

# EXHIBIT C

# STONEFIELD

April 9, 2024

Board of Trustees  
Hamburg Township  
10405 Merrill Rd.  
Hamburg, MI 48139

**RE: Township Board Meeting, Amended HPUD  
Proposed Car Wash  
PID: 4715-22-400-024  
Vacant E-M36 (Chilson Commons)  
Township of Hamburg, Livingston County, Michigan**

## **Chilson Commons Unit 9, E-M36 Direct Access Suitability**

Board of Trustees:

Stonefield Engineering & Design is performing the civil engineering services for EROP LLC which desires to build an express tunnel car wash on Unit 9 of the Chilson Commons Development in Hamburg Township, MI. The current HPUD agreement states "No new access point to M-36 shall be proposed or permitted. All units shall be accessed through the interior layout of the Chilson Commons development". An amendment to the HPUD is being requested to allow access to the subject site from E-M36. Please find the following items enclosed for review:

<b>ITEM DESCRIPTION</b>	<b>DATED</b>	<b>PREPARED BY</b>
Preliminary Site Plan	03-20-20204	Stonefield Engineering & Design
Traffic Impact Study	02-13-2024	Fleis & Vandenbrink
MDOT Preliminary Review Correspondence	12-21-2022	MDOT (Laurent Fournier)
MDOT Application	10-05-2023	Stonefield Engineering & Design
MDOT Remarks Summary (Approval)	12-14-2023	MDOT
Cross Access Denial Correspondence	<i>Multiple</i>	<i>Multiple</i>

The subject parcel has multiple hardships preventing access to the site other than E-M36 including the following:

1. Denial of cross access from adjacent neighbors
2. Regulated Floodplains
3. Regulated Wetlands
4. Steep Slopes (proposed 10 FT retaining wall)
5. Standing Water / Drainage Easement
6. Ability to obtain EGLE Permit for disturbing the natural features stated above

The following provides further information on the above hardships:

### **I. Denial Of Cross Access from Adjacent Neighbors**

EROP LLC and their attorney reached out to all adjacent property owners and were denied rights to cross access, leaving E-M36 as the only option for access to the parcel. Due to existing wetlands, the Kroger gas station would be the only available access point to the East. Kroger felt it would cause traffic issues to allow car wash traffic to cross through the gas station and denied Unit 9 cross access. The property owner to the West (not within the HPUD) was also contacted and denied cross access. Correspondence from Kroger and the landowner to the west are attached to this letter (see attached **Cross Access Denial Correspondence**).



## 2. Regulated Floodplains

The rear of the site is comprised of a regulated floodplain extending to adjacent properties. 11,102 SF of the subject site is within the floodplain. The floodplain is at elevation 856.00'. Construction of an access drive would require a large amount of fill to reach the elevation of the developable area 10 FT above. Per EGLE requirements, any fill placed within a floodplain must be compensated by cutting elsewhere on site. The cut must be below the flood elevation, to maintain the existing floodplain volume at and below the 856.00' elevation. There is no opportunity to compensate for the flood volume on site due to the existing elevation of the developable area as well as the footprint of the wetlands and floodplain. The only remaining area is the steep slopes just above the floodplain which are already at 4:1 slope and would not provide adequate space for the required cut. Any construction within the floodplain would not be feasible while meeting EGLE requirements.

## 3. Regulated Wetlands

The rear of the site also contains a regulated wetland extending to adjacent properties. 9,595 SF of the subject site contains wetlands and mature trees. Per the Hamburg Township Ordinance Section 36-293 (c) 2. A. there is a required 50 FT wetlands setback, with the ability for Planning Commission to grant a waiver for a reduced setback. The suggested access point at the rear of the property would lie within the regulated wetlands area, result in disturbing the protected wetlands as shown on the attached Preliminary Site Plan. The proposed plan with access on E-M36 allows for a development with no impacts to the wetlands. A 9.9 FT wetlands setback is provided, requiring a waiver to the 50 FT setback, due to the required retaining wall.

## 4. Steep Slopes

The existing parcel has been regraded and filled with soil by the current owner to provide a buildable area for a future development. The developable area is approximately 10 FT higher than the Kroger site and the area of protected natural features in the rear. The preliminary site plan proposes a 10 FT high retaining wall at the rear of the site. This results in a practical hardship for proposing an access drive from the rear of the site as it would require the construction of a bridge or a paved drive at approximately 7% slope (desired design slope for the proposed use is 2%, typical maximum design slope is 5%). See attached Preliminary Site Plan.

## 5. Standing Water / Drainage Easement

Within the wetlands and floodplain at the rear of the site, there is an area of standing water. The site contains a 20 FT wide drainage easement running along the east property line, south towards the standing water. This easement allows for a natural drainage path for storm water runoff from E-M36 to flow south to the wetlands / area of standing water. As shown on the Preliminary Site Plan, any construction within this area would be required to be designed in such a way that this drainage pattern is maintained through the installation of a culvert or bridge.

## 6. EGLE Permit

EGLE Permit requirements state that if an alternate option is available, EGLE will not permit development activities within the state's protected natural features, including regulated wetlands and floodplains. Because MDOT has approved the alternate access point on E-M36, EGLE will inevitably deny any request to build in the wetland and floodplain found on this property.

In addition to the above hardships, MDOT (jurisdictional agency for E-M36) granted formal approval of the proposed curb cut for the subject site. MDOT evaluated the site plan and scope of the proposed right of way work, potential need for a traffic study, any taper lanes, driveway restrictions, or other required right-of-way improvements. MDOT's only comment after formal review was to align the proposed driveway with the existing driveway across E-M36. The attached Site Development Plans align with MDOT's request. The MDOT Permit is fully approved pending a \$50,000 surety bond. Please Contact Laurent Fournier with any questions.



Under the last submission to the Township Board, two review letters were provided stating Traffic Safety concerns (Review letter dated 11/17/23 from Chief Richard Duffany, Hamburg Township Public Safety Department and Review Letter dated 12/19/23 by David Rohr, Hamburg Township Planner). Please see attached **Traffic Impact Study** by Fleis & Vandenbrink. A representative from Fleis & Vandenbrink will be attending the Township Board Meeting to address any remaining questions or concerns the Township may have.

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Should you have any questions, please do not hesitate to contact our office, Fleis & Vandenbrink, MDOT or EGLE. All parties are happy to discuss at any time. The respective contact information can be found below. We also request that any review comments be provided to the applicant and Stonefield Engineering prior to the Township Board Meeting date.



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Best regards,

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