Chair Muck said he would be more comfortable having the opinion from our township attorney on short-term rentals. This guy already has his house built and has his land use permit. Muck said he is in favor of adding more restrictions to the ordinance regarding short-term rentals. I want to make sure it is approved by the township attorney first. We don't want to get the township into some other trouble by trying to add stuff after the fact. Now other areas are changing since we have passed the short-term ordinance. Muck asked David if it has been 2-3 years since we passed and published this STR ordinance. David said yes. And now we have different court rulings, and I believe there is something else being challenged again.

Commissioner Priebe said she would not like to see the township get involved in enforcing deed restrictions on all the subdivisions in the township. Priebe said she would totally be against that. Commissioner Leabu asked David what would happen if he came in to build an accessory dwelling unit. Would David issue a land use permit and if it is against the home association deed restrictions, then they would have to take me to civil court. David said yes. Commissioner Leabu said we have a lot of lake lots in Hamburg Township. Are there unintended consequences here? If the township doesn't want to get into judging homeowners associations, then maybe we should be more cautious.

Commissioner Hamlin said he was the Zoning Administrator for Ann Arbor Township for several years. If someone wanted to build a deck or an addition, and they were in a homeowner's association, the applicant would need to get a simple document from the HOA board. It is the applicant's responsibility to get that document & turn it in with their land use application. The board stamped the drawing showing they approved of this project before I could issue the land use permit.

Chair Muck asked David if we have many HOA's in Hamburg. Everyone said each subdivision has a HOA. Commissioner Leabu said Winas Lake has five different development sections under one umbrella. You are supposed to prime your house, paint it with two coats, and then repaint it every three years. There were some racist deed restrictions that are no longer legal. David clarified there is a difference between a deed restriction and a home association bylaw. When encumbrance is on the land and deed restrictions are much more common along lakes, some people do bring in a stamp from their

homeowner's association. Some people come to our department, and they don't even know if their homeowner's association is active, let alone what their bylaws are. Many times, they comply with our zoning ordinance, and they comply with any FEMA floodplain standards, and any other thing that we administer. Then we will offer them a land use permit administratively. The mobile home park is very strict about what they allow and who they allow to do work on the mobile homes. They require us to get a management authorization letter to approve those projects in their community.

Commissioner Priebe said that the neighbors across her street do Airbnb's constantly, and they haven't had any problems yet. Commissioner Mariani asked Leabu what is it that this new owner is doing. He stated that the new owner hasn't started renting out this home yet. One of the neighbors is in the CIA so there will be cameras going all the time. The nature of Winas Lake is that it is not connected to any other water system. We don't have zebra mussels. You must have your boat registered to launch it on Winas Lake. The Lakeland Golf & Country Club is concerned that this millionaire will have many boats. What if he invites eight people over and they bring their blow-up paddle boats. We have kept zebra mussels out of this lake. It is a good private fishing lake. There are strict rules. When staying at Airbnb's, which Leabu says he has many times, you can't talk to a human if you want to. You get a code, and you never see anybody onsite. We are worried that innocent people will not know the rules of Winas Lake. You can have the rules posted inside the home unit, but they will not be enforceable by the homeowner since they are not onsite. It is not the township's responsibility to enforce the lake association rules. The lake association will enforce the rules themselves.

Chair Muck recommended that we should seek the township attorney's review of our current ordinances related to Airbnb's and short-term rentals since it has been a couple of years. See if there's any recommended changes, based on the changes with the state and Supreme Court rulings. David, you may want to have a conversation with Beth regarding what you are hearing from Victor here to see if that changes our ordinance as well. It can't hurt to have an overview of everything we did previously. Commissioner Hamlin asked if Jason asked David to bring these issues to our PC's attention. Leabu said no, it was because Victor had been complaining to Jason, that Jason had asked Leabu to talk to the PC members about their thoughts. Commissioner Hamlin asked Victor if he could write up some clear suggestions and give them to David so he could take them to Beth for consultation. Leabu said this is one issue that they are seeing on Winas Lake since it is commercial use. Is it unfair to require short-term rentals and Airbnb's to be approved through a special use permit process?

Trustee Hughes said she look at this month MTA regarding recent legislative bills that have been passed by the state. I don't remember if I seen anything on short-term rentals. She stated she saw something on fireworks. She said things can get introduced but might not get passed. Commissioner Mariani asked David if there is a duration given for short term rentals. David said that each STR land use permit must be renewed annually, on February 1.

Chair Muck said the good part is that we can come back with some communication to the HOAs of where the township stands regarding our STR ordinance. They have information to change their own HOA rules. Muck stated that he felt this might help the HOA and the township to exist on the same page regarding what is allowed and not allowed regarding Airbnb's. When we issued this short-term rental ordinance, it wasn't clear if we could ban them or not. It would be good to seek an attorney's opinion now to see if we could change the ordinance and ban these short-term rentals. Chair Muck told Victor to

tell Jason that we will be spending township money on the attorney's advice. Victor said that isn't what Jason wants to hear that. Muck said to put it on all of them.

Trustee Hughes asked David where the bylaws and master deed restrictions for the HOAs could be found. David said all current PUD open space communities must file their master deeds with the Livingston County Register of Deeds. By laws get approved from the HOA board and recorded. A lot of times with older associations, many people don't even know what is in the bylaws because the HOA is not operational anymore. Bylaws get updated internally with the homeowners of the subdivision. These are the same people that always expect us to have a survey on file for their property. We only have a survey if the homeowner provided us with a survey in the past.

Commissioner Priebe said that many of these subdivisions, especially older ones, don't have a HOA board anymore. No one knows where to even send that notice. Priebe said she would see that as a problem.

ZONING ADMINISTRATOR'S REPORT

1. Village Center Master Plan working group-

John Hamlin, Victor Leabu, Craig Masserant, Jason Negri, and David are the members of that working group. We have met several times, with a few meetings of just Victor and David to go over the fine details. We have reviewed many maps which included the future land use map, while considering what the current zoning map consists of. We considered some of the different projects that are going on in the area. We looked closely at the Village Core. With a group consensus, that at this time, we decided that no formal changes are recommended to the Village Center Master Plan. David said he is not against reviewing this plan on an annual basis to see what is going on, and see what developments transpire over time and what has been completed. Currently, the township is in a good position with our zoning since it has been consistent for more than two decades. Our future land use plan for that area still gives us some flexibility and some options for the future, should different developments come in that we haven't been seeing.

Commissioner Hamlin asked if the sub zoning in the Village Center Master Plan could be enforced. David said we only have two zoning classifications currently, which are enforceable, which are Village Residential and Village Center. David clarified the future land use map shows possible ways that the VC could be developed in the future. The township has not moved in the direction of codifying all these different sub zoning districts in the VCMP. Trustee Hughes asked a question regarding the fence and the Haskins property. It is currently zoned industrial. If something residential was proposed on this parcel in the future, then they would need to petition the township to rezone this parcel to residential use. She stated that it is a good idea not to officially change the east side maps to allow us more flexibility.

Commissioner Mariani asked if the Village Center Plan would be absorbed into the general Hamburg Township Master Plan. David said that the VC plan is a part of the Master Plan, it is just a small area plan. David said he isn't sure if there is a concise way to completely absorbed the VC into the Township Master Plan due to its historically, geographically and zoning which is different from the overall master plan.

2. No December Agenda Items for next month.

3. We had a preliminary meeting with Whitewater Car Wash several weeks ago. Victor and Patricia were there. They were looking at doing a PC submittal in mid- or late December but with the holidays and everything, we will not hear from them until February. It is being proposed on Lot 10 internally in the Kroger plaza. David said they were very professional and on top of everything.

ADJOURNMENT

Approval motion made by Trustee Hughes, seconded by Commissioner Hamlin, for adjournment at 7:56pm.

Voice Vote: Ayes (6); Absent (1) 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