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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, September 18, 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.**

Commissioner Hughes stated that she would like to add a discussion about our township having two cottage ordinances, moving forward. The Township Board has voted to approve our amendments to the elderly housing, but this leaves us with two cottage sections in our ordinance. Chair Muck said this line item would be added under New Business, a discussion on cottage housing ordinances.

**Approval Motion** made by Commissioner Hughes, seconded by Commissioner Hamlin, to approve the agenda as amended.

**Vote: Ayes (7)**

**VOTE: MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF THE MEETING MINUTES**

**Approval Motion** made by Commissioner Muir, seconded by Commissioner Mariani, to approve June 19, 2024, Planning Commission Meeting Minutes.

**Vote: Ayes (7)**

**VOTE: MOTION CARRIED UNANIMOUSLY**

**CALL TO THE PUBLIC-**

1. Dustin Hitchings (10530 Hall Rd) talked about setbacks and screening. Mr. Hitchings stated that this apartment complex site plan shows only a 15 feet setback from his property line. He stated that due to the clear-cut woods that used to buffer his property from the abandoned school lot, he has been picking up a lot of debris near his yard due to unwanted foot traffic. He expressed his concern with the new complex's patrons access his lot in the future. He expressed his opinion that a cedar fence would be more welcomed to the single-family residential lots that border the apartment PUD, rather than a vinyl fence. He stated that a vinyl fence would age quicker than cedar. He mentioned John Hamlin's statements at the last PC meeting about needed screening. Next Mr. Hitchings was happy that the MDOT traffic study found a need for a specific left hand turn lane that will reduce mid-intersection traffic. Hitchings looked at the MDOT traffic counts accessing US 23 and M-36, sharing his concern that with these increases in people and vehicles in the township, it will take Hamburg residents longer to commute to and from work. He brought up some statements from Commissioner Leabu at past PC meetings. He continued to say that the PC is not enforcing their PUD ordinance for setbacks, buffers and density requirements. He said that the PC is not following its Village Center or Master Plan either.
2. McKenzie Johnson (10603 Livingston St) Wanted to speak on the master plan for the Lakeland Trails Apartments. She talked to the buffering and fencing being stipulated in the site plan. The new plans do not show a lot of fencing around the whole PUD community. On page 3 & 4 of the site plan mentions a white vinyl fence, even though the ordinance requires masonry and wood. It did not appear that the buffer between the PUD and the residents had increased any. We would like to see a 20-foot buffer rather than 15. The foot path between Lakeland Trail and the PUD has not been confirmed yet. The old sidewalk here is very small and always covered by parked vehicles for the Hamburg Pub patrons. Elder and young families will not be able to utilize the Lakeland Trail if this continues to happen. A two-way stop at a three-way intersection is difficult to design. Daily, at this intersection, there are numerous near miss accidents and illegal turns being attempted. The PUD complex only has 10 handicapped parking spaces out of 407 parking spaces in total. The Hamburg Township population consists of more seniors. This developer has not designed this community to meet most of our community's needs. Affordability has been touted as an important factor of why we need this type of development in our community. Can the Kroger workers who make \$12-14 per hour or even retirees on a fixed income afford to live in this community?

**OLD BUSINESS**

1. **Final Site Plan Review (PPAM 24-001) The Crossings at Lakeland Trail.**

Chair Muck opened the public hearing to the applicant's architect. He said that he would be willing to let David Rohr open this meeting with discussion of his staff report. This project dates to 2016 and 2017 and was reopened in June 2024. This PUD Development is proposing 208 apartment units on the former school site. David said that he has met with the developer about the buffer and the setbacks of this proposal. There has been some additional landscaping but not a lot has been changed. We need to discuss the lighting issues here. Victor had some issues with the lighting as proposed. David stated that more lighting would be needed for the courtyard which is too dark for a common area. The Lakeland Trail connection between the PUD parcel and accessing a neighboring lot would be a good topic as well. The public comments have brought up some good questions.

Chair Muck opened the discussion up to the commissioners. Commissioner Hughes asked the developer to walk the members around the perimeter of the PUD development, during his presentation to explain how much space would be for a buffer and what it would consist of. The developer said that they listened to all of the comments provided during the preliminary site plan review. As they met with their engineers and landscape architect, they felt that enclosing the three smaller buildings that are located to the northwest side of the PUD complex with fencing would be very restrictive on the aesthetics for the residents renting the apartments. He said that they did not imagine that the local single family residential lots would feel threatened by future residents not being corralled into their community. The thought process was to enclose this smaller lot with solid fencing would become obnoxious since no wildlife could access this parcel. They designed the larger structures with a solid fence to buffer the view. The ordinance mentions a fence is needed when neighboring lots are residential but in the Village Center, many of these lots are zoned as industrial.

The applicant asked Commissioner Hughes if he addressed her question about the fencing. She said she wanted to know how wide the buffer was, with and without the road area being counted. She asked David what the PC had agreed the buffer was supposed to be for this development. He said the buffer was supposed to be 20 feet for the landscaping but in some places, the road and the design features, there wasn't 20 feet of buffering in those areas. Commissioner Hughes said that when the PC had approved the preliminary site plan, with a second motion to amend the original motion, to ensure that there was 20 feet of buffering around the whole community despite the road. The developer said that they redesigned this complex so that there was a road and landscape buffering separating the apartment buildings from the surrounding single-family lots. They ensured that those surrounding lots viewed the smaller end of the buildings rather than the longer edge. He said that they did this to minimize the site impacts on the surrounding community. Commissioner Hughes said that she would really want to see a solid 20-foot landscape buffer for the surrounding existing residential homes. The applicant group showed with the projector that most of the 20 ft buffer existed around the community except where the three smaller buildings were being proposed.

Chair Muck shared with the group that they received an email communication from Kim Whitmore on Livingston St. The email subject was regarding the fencing, the access to the Lakeland Trail, and the surrounding buffer between the PUD development and the surrounding residential homes.

Commissioner Muir stated that at the last site plan meeting that the PC commissioners stated that they wanted the fence to be wood but the site plan before us today is vinyl. The developer said that his group discussed this vinyl fence option with the staff at the Township, and that the belief was that vinyl was

more superior product than wood. It requires less maintenance, and it lasts longer. The developer said that they would take care of the wood fence on the inside only and not on the outside, and the resident would see a deteriorated fence. Commissioner Muir said he felt that Mr. Hitchings is entitled to a wood fence around his whole property. The developer said if that is what the township decides it wants, then he would provide it to this homeowner.

Commissioner Hamlin reiterated what he said at past PC meetings, when he reads the ordinance, is that this is a permitted use. That the density maximum for the development is 10 dwelling units per acre, and that this development is not eligible to be a general planned unit development or to have a 35% density increase. In the enclave (smaller building area to the west of the development) does not show any landscaping between the development or the single-family home that exists here. Minimally Hamburg Township's buffer requirement is a six-foot-high masonry or wood fence wall, one canopy wall, one evergreen and one shrub every 30 feet. This is the minimum landscape requirement, and this should be 20 feet wide. A pine plantation on the site plan is shown on a residential homestead. People will walk their dogs and without a fence, this will become a problem down the road. The surrounding homeowners would be forced to put up a fence to keep apartment community people out of their yards. The developer said that many of these lots are zoned as industrial, so the developer is not required to put up a fence according to the Hamburg Township Ordinance. Commissioner Hamlin said that because these lots are being used as residential the PC would require them to put up a fence between the properties. Hamlin stated that if they went by the ordinance, this development would be limited to 154 units to his interpretation of the ordinance. Hamlin also told the developer that on the east side, the landscape plan only shows one deciduous tree every 45 feet. He said that he does not have any of the other landscaping ordinance requirements for this surrounding buffer. The email letter said that the fence stops and does not go around the whole community. Hamlin reiterated that the PC will require fencing and landscaping all the way around the development. He then went on to talk about the lighting onsite, which was brought up at the Township Board Meeting. Hamlin spoke on the photometric lighting plan and that the lights are not pointing downward facing. There is no information regarding the lighting on the buildings which will be important. Also, the pedestrian access to the Lakeland Trail was discussed at the preliminary site plan meeting but there is nothing shown on this site plan. The developer said that they are trying to work with the neighboring property owner about making a path, while sharing some utilities here. They want to link the two paved paths to connect them to one another. There have been no final agreements so the developer can't show that on the site plan yet. We are looking to build a combined, non-motorized pathway down to the west public road. According to the developer, the site has access to the public road right of way to the west.

Commissioner Leabu agreed that this wall needs to be a wood fence. He said that the vinyl fences and decks need to be power washed and if using irrigation without a water softener, the white vinyl will turn rusty colored due to hard water. Wood fencing panels can be replaced by panel over a 30-yr period. Vinyl requires a complete section to be removed for replacement. Village Center lighting requirements are on the Todd's Service site and the Baker Building and the Hamburg Township Fire Station. Area Architectural Lighting doesn't make these lights anymore. This site will need to have downward lighting fixtures. Leabu told the developer that he needs to pick one of these light fixtures, showing it in their design light plans for the PC to approve.

The developer showed his samples of the shingles, siding and door colors. They stipulated that GAF Timberline HDZ High-Definition Lifetime were the asphalt shingles that they were proposing to use on

the buildings. They were showing ProVia Manufactured Stone in Limestone Harbor for the entry signature. CertainTeed Mainstreet D4/D6 Sterling Gray Vinyl siding. And the entry doors are being painted Sea Serpent SW7615 Sherwin-Williams color. Commissioner Leabu asked if all the buildings in the community the same color will be. The developer said yes.

Commissioner Priebe stated that she agrees that the PC needs to require a 20-foot buffer around the whole community and a 6-foot-high fence with landscaping there. The access to the Lakeland Trail can't be guaranteed since they would have to go through a neighboring owner's parcel that you do not own. She agreed with the rest of the PC members that the lighting would need to meet the Village Center Regulations. Priebe felt that they should table this proposal until the developer had time to follow their recommendations and come forward with better plans before doing a final site plan review. Otherwise, the PC should make additional conditions to the final site plan.

Commissioner Mariani stated that she agreed with everything that Priebe said but she circled back to what David said earlier about the poor lighting in the parking lots. David did respond to Mariani clearly stating that the poor lighting conditions were documented in the courtyards and walking paths. The developer responded positively to his direction. Mariani continued to ask the developer if the rental rates for these units would be affordable and what would the range be estimated. The developer said that they expect that rents for a 1-bedroom unit would be about \$1200 to \$1500 per month. The 2-bedroom units would be \$1700 to \$1900 per month. The 3-bedroom units would be \$2000 to \$2200 per month. These figures will be based on the market in about 2 years from now. This would be based on an annual lease, with some short-term leases for corporate people. Mariani asked the developer if he would maintain the property, who said that they hire a very good (RPM Living) property management company to do the daily onsite maintenance work for them.

Chair Muck stated that he agreed regarding the wood fencing since it fits better with the rural wooded community surround this project. He continued to state that he supported the developer ensuring that Mr. Hitching's yard was completely fenced in from this community. Muck continued stating that he was disappointed that the access to Lakeland Trail was not yet attained since there would be an existing safety issue if people tried to the trails through the downtown Village. He has seen many cars parking on the sidewalks across from the Hamburg Pub. With this PUD, we definitely need a dedicated access route to the trails for the new community residents. He continued to state that he supported many of Commissioner Hamlin's comments regarding the landscaping plan that we need to require additional buffers and trees. We need additional lighting. One question that did not get address is the issue with handicapped parking and the calculations on that issue. The developer stated that the handicapped space allocation is based on the standards. The whole site, sidewalks, and the lower units are ADA accessible. The applicant said that their company prioritizes ADA accessibility. David said that he will review the percentage of ADA parking spots onsite.

Commissioner Leabu mentioned that the developer should include in their management strategy to ensure when a handicapped resident signs a lease for a unit in a building, their company should dedicate a few parking spots for their accessible parking near that unit and building for them. The developer agreed and said he doesn't want any attention for not providing ADA accessible spots. Muck said that he drives by the developer's South Lyon property multiple times per week, and he gets a good sense that the complex has a very welcoming and provides a good feel to the town. They are good looking buildings there.

Chair Muck brought the meeting back to the commissioners for a final say, asking if anything was missed or if additional clarification was needed on something. Commissioner Hughes brought up fencing and lighting being used to keep neighbors from getting car lights shining into their rooms. She supports having the wooden fence for such a purpose. She asked David if he reviewed the PUD site plan to ensure that the fence will block car headlights from the surrounding homeowner's view. Hughes continued stating that she learned a great deal about traffic

studies though the Chilson Commons project. She explained that MDOT approves a “D level or above” for a project. An “F level” project is failing and not acceptable. Chair Muck asked David if the Townhomes project north of this complex was moving to a four-way stop. David confirmed that it was. Muck stated that this four-way stop will impact this community’s traffic as well. The developer explained that their project’s traffic study contemplates this four-way stop as well. Hughes asked David how closely these projects would be completed in relation to one another. David stated that the Townhomes project was a two-phase project which could move the second phase to one to three years from now. Hughes asked David when the four-way stop would go in. He said it should be installed for phase one. The developer stated that they would have their first occupancy, in a perfect world with so many layers of agency approvals, we expect to be in early 2026.

Commissioner Muir pushed his comment that the developer appeared again before the Planning Commission without ensuring that a fence buffer completely surround this proposed complex, despite the PC and the Township Board requiring such a fencing buffer in their deliberations. The developer explained that he didn’t think that the PC would want to have that small area to be enclosed with a fence. The developer stated that they must have misunderstood their direction. Chair Muck requested that Muir and the developer end their discussion due to their conflicts. Muck said he is looking for some resolution to next steps from the PC commissioners. Commissioner Hamlin clarified that we need a lighting plan, some designated access to the Lakeland Trail, and we need a buffer and a wood fence. He continued to state that this project should be tabled until they can see this on the plans, as we are directing, and if this happens, then we can approve it. Chair Muck stated that is what Commissioner Priebe had stated in her earlier comments. Commissioner Hughes said that she would like to make the access to Lakeland Trail a condition for the future. The developer stated that he would love to get access to the Lakeland Trail through the neighboring owner, but we don’t have eminent domain power. He said that they have access to a public road, a block and a half from the trail. Chair Muck again clarified the Planning Commission’s recommendations for approval requirements needed for this development. He said they needed a 20 ft buffer and wood 6 ft tall fence around the project’s extensions and whole perimeter (a landscaping plan that meets our ordinance requirements), stipulate designated access to the Lakeland Trail even if that is through Washington, installation of fencing around 10350 Hall Rd, and the Village Center lighting plan with improved lighting of the courtyard and an image of the downward pointing, shielded light fixtures on the lighting plan. Commissioner Leabu stated that not all community lighting should be placed high up on buildings, but some should be installed lower on poles for the trails. Leabu stated that these devices and poles should be shown on the lighting plans. Also, they need to show that that the berms installed will not increase storm water movement onto neighboring parcels.

**Approval Motion** made by Commissioner Priebe, seconded by Commissioner Muir, to table this final site plan, to allow the applicant time to make said changes to his site plans as discussed at tonight’s meeting.

**Roll Call Vote: Ayes (7)**

**VOTE: MOTION CARRIED UNANIMOUSLY**

## **NEW BUSINESS**

1. Discussion on Cottage Housing Ordinances-

Chair Muck welcomed Commissioner Hughes to begin. She stated that we have amended Section 36-429 Elderly Cottage Housing Opportunity. This is what we revised and what the Township Board has approved, which is now called Cottage Community Opportunities.

There is also Section 36- 434 Cottage Housing Planned Unit Development (CHPUD) which has not been tweaked or eliminated. She wanted to bring it to the PC since there shouldn't be two different ordinances for cottage housing. Hughes recommended that the PC walk through the ordinance language and see if they needed to eliminate this section. Do we want to put this later section through the process of elimination? Hughes also said there were some items in the later section that she wished the PC would have included in the earlier amended cottage housing section. We could put this on an agenda, and have David send us a printed version of this amended ordinance. Chair Muck asked David if there was a mechanism to eliminate that section when they amended the earlier section.

Commissioner Hamlin stated that when Commissioner Muir and David had met to talk through the proposed changes to the Cottage Housing ordinance, they found that the later portion was not functional, and they were planning on abandoning it. David said that we would have to go through a process to eliminate that later section just like they did when they amended the earlier section. This would need a recommendation from the planning commission, approval from Livingston County Planning Commission, and Hamburg Township Board. David said he can put this on the agenda for the October 2024 PC Meeting as a hearing for this ordinance change.

Chair Muck invited David to give his Zoning Administrator's report. David reminded the PC members that it is towards the end of the year and that 2025 is next year and it has been five years since we reviewed our master plan. David said it is up to the board whether they want to start it this year or wait till next year. Muck said that he felt it would be best to wait until 2025 after the holidays to kick that off. David said he could create a work plan to help the PC members be more efficient.

## **ADJOURNMENT**

**Approval motion** to adjourn at 8:11 pm made by Commissioner Muir and seconded by Commissioner Mariani.

**Roll Call Vote: Ayes (7)**

**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: \_\_\_\_\_

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Commissioner Jeff Muck, Chairperson