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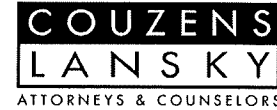
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April 11, 2024

VIA EMAIL ONLY: drohr@hamburg.mi.us

Mr. David Rohr
Planning and Zoning Director
Hamburg Township
10405 Merrill Rd.
P.O. Box 157
Hamburg, MI 48139

**Re: Request for Approval of HPUD Amendment
Chilson Commons Shopping Center**

Dear Mr. Rohr:

We represent the developer of the Chilson Commons Shopping Center Condominium, Chilson Commons, L.L.C. Three new condominium units, including Unit 9 at the westerly end of the development, were created in a 2020 amendment to the HPUD Agreement. The amendment provides that there would be no further access points to M-36 from the shopping center in connection with adding the three new Units. Unfortunately, it now appears that any commercial development on Unit 9 will, in fact, require one additional access point. This was discovered during the due diligence of a proposed buyer of the Unit that is proposing to use the site as a car wash and, under the circumstances, is requiring a curb cut to M-36. Chilson Commons believes that facilitating a commercial development on Unit 9, and a car wash in particular, will be beneficial to the community both because of this proposed use and its proposed location. This will, however, require a modification of the existing HPUD Agreement. Attached hereto as **Exhibit "A"** is the proposed HPUD Amendment for which Township approval is now being requested.

The proposed amendment contains two substantive changes. The first, is a reconfiguration of Units 7 and 9. The developer wishes to reconfigure Unit 9 so that it will overlap less with the wetlands to the south and thus provide a more usable site for development. This includes splitting off a portion of Unit 7 (currently owned but unused by the Kroger gas station), connecting it to Unit 9 and creating a more horizontal shape. These changes are shown on the proposed new HPUD site plan (see, exhibit to Exhibit A).

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The second change relates to the above referenced need to create access from the Unit 9 site to M-36. The site abuts M-36 on its northerly boundary, but is currently otherwise landlocked. Note that the car wash developer has requested access through the neighboring parcel to the west and through the Kroger gas station to the east and both are unwilling to allow access through them. See, **Exhibit "B"** attached hereto. This leaves only two options for access. The first would be to route traffic through the westerly entrance of the shopping center southerly, then create a new roadway south of the Kroger gas station (Unit 7) and then into the southerly side of Unit 9. The car wash developer has commissioned a study of this possible approach which concluded that it is not possible from a technical perspective because existing regulated floodplain regulations make building such an access road impossible. As the study points out, even if it were technically possible, it would certainly not be a desirable solution from EGLE's perspective or for the environment. Attached hereto as **Exhibits "C" and "D"** respectively, are study results prepared by Stonefield Engineering and Design analyzing this access option and a preliminary site plan for Unit 9 illustrating the issues.

The only remaining option is to create an access point from M-36. In response to a previous submission regarding this access request, the Township Chief of Police identified several potential traffic issues. Since then, a traffic study was commissioned to analyze the traffic concerns raised. Attached hereto as **Exhibit "E"** is a Traffic Impact Study prepared by an engineering firm specializing in traffic matters, Fleis & Vanderbrink, which confirms that the curb cut in the location shown on the preliminary site plan for the car wash attached hereto as **Exhibit "F,"** will not create adverse traffic or safety issues.

Finally, MDOT has analyzed the site and indicated that so long as the cut is directly across from the curb cut for the shopping center across M-36, it will provide its approval. See MDOT application and approval documentation attached hereto as **Exhibit "G."** The preliminary site plan (Exhibit F) shows the location of the proposed curb cut as required by MDOT.

We request that the modifications reflected in the proposed HPUD Amendment be placed on the May 7, 2024 Township Board of Trustees meeting agenda for consideration. If you have any questions or would like to discuss any aspect of this request with me or any of the referenced consultants in advance of the meeting, please feel free to contact me.

Very truly yours,

**COUZENS, LANSKY, FEALK, ELLIS,
ROEDER & LAZAR, P.C.**



Ronn S. Nadis
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RSN/vs
Encls.

cc (w/encls.): Chilson Commons, LLC
EROP LLC d/b/a Hypershine Car Wash
Pat Hohl, Supervisor, Hamburg Township