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**Hamburg Township
Planning Commission
Wednesday, July 15, 2020
7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Chairman Muck.

Present: Bohn, Hamlin, Leabu, Muck, & Priebe

Absent: Koeble & Muir

Also Present: Scott Pacheco, Township Planner & Amy Steffens, Planning & Zoning Administrator

2. PLEDGE TO THE FLAG:

3. APPROVAL OF THE AGENDA:

Chairman Muck stated that the site plan review for Chilson Commons is not a public hearing. Planner Pacheco stated that comments on that issue should be made during the call to the public.

Motion by Muir, supported by Leabu

To approve the agenda as presented

Voice Vote: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

4. APPROVAL OF MINUTES:

a) June 17, 2020 Planning Commission Meeting Minutes

Planner Pacheco stated that he has a few suggestions and corrections to be made.

Motion by Bohn, supported by Priebe

To approve the minutes of the June 17, 2020 meeting with the corrections as suggested by staff

Voice Vote: Ayes: 5 Nays: 0 Absent: 2 MOTION CARRIED

5. CALL TO THE PUBLIC:

Chairman Muck opened the call to the public. He stated that Items 6a & 6b are public hearings and we will take public comment on those two issues during those public hearings.

Mr. Clyde Schultes of 5859 E. M-36 stated that within the last two weeks he and his wife have submitted letters concerning two issues with Chilson Commons. He understands that the issue of the developer asking for additional

building sites was dealt with at the last meeting with the Commission voting no to those additional sites. He thanked the Commission for their good judgement. The development has never been close to full capacity, and it would be ludicrous to allow them to build more. He also understands that the Commission is considering letting Chilson Commons cut back part of the greenbelt along M-36. He is most concerned about the property that abuts the Conservation Club. He would like to see that left alone. He will continue to watch as things are proposed.

Hearing no further comment, the call was closed.

6. NEW BUSINESS:

a) **The 2020 Master Plan and 2020 Update to the Village Center Master Plan (Public Hearing):**

The 2020 Master Plan and the Village Center master Plan are comprehensive documents, long-range in their views, and includes specific goals, objectives, and public policy recommendations regarding land use and future growth. Per the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended), the plans are intended to serve as a guide for future Township decision-making related to land use, community development, and capital improvement projects.

Chairman Muck opened the public hearing. Hearing no response, the public hearing was closed.

Planner Pacheco stated that we are in the final stages of the Master Plan. The Commission approved the distribution of the plan in February and the Township Board approved the distribution in March. Staff distributed it to the interested agencies and posted it on the website on April 15th. The 63-day period closed June 17, 2020. The only comments we received were from the Livingston County Planning. They were very complimentary and recommended approval. We had received some public comment earlier in the process. The Huron River Highlands Property Owners' Association were concerned about the potential road connection from their subdivision to Winans Lake Road. This was also included in the 2011 Master Plan. Their roads are public roads, and at the time of their development, it was required that the road be extended to the edge of the property for future road extensions. This is good planning practice. He further discussed the connections. Their second item of concern is that their future land use designation is high-density. That was a carryover from the 2011 map. That area has been subdivided and their average lot size is between 20-40,000 square feet. It would be more appropriate for the Future Land Use Map to designate that as medium density. The Zoning Map does not need to change as it designates that as Waterfront Residential, which would comply with what is there and the Future Land Use Map. He further stated that the other item to be addressed is the Chilson Commons. That item will be going to the Township Board in August, and he would suggest that the Future Land Use Map as well as the Zoning Map be changed based on whatever that decision the Board makes. The last correspondence we received was from Michelle Ormanian. Her concern is with the Village Center Master Plan and the density proposed in that Master Plan. The Village Center Master Plan was created to direct the density of the Township to a certain area. She does not want density anywhere in the Township, which is a valid comment. We did look at this a few years ago, and at that time we decided that we were not going to change the Village Center Master Plan and move forward with it the way it was designed, to create a village-type node. We would direct our growth to that area so that we can preserve the rest of the Township. He further discussed her concerns and explained the changes in the housing development versus population from years past.

Pacheco stated that at this point, the Commission would adopt a resolution. If that resolution is to approve the Master Plan, it then goes to the Township Board who as asserted their right to approve or deny the plan.

Commissioner Hamlin stated that he did question whether the Huron River Highlands road connector was in the 2011 Master Plan as well as their site plan, and that question was answered. His other question was if the Commission wished to make the suggested changes, what would be the process. Pacheco stated that the two changes he is suggesting are both minor changes. Because Huron River Highlands has already been subdivided, it is very unlikely that any change in the Future Land Use Map would have an impact.

Chairman Muck read the letter from the Livingston County Planning Commission, and he would like to commend the staff and the Committee for their hard work.

Motion by Bohn, supported by Hamlin

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes the Planning Commission to prepare a Master Plan for the use, development and preservation of all lands in the Township, and WHEREAS, the Planning Commission prepared a Draft 2020 Hamburg Township Master Plan and submitted the plan to the Township Board for review and comment, and

WHEREAS, on March 3, 2020, the Township Board received and reviewed the Draft 2020 Hamburg Township Master Plan prepared by the Planning Commission and authorized distribution of the Master Plan to the interested agencies as identified in the MPEA, and

WHEREAS, notice was provided to the interested agencies and the timeframe to respond was provided as required in the MPEA, and

WHEREAS, the Planning Commission held a public hearing on July 15, 2020 to consider the comments from the interested agencies and from the public on the proposed Master Plan and to further review and comment on the proposed Master Plan, and

WHEREAS, the Planning Commission finds with the proposed changes suggested by staff to the Future Land Use Map and the Zoning Map that the 2020 Hamburg Township Master Plan is desirable and proper and furthers the use, preservation, and development goals and strategies of the Township, and

WHEREAS, the MPEA authorizes and the Hamburg Township Board has asserted the right by resolution to approve or reject the proposed Master Plan. The Planning Commission Resolution to Adopt the 2020 Hamburg Township Master Plan will be forwarded to the Hamburg Township Board for final approval of the Master Plan.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. Approval of the 2020 Hamburg Township Master Plan. The Planning Commission hereby approves the adoption of the 2020 Hamburg Township Master Plan, including all of the chapters, figures, maps and tables contained therein. Pursuant to MCL 125.3843,

2. Findings of Fact. The Planning Commission has made the foregoing determination based on a review of the existing demographic trends, the existing land uses in the Township, the public input, existing Master Plan provisions and maps, and with the assistance of planning staff and finds that the 2020 Hamburg Township Master Plan will accurately reflect and implement the Township's goals and strategies for the use, preservation, and development of lands in Hamburg Township. 3. Next Step. Because the Township Board has asserted by resolution its right to approve or reject the proposed master plan, the Planning Commission resolution along with the 2020 Hamburg Township Master Plan will be forwarded to the Hamburg Township Board for review and a final determination on the adoption of the plan as provided in MCL 125.3843.

3. Effective date. Because the Hamburg Township Board has asserted their right to approve or reject the final Master Plan the 2020 Hamburg Township Master Plan shall be effective as of the date of adoption of the Township Board Resolution regarding the Master Plan.

Roll Call Vote: Ayes: 5 (Bohn, Hamlin, Leabu, Muck, & Priebe)

Nays: 0

Absent: 2

MOTION CARRIED

- b) ZTA 20-001 Minimum house size (Public Hearing):** Zoning Text Amendment to revise the required minimum house size regulations in sections 7.6.1 Schedule of Area, Height, and Bulk Regulations and section 8.5 Single-Family Dwellings, Mobile Homes, Prefabricated Housing.

Chairman Muck opened the public hearing. Hearing no response, the public hearing was closed.

Planner Pacheco stated that this issue was brought up at the February joint meeting as well as the 2019 joint meeting, and in March this was brought to the Commission for review and discussion. At that time, it was discussed to remove minimum house size requirements from the Zoning Ordinance as well as the requirements for the design features that would be a problem on smaller houses. He has removed everything dealing with minimum house size except for the house size in the ECHO housing developments, which requires 400-980 square feet. He did, however, remove it from the Cottage Housing regulations.

Motion by Bohn, supported by Leabu

To recommend to the Township Board approval of ZTA 20-001 Minimum House Size as presented

Voice Vote: Ayes: 5

Nays: 0

Absent: 2

MOTION CARRIED

7. OLD BUSINESS:

- a) **Site Plan 20-002 (continued):** Site Plan Review (SPA 20-002) to amend the Site Plan associated with the Hardship Planned Unit Development agreement for the Chilson Commons Shopping Center.

Chairman Muck stated tonight we are dealing with the site plan amendment only. The Commission made the determination on the HPUD agreement and the zoning change at our June meeting. Because the site plan is linked to the HPUD agreement, the Commission needs to make a recommendation to not approve the amendments to the site plan. Once that is done, the zoning change, Agreement and the site plan can all go to the Township Board.

Mr. Ron Nadis representing the developer, explained their request including the addition of three units, rezoning and amendments to the HPUD Agreement.

Planner Pacheco stated that the original site plan had units 1-8 and the original HPUD agreement dealt with those units. The site plan enacted the HPUD Agreement. Because the Planning Commission is recommending not moving forward with the amendment to add units 9, 10 and 11, the only change being proposed tonight is the site plan with 9 units. If you use the original agreement that deals with the 66 acres along with another site plan, it is no longer applicable. We have to approve the agreement and the site plan together. We need wording in the agreement in order to approve the additional lot. At the last meeting, the Commission neglected to include the site plan amendment in their recommendation. The Township Board will have an opportunity to make a determination on the project together at one meeting.

Mr. Nadis explained the economic and financial difficulties the developer has faced over the years. He stated that through it all, the developer has stuck with this development and maintained it in a first-class fashion. He stated that the requests that they have made are fairly modest. They are asking that the property that is only suitable as commercial be pulled into the commercial development and the property be recognized for what it is. He discussed the difficulty in luring tenants in this situation.

Discussion was held on the trimming and thinning of the vegetation. Planner Pacheco stated that on June 17th, the Commission made a recommendation that the only amendment to the HPUD Agreement would be that the trimming and thinning of the landscaping on Parcel 2 and around the sign. Mr. Nadis has sent him some wording for that but that will go to the August Township Board with the recommendation. The Township Board could approve the project as originally submitted or approve the Planning Commission's recommendation. It is an agreement between the Township Board and the Developer. Discussion was held on the developer working with the Township for the thinning and trimming.

Motion by Hamlin, supported by Leabu

To recommend denial of the proposed amendments to the Chilson Commons site plan as presented at the June 17, 2020 meeting

Voice Vote: Ayes: 4

Nays: 1

Absent: 2

MOTION CARRIED

- b) **Discussion of ZTA 20-002 (continued):** Proposed zoning text amendment that explains the locations where ADUs are allowed on properties within the WFR and NR districts that abut a waterbody or have access to a water body.

Planner Pacheco stated that in May 2015 the Commission started working on an ADU ordinance and a zoning text amendment was approved. One of the Township Board Members did not want ADUs on water bodies and the Planning Commission revised the language to add "An accessory dwelling unit shall not be permitted on lots within

the Waterfront Residential or Natural River Districts that abut the water or have access to a water body.” At the February 2020 joint meeting we continued discussion on this issue, and the Board continued that discussion at their May 5, 2020 Board meeting. They wanted to ensure that prior to sending it back to the Planning Commission, there was Board support. They would like to allow ADUS in the WFR and NR districts, but they do not want to allow detached accessory dwelling units. They believe that the property owner would have more control over who they rent to if the unit was attached.

Discussion was held on what constitutes an attachment. Pacheco stated that this is simply a discussion item tonight, and he will bring back clarification when it comes back for final approval. Discussion was held on creating a definition that the Board would approve.

- c) **Discussion of ZTA 20-003 (continued):** Proposed zoning text amendment to Section 11.3.1., permitted expansion of residential buildings, to permit second story additions over non-conforming dwellings without variance approval

Planner Pacheco stated that in August 2017 the Planning Commission made a recommendation to approve a zoning amendment to require that an expansion of a second story into a required setback would require a variance. Since that time there has been seven appeals, and all of them have been approved by the Zoning Board of Appeals. Prior to that amendment, if you had an existing structure, you could build on top of that no matter how close you were to the property line as long as you were building within the existing footprint. He stated that he believes that there are impacts from second story additions to neighboring property owners. He provided diagrams and photos of houses where the second story is setback. He further discussed the impact of a second story versus a single story.

The question was asked if any of the seven appeals were not on waterfront. Steffens stated that most of them are on waterfront. Pacheco stated that on occasion you will see cases not on waterfront, but may still be in the Waterfront Residential District where the lots are still very small. He further stated that if the ZBA is approving all of the same requests, then there is something wrong with the ordinance or there is something wrong with the ZBA approving them all. What we are trying to do is correct what is wrong.

Commissioner Hamlin stated that he feels that in some cases, we are appealing one neighbor to the detriment of another. He feels that the requirement should stay and less of the variances granted.

Discussion was held on the size and current setbacks on these lakefront lots.

Commissioner Leabu stated that he is in favor of keeping the requirement in the ordinance. He stated that in some cases, it just cannot be done through no fault of the homeowner. He just does not want it to be automatic that the ZBA approves them. He further discussed the non-conformities of lake lots and the changes that they have made to the ordinance recognizing them.

Continued discussion was held on leaving this as a variance issue.

Amy Steffens, Planning & Zoning Administrator, stated that some of the frustration is that in some cases the ZBA is approving not only a second story, but also going out further. Staff is left wondering what will the ZBA deny. If the ZBA is going to approve them all, it is not logical to make the homeowner pay the fee for a variance.

Discussion was held on training the ZBA members. Steffens stated that she brought the Township Attorney in to discuss the findings of fact, and there has been no different result. Further discussion was held on the ZBA decisions, standards that need to be met to approve an appeal, and the nonconformity of the lake lots.

Discussion was held on ensuring that the ZBA receives the proper direction from the Township Board regarding enforcement of the regulations.

The consensus of the Commission was to leave the ordinance Section 11.3.1 as is. It was stated that we can then have a discussion at the next joint meeting with regard to how this ordinance should be enforced.

8. ZONING ADMINISTRATOR'S REPORT: None

9. ADJOURNMENT

Motion by Hamlin, supported by Bohn

To adjourn the meeting

Voice Vote: Ayes: 5

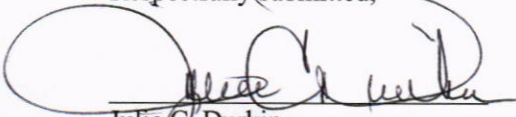
Nays: 0

Absent: 2

MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 8:32 p.m.

Respectfully submitted,



Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected: 9-16-20



Jeff Muck, Chairperson