

FAX 810-231-4295
PHONE 810-231-1000



P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

**Hamburg Township
Planning Commission
Wednesday, April 21, 2021 7:00 P.M.**

The public may access the electronic meeting from a computer, tablet, or smartphone.

<https://global.gotomeeting.com/join/888632341>

You can also dial in using your phone.

United States: [++1 \(571\) 317-3122](tel:+15713173122)

Access Code: 888-632-341

AGENDA

- 1. Call to order**
- 2. Pledge to the Flag**
- 3. Approval of the Agenda**
- 4. Approval of Minutes**
March 17, 2021 Planning Commission Meeting Minutes
- 5. Call to the Public**
- 6. Old Business: none**
- 7. New Business**

SPA20-002 and MPUD 20-001: Review of a proposed amendment to restrict access to the subject site from the Mystic Ridge Development to fire access only and eliminate access through the subject site to the Mystic Ridge Development for the preliminary site plan for the mixed planned unit development on the property at 4715-35-300-044 (48.79 acres). The project would allow a 47-51 unit single family housing development. This development proposes a unique mix of housing types that will be clustered on the site allowing 31.75 acres of the site to remain undeveloped. Twenty of the single-family housing units will be reserved for elderly housing and will meet the regulations in the Elderly Housing Cottage Opportunity Planned Unit Development regulations. The remaining homes will be clustered single family homes and will meet the regulations in the Open Space Planned Unit Development regulations.

- 8. Zoning Administrator's Report**
- 9. Adjournment**



FAX 810-231-4295
PHONE 810-231-1000

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139

**Hamburg Township
Planning Commission
Virtual Meeting using GoToMeeting platform
Wednesday, March 17, 2021
7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Chairman Muck

Present: Bohn, calling in from Hamburg Township, Livingston County, Michigan *
Hamlin, calling in from Hamburg Township, Livingston County, Michigan
Hughes, calling in from Hamburg Township, Livingston County, Michigan
Leabu, calling in from Hamburg Township, Livingston County, Michigan
Muck calling in from Hamburg Township, Livingston County, Michigan
Muir calling in from Hamburg Township, Livingston County, Michigan
Priebe calling in from Hamburg Township, Livingston County, Michigan

Absent: None

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

2. PLEDGE TO THE FLAG:

3. APPROVAL OF THE AGENDA:

Motion by Muir, supported by Priebe

To approve the agenda as presented

Voice Vote: Ayes: 7 Nays: 0 MOTION CARRIED

4. APPROVAL OF MINUTES:

a) January 20, 2021 Planning Commission Meeting Minutes

Motion by Hughes, supported by Priebe

To approve the minutes of the January 20, 2021 meeting minutes as presented

Roll Call Vote: Hamlin - Yes
Hughes - Yes
Leabu - Yes
Muck - Yes
Muir - Yes
Priebe- Yes

MOTION CARRIED

5. CALL TO THE PUBLIC:

Chairman Muck opened the call to the public. Hearing no comment, the call was closed.

6. OLD BUSINESS: None

7. NEW BUSINESS:

a) Draft ZTA20-008 Alternative Energy Regulations

Planner Pacheco stated that he is looking for some guidance on how the Planning Commission wishes to move forward looking at wind and solar power regulations. He has submitted a staff report outlining the reasoning behind addressing these issues now instead of waiting until we get an application for the use. We have not received any inquiries about putting in a large scale solar or wind power project. However, we do review small-scale solar power applications as an accessory structure application. If it is attached to a house, it would have to meet the regulations for the main structure. These are used to provide power to the development on the parcel. Planning & Zoning Administrator Steffens stated that we have only had 1-2 inquiries regarding wind power. Pacheco stated that the way we currently review an application for small scale wind power is that we do have regulations that allow structures to exceed the maximum height limits such as you would see for a ham radio antenna. It reads that it would be limited to the minimum height that would allow an antenna to work, which would be tricky with small scale wind power. He further explained the height required to make a small-scale wind tower work. Pacheco explained how a large-scale wind or solar power project would be reviewed under our current ordinance, which would be a commercial use only allowed in an industrial district. He explained the need for specific language needed to address these uses. In the staff report he has included some benefits to both wind and solar and a link to a Planning for Renewable Energies presentation. There are also a series of webinars put on by the Michigan DNR on both residential and larger projects. He further discussed upcoming opportunities to possibly work with other governmental entities and the incentives that would be available. He discussed the other communities with regulations within Michigan. He has provided examples from surrounding communities. He reviewed the examples. He stated that he is looking to find out where Hamburg Township wants to go with this.

*Bohn arrived at 7:07 p.m.

Commissioner Muir discussed the need to shield the solar panels. He questioned how we would determine the size of the structures as well as surety bonds to guarantee removal in case it went out of service.

Commissioner Leabu stated that he does not believe that we get enough wind and thinks that leaving these in the industrial district is fine. He is not opposed to renewable energy. Clearly, we want people to use solar energy for their homes. However, we should have language to address it. He agrees that we should require screening from the roads and he would prefer something natural underneath. It usually requires hundreds of acres to make the large-scale systems work. He would not be opposed to a special use permit with a lot of requirements. He discussed the possibility of community solar, not necessarily commercial but within a development for their own use. Further discussion was held on community or subdivision systems.

Commissioner Hughes asked if the proposal for Thompson Pond including solar energy was a similar community system. Pacheco stated that they have proposed solar on tops of houses which is covered under our current regulations. Hughes asked if the Township has space in an industrial area that could handle a large-scale system. Pacheco stated that it would be unlikely that anyone would buy that much property for this purpose because it is very valuable, but we would allow them to if they wanted.

Commissioner Bohn questioned the regulations that are used for a small-scale wind system. Pacheco stated that currently it does not address it anywhere in our code. What it does cover is if you are installing a system that requires you to extend beyond the maximum height. We have people come in and indicate that 35 feet does not allow them to put up their ham radio antenna because they need to be up 50 feet to work. Steffens stated that this would require a variance. Bohn questioned smaller units such as those that can be attached to a boat on a much smaller scale. Further discussion was held on regulating solar if it is attached to the house. If it were attached to the ground, it would have to meet the accessory

structure regulations. Commissioner Bohn questioned the noise component. Pacheco stated that it would have to meet the noise ordinance.

Commissioner Hamlin stated that he felt that the Putnam Township ordinance was the most valuable. He asked if staff would be comfortable approving systems with large rotors or if that would be something that should come before the Planning Commission. He stated that he cannot see anyone putting up a commercial wind system in Hamburg Township. Possibly prohibiting them may be the easiest solution. He asked if an individual system could be located in the front yard. Pacheco stated that it could if it met the front yard setback and the side yard setbacks of the main structure. Bohn stated that for ground mounted solar collectors, it may be best if it did not have to go to the ZBA but rather handled administratively.

Commissioner Priebe discussed temporary units to determine how high it needs to be in order to function.

Chairman Muck stated that he agrees with the statements made limiting commercial uses to industrial zoning. He discussed restoration of the properties once the use is decommissioned. Further discussion was held on the time frame we would require them to come done once they are determined to be not useful.

Pacheco stated that it sounds like the Commission would like him to create some regulations for small-scale systems to allow them with some requirements. He discussed some of those requirements and restrictions as well as special use and variance. He will work on the language and bring it back to the Commission for review. Discussion was held on variance versus special use and hardship versus discretionary standards. Pacheco discussed the Right to Farm Act and how that would impact this. He stated that he will discuss this with the Attorney.

Discussion was held on height restrictions relating to the height of the rotor and blade.

b) Draft ZTA 21-002 code clarification and cleanup of multiple sections:

- Section 7.3.2., minimum house size
- Section 7.5.1., cutting and filling on floodplains
- Section 7.6.1. footnote 3, alternative front yard setbacks and footnote 4, reduced setback from a waterbody
- Section 7.7.1., horses and chickens on vacant sites
- Section 7.7.9.1.(E), historic buildings in the VC and VR districts
- Section 8.3.10, accessory structures on rear lots;
- Section 8.18.1 and 8.18.2, non-contiguous wind breaks

Planner Pacheco stated that these are a result of the 2021 February Joint meeting. These are the clarifications and clean-ups of our ordinance. He reviewed the proposed changes.

The question was asked regarding the keeping of horses and chickens if a property owner has a contiguous lot. Discussion was held on adding that into the ordinance. Pacheco stated that he would look at adding a section that would address that issue.

Discussion was held on Section 8.3.10. Pacheco stated that we have had problems where you have a non-conforming situation. We have been suggesting that the lots be combined. This could be a problem because our Waterfront Residential district requires one acre lots, and once you combine the lots, you cannot un-combine them. We could look at reducing the legal size lot in the Waterfront Residential district if there is sewer available. Further discussion was held on the difficulty within this district. Pacheco suggested that this section be removed at this point and reviewed more in-depth. Discussion was held on the history behind why the one-acre lot requirement was adopted.

Pacheco continued to explain the reasoning for the proposed changes.

Discussion was held on the types of screening and material for wind breaks. Discussion was held on leaving this for elevated decks but leave it to the fence ordinance for lower decks. It was stated that there are circumstances where these types of screens should be allowed as written.

Chairman Muck stated that the next step will be for staff to notice these items, with the exception of Section 8.3.10, for a public hearing.

8. ZONING ADMINISTRATOR'S REPORT:

Planning & Zoning Administrator Steffens stated that she sent the link to everyone for the solar and wind energy webinars.

9. ADJOURNMENT

Motion by Hughes, supported by Hamlin

To adjourn the meeting

Voice Vote: Ayes: 7 Nays: 0

MOTION CARRIED

The Regular Meeting of the Planning Commission was adjourned at 8:21 p.m.

Respectfully submitted,

Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected:_____

Jeff Muck, Chairperson

Memorandum

To: Planning Commission

From: Scott Pacheco

Date: April 21, 2021

Re: Revisions to the Preliminary Site Plan (SPA20-002) for a Mixed Planned Unit Development (20-001) at parcel 15-35-300-044.

REVISION DISCRIPTION:

After the February 2, 2021 Township Board approval of the preliminary site plan for the Murie Glen MPUD project and during the Township's review of documents required by the Township and submitted by the applicant in regards to the private roadway access easement for Thompson Pond it was determined by the Township Attorney that according to the recorded easement the applicant could not grant access through Thompson Pond to the Mystic Ridge Development.

Because of this finding the applicant has revised the project to limit the access from the Mystic Ridge Development to fire access only and has eliminated access to the Mystic Ridge Development from Thompson Pond all together. This revisions changes the construction of the access roadway from the end of Shadbush (East Intersection of Shadbush and Trailside) in the Mystic Ridge Development to the new Roadway in the Murie Glen project from a paved roadway connection to a crushed limestone fire access roadway (built to required fire district regulations). This change also will include the addition of a gate on the property line between the Mystic Ridge and the subject site that will allow fire truck access from the Mystic Ridge Development to the subject site. All other aspect of the originally approved project remain unchanged. The applicant has submitted three revised plan pages that show the proposed changes for Township review (Attachment A). All of the other plan pages will remain unchanged from the original project plans review and recommended for approval at the January 2021 Planning Commission hearing (Attachment D).

LOCATION:

The 48.79-acre subject site (Parcel ID 15-35-300-044) is located between the Mystic Ridge subdivision to the west and Merrill Road to the east. The site is accessed via Thompson Pond Road, an existing improved private roadway, and a proposed connection to an existing unimproved stub of Shadbush Trail.

Location Map



PROJECT DESCRIPTION:

The proposed project will utilize the Mixed Planned Unit Development (MPUD) regulations (Section 14.5). The proposed project includes 47 to 51 single family homes and utilizes the Open Space (OSPUD) and the Elderly Cottage Housing Opportunity (ECHO) Planned Unit Development regulations. Twenty (20) of the proposed units would be designated ECHO units as allowed under the ECHO PUD (Section 14.2) and 27 to 31 of the proposed units would be market rate single family units as allowed under OSPUD (Section 14.1).

The density of the project is determined by the ECHO and OSPUD regulations and is shown on the parallel plan; page AS-01 of the originally submitted plans (Attachment D). The parallel plan includes a 20-unit ECHO development on 300,000 square feet in the northwest corner portion of the site. The remainder of the site is designed per OSPUD regulations for lots sized at 51,000 square feet. Because the 51,000 square-foot lot size was used in the parallel plan to determine the total number of units the OSPUD would allow on public sewer and while preserving 60 percent of the land used for the OSPUD portion of the MPUD as open space 27 OSPUD units would be allowed.

The developer is also requesting that the Planning Commission review the project and approve a density bonus between one and 15 percent for Exemplary Projects (Section 14.1.5), a request discussed on pages 19 to 21 of this report and in the applicant's density bonus request (Attachment B, Exhibit B). If the Planning Commission determines this project meets the requirements for an exemplary project and grants an additional one to 15 percent density bonus, it would increase the allowed number of units by one, two, three, or four units. This would increase the allowed number of OSPUD units to 28, 29, 30, or 31 units. The developer has provided layout plans on pages AS-02 to AS-06 of the submitted plans (Attachment D) showing the project with the additional units.

The project also proposes 1,267,983 square feet of open space for 47 units to 1,218,643 square feet of open space for 51 units. Of the open space area approximately 88,000 square feet will be

maintained for trails and park areas. The following chart provides a breakdown of the required open space base on the OSPUD and ECHOPUD requirements versus the proposed open space for the MPUD project:

Required Open Space	
OSPUD Lot Size	1,825,405
Required Open Space 60%*	1,095,243
ECHOPUD Lot Size	300,000
Required Open Space 15%	45,000
Total Open Space Required	1,140,243
Proposed Open Space MPUD	1,267,983-1,218,643**

* 60% open space and sewer hookup required to allow the parallel plan to use 51,000 square foot lot sizes in determining the density though the parallel plan.

**the square footage of the preserved open space decreases as the number of units increase from 47 to 51 units

PROJECT HISTORY:

On November 30, 2020 the applicant submitted the initial draft of the preliminary site plan for the Mixed Planned Unit Development;

Planning staff sent the submitted information and plans to the Hamburg Township Public Works, Fire, and Accessors, the Livingston County Public Health Department and Road Commission and the State of Michigan Department of Environment Great Lakes and Energy for comments. Staff also reviewed the originally submitted plans and met with the applicant to discuss the comments and discuss necessary requirements and changes to the submitted project plans.

On December 23, 2020 the applicant resubmitted the updated plan for preliminary site plan review for the Mixed Planned Unit Development.

On January 20, 2021 the Planning Commission held a public hearing for the project. At this public hearing 10 people spoke during the public comment period. Of the 10 people that spoke 9 had concerns with the project. The concerns included the following possible impacts that the project would have on the drainage, wetlands, traffic, property values, and the character and quality of life in the area. The Township Board can review the Public Comments either by reviewing the meeting minutes for the January 20, 2021 Planning Commission meeting (Attachment A) or by watching the January 20, 2021 Planning Commission meeting on the Township Website. The Planning Commission then allowed the applicant to present their project and reviewed the staff report and submitted materials (Attachment B and D) and made the determination that the project with conditions met the criteria for Preliminary Site Plan review and Mixed Planned Unit Developments. At this meeting the Planning Commission recommended approval (with a 6-1 vote) of the preliminary MPUD site plan with a 15 percent density bonus, as shown on plan page AS-06 (Attachment D), to the Township Board because the project as conditioned is consistent with the requirements of the open space, elderly cottage housing opportunity, and mixed planned unit development regulations under Article 14 and should be able to meet site plan review standards under article 4 of the zoning ordinance as discussed at the meeting tonight and presented in the staff report with the following conditioned of approval:

Condition 1: As a part of the final site plan review the project plan shall include the location of the road right-of-ways and how the property will be split under the proposed use. All information required by the Township Accessor will be required prior to issuance of a land use permit.

Condition 2: A more detailed landscape plan shall be included as part of the final site plan submittal. This plan shall address the required street trees and transition area landscaping (Section 9.4)

Condition 3: A sign plan for the proposed project signs shall be included as a part of the final site plan submittal.

Condition 4: A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney. This agreement shall address the items regarding the dedicated open space for the project under Section 14.1.4 (H) 6, 7 and 8.

Condition 5: The applicant shall work with staff and an architectural committee made up of one or two PC members if deemed necessary, to prepare a more detailed guide book and finalize the home designs prior to final site plan approval.

Condition 6: Prior to the final MPUD the applicant will submit documentation for review by the Township Attorney that provides legal access, for the use of the roadways and utilities, through the Mystic Ridge Development and Thompson Pond Drive. Documentation of the ability to utilize the common well and water treatment facility of the Mystic Ridge Development for this project will also be required prior to the final MPUD approvals.

Condition 7: A road maintenance agreement shall be included within or as a separate document attached to the final development agreement. Also a cross access agreement that allows public use of the private roadways within the project will be required as a part of the final development agreement.

Condition 8: Prior to final site plan approval the property owner shall work with the schools and postal service to determine if a community bus stop or mail kiosk will be required. If they are required the applicant shall show them as a part of the final site plan. Also a cross access agreement that allows public use of the trails and sidewalks will be required as a part of the final development agreement.

Condition 9: The applicant shall work with Township Engineering the sidewalk widths. The developer may wish to consider the possibility of making the sidewalk out of a decomposed granite or another material that allows a more rural appearance and provides better drainage solutions, prior to the final site plan review.

Condition 10: Because the MPUD project include 20 ECHO units park benches shall be include along the trail systems to offer rest areas for the senior population of the project.

Condition 11: As a part of the final site plan approval, if it is not already, the applicant shall consider at least a four-foot wide shoulder on one side be included on the roadway that is extended over the wetlands to Thompson Pond Road to allow safer pedestrian traffic.

Condition 12: Prior to review of the final MPUD site plan the applicant shall submit a final MPUD site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance and any required approvals from all appropriate local, county, state and federal agencies including, but not limited to, Hamburg Township Fire, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health

Department; and the Michigan Department of Environment, Great Lakes and Energy. Some agency approvals are not required until prior to the issuance of the land use permit.

Condition 13: A traffic Study shall be submitted for the project as a part of the final site plan review.

On February 2, 2021 the Township Board reviewed the recommendation from the Planning Commission and approved the mixed planned unit development and preliminary site plan for Murie Glen Project with the conditions recommended by the Planning Commission with the following changes:

The February 2, 2021 Township Board memorandum is attached to this report for your review (Attachment C)

PROJECT ANALYSIS:

The proposed revision to restrict the access from the Mystic Ridge Development to fire access only does not have a significant impact on the staffs overall review of this project. The project still appears to meet all of the zoning regulations as original analyzed in the Jan 20, 2021 Planning Commission staff report (Attachment B).

RECOMMENDATION:

Staff believe that as conditioned and with final review of the project under the final site plan review requirement the proposes preliminary site plan for the MPUD project is substantially compliance with the required standards under Sections 14.1.3, 14.1.5, 14.6 and 4.5.7.

The Planning Commission should review and discuss the exemplary design density bonus request from the applicant (Exhibit B) and pages 19-21 of the staff report and make the determination on the density bonus under Section 14.1.5 for Exemplary Project. This determination should include either an approval of a density bonus of up to 15% based on the criteria or a denial of the density bonus request based on the project characteristics.

Once a density for the project has been determined by the Planning Commission, the commission should review and discuss the preliminary site plan for the MPUD project. The Planning Commission should review the preliminary MPUD site plan application, the submitted materials including the project plans, the staff report, and any information presented at the public meeting; and either recommend approval or denial of the preliminary site plan for the MPUD to the Township Board. The Planning Commission may also choose to tables the project if additional information is needed for them to make their determination. The Planning Commission should provide the applicant with a list of the request additional information needed.

Example Approval Motion:

The Planning Commission recommends approval of the preliminary MPUD site plan with a 15 percent density bonus, as shown on plan page AS-06 (with fire access only), to the Township Board because the project as conditioned is consistent with the requirements of the open space, elderly cottage housing opportunity, and mixed planned unit development regulations under Article 14 and will be able to meet site plan review standards under article 4 of the zoning ordinance as discussed at the meeting tonight and presented in the staff report with the following conditioned of approval:

Condition 1: As a part of the final site plan review the project plan shall include the location of the road right-of-ways and how the property will be split under the proposed use. All information required by the Township Assessor will be required prior to issuance of a land use permit.

Condition 2: A more detailed landscape plan shall be included as part of the final site plan submittal. This plan shall address the required street trees and transition area landscaping (Section 9.4)

Condition 3: A sign plan for the proposed project signs shall be included as a part of the final site plan submittal.

Condition 4: A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney. This agreement shall address the items regarding the dedicated open space for the project under Section 14.1.4 (H) 6, 7 and 8.

Condition 5: The applicant shall work with staff and an architectural committee made up of one or two PC members if deemed necessary, to prepare a more detailed guide book and finalize the home designs prior to final site plan approval.

Condition 6: Prior to the final MPUD the applicant will submit any addition documentation deemed necessary for review by the Township Attorney that provides legal access, for the use of the roadways and utilities, through the Mystic Ridge Development and Thompson Pond Drive. Documentation of the ability to utilize the common well and water treatment facility of the Mystic Ridge Development for this project will also be required prior to the final MPUD approvals.

Condition 7: A road maintenance agreement shall be included within or as a separate document attached to the final development agreement.

Condition 8: Prior to final site plan approval the property owner shall work with the schools and postal service to determine if a community bus stop or mail kiosk will be required. If they are required the applicant shall show them as a part of the final site plan. Also a cross access agreement that allows public use of the trails and sidewalks will be required as a part of the final development agreement.

Condition 9: The applicant shall work with Township Engineering regarding the sidewalk widths. In this consideration the future users of this sidewalk should be considered.

Condition 10: Because the MPUD project include 20 ECHO units park benches shall be include along the trail systems to offer rest areas for the senior population of the project.

Condition 11: As a part of the final site plan approval, if it is not already, the applicant shall consider at least a four-foot wide shoulder on one side be included on the roadway that is extended over the wetlands to Thompson Pond Road to allow safer pedestrian traffic.

Condition 12: Prior to review of the final MPUD site plan the applicant shall submit a final MPUD site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance and any required approvals from all appropriate local, county, state and federal agencies including, but not limited to, Hamburg Township Fire, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health

Department; and the Michigan Department of Environment, Great Lakes and Energy. Some agency approvals are not required until prior to the issuance of the land use permit.

Condition 13: A traffic study shall be submitted for the project as a part of the final site plan review.

PROCESS NEXT STEPS:

If the Planning Commission recommends approval of the preliminary MPUD site plan, the Township Board shall consider the Planning Commission recommendation and public hearing comments and shall take action to approve, deny or remand the site plan back to the Planning Commission for further review.

If the Township Board approves preliminary MPUD site plan the applicant shall submit a final MPUD site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance.

The Planning Commission shall review the submitted Final MPUD site plan to ensure compliance with all standards and criteria of Article 4 Site Plan Review and Article 14, Planned Unit Development. The Planning Commission then takes action to recommend approval or denial of the Final MPUD site plan to the Township Board based upon compliance with the above referenced standards.

Upon receipt of the report and recommendation of the Planning Commission, the Township Board shall review all findings. If the Township Board determines that approval would be appropriate, it shall instruct the Applicant to work with the township attorney to prepare a development agreement setting forth the conditions upon which such approval is based. Such conditions shall include, where appropriate, identification of the phases and time table for development, and an estimate of the costs of implementing each phase.

After approval by resolution of the Township Board, the development agreement shall be executed by the Township and the applicant and recorded in the County records. Approval shall be granted only upon the Township Board determining that all qualification requirements, conditions of approval, and provisions of this and other township ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. Approval shall further be subjected to the condition that the contract will be properly recorded.

Attachments:

Attachment A: Proposed Revisions to the Approved Project Plans

Attachment B: January 20, 2021 Planning Commission Staff Report and Exhibits (excluding project plans)

Attachment C: February 2, 2021 Township Board Memorandum

Attachment D: Originally Approved Project Plan (11X17 Planning Commission Only)

Attachment E: Citizen letter

Attachment A: proposed revisions to the approved project plans may be found [here](#).

PHONE: 810-231-1000
FAX: 810-231-4295



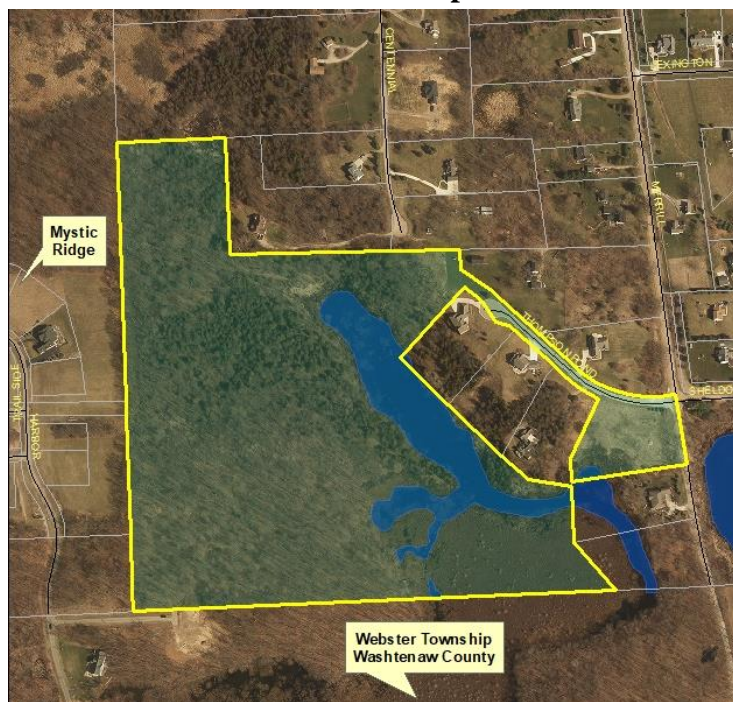
P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

To: Planning Commissioners
From: Scott Pacheco, AICP
Hamburg Township
Township Planner
Date: January 20, 2021
Agenda Item: 7a
Project Number: Mixed Planned Unit Development (MPUD20-001) and Site
Plan Application (SPA20-002)
Project Location: Parcel #: 15-35-300-044
Owner: CL 48 Properties LLC
Applicant: Jeff Wilkerson
Agent: Volta Home

LOCATION:

The 48.79-acre subject site (Parcel ID 15-35-300-044) is located between the Mystic Ridge subdivision to the west and Merrill Road to the east. The site is accessed via Thompson Pond Road, an existing improved private roadway, and a proposed connection to an existing unimproved stub of Shadbrush Trail.

Location Map



PROJECT DESCRIPTION:

The proposed project will utilize the Mixed Planned Unit Development (MPUD) regulations (Section 14.5). The proposed project includes 47 to 51 single family homes and utilizes the Open Space (OSPUD) and the Elderly Cottage Housing Opportunity (ECHO) Planned Unit Development regulations. Twenty (20) of the proposed units would be designated ECHO units as allowed under the ECHO PUD (Section 14.2) and 27 to 31 of the proposed units would be market rate single family units as allowed under OSPUD (Section 14.1).

The density of the project is determined by the ECHO and OSPUD regulations and is shown on the parallel plan; page AS-01 of the submitted plans (Exhibit A). The parallel plan includes a 20-unit ECHO development on 300,000 square feet in the northwest corner portion of the site. The remainder of the site is designed per OSPUD regulations for lots sized at 51,000 square feet. Because the 51,000 square-foot lot size was used in the parallel plan to determine the total number of units the OSPUD would allow on public sewer and while preserving 60 percent of the land used for the OSPUD portion of the MPUD as open space 27 OSPUD units would be allowed.

The developer is also requesting that the Planning Commission review the project and approve a density bonus between one and 15 percent for Exemplary Projects (Section 14.1.5), a request discussed on pages 19 to 21 of this report and in the applicant's density bonus request (Exhibit B). If the Planning Commission determines this project meets the requirements for an exemplary project and grants an additional one to 15 percent density bonus, it would increase the allowed number of units by one, two, three, or four units. This would increase the allowed number of OSPUD units to 28, 29, 30, or 31 units. The developer has provided layout plans on pages AS-02 to AS-06 of the submitted plans (Exhibit A) showing the project with the additional units.

The project also proposes 1,267,983 square feet of open space for 47 units to 1,218,643 square feet of open space for 51 units. Of the open space area approximately 88,000 square feet will be maintained for trails and park areas. The following chart provides a breakdown of the required open space base on the OSPUD and ECHOPUD requirements versus the proposed open space for the MPUD project:

<u>Required Open Space</u>	
OSPUD Lot Size	1,825,405
Required Open Space 60% *	1,095,243
ECHOPUD Lot Size	300,000
Required Open Space 15%	45,000
Total Open Space Required	1,140,243
Proposed Open Space MPUD	1,267,983-1,218,643**

* 60% open space and sewer hookup required to allow the parallel plan to use 51,000 square foot lot sizes in determining the density through the parallel plan.

**the square footage of the preserved open space decreases as the number of units increase from 47 to 51 units

The project will extend the utilities, roadways and pedestrian trails sidewalk systems from the Mystic Ridge development west of the site and the roadway will be extended to the end of Thompson Pond Road to the east for access to Merrill Road.

MIXED PLANNED UNIT DEVELOPMENT REVIEW PROCESS:

The Preliminary PUD site plan shall contain enough detail to explain the proposed uses, relationship to adjoining parcels, vehicular and pedestrian circulation patterns, open spaces and landscape areas, and building density or intensity.

1. On November 30, 2020 the applicant submitted the initial draft of the preliminary site plan for the Mixed Planned Unit Development;
2. Planning staff sent the submitted information and plans to the Hamburg Township Public Works, Fire, and Accessors, the Livingston County Public Health Department and Road Commission and the State of Michigan Department of Environment Great Lakes and Energy for comments. Staff also reviewed the originally submitted plans and met with the applicant to discuss the comments and discuss necessary requirements and changes to the submitted project plans.
3. On December 23, 2020 the applicant resubmitted the updated plan for preliminary site plan review for the Mixed Planned Unit Development.
4. At tonight's meeting on January 20, 2021 the Planning Commission conducts the public hearing for this project. At this hearing the Planning Commission will take action and recommend approval or denial of the preliminary site plan for the MPUD to the Township Board or table the project if the Planning Commission determines more information is required to make a recommendation. A recommendation of approval can include recommended conditions of project approval.
5. Following the public hearing, the Planning Commission recommendation is forwarded to the Township Board for a final determination on the preliminary site plan for MPUD.
6. If the preliminary site plan for the MPUD is approved by the Township Board the applicant will begin work on the submittal of a final site plan for the MPUD.

ZONING ORDINANCE REGULATIONS:

The subject site is located within the Low Density Single Family (RAA) Zoning District. The proposed MPUD project utilizes the OSPUD and ECHOPUD regulations. Table 1 summarizes the zoning regulations that apply for the proposed project:

Table 1
Development Review Compliance Table

Criteria/Regulation	Required by Regulations	Proposed Project	Status
OSPUD Units regulations in the RAA:			

Criteria/Regulation	Required by Regulations	Proposed Project	Status
Number of Lots:	1 lot/ 2 acres	27-31 (determined by parallel plan)	MPUD
Min. Lot Width:	200'	80'	MPUD
Max. Lot Coverage:			
Building:	20%	20%	✓
Impervious Surface:	20%	20%	✓
Max. Number of Stories/Height:	2.5/35'	2.5/35'	✓
Setbacks:			
Front Yard (FY):	30'	20' porch may encroach 7'	MPUD
Side Yard with Street Frontage:	30'	Same as FY	MPUD
Side Yard:	20'	10'	MPUD
Rear Yard:	35'	35'	✓
Accessory Building on lots shall meet the main structure setbacks except:			
Detached Accessory Buildings:	That are completely to the rear of the main structure can be 5 feet from the side and rear property lines.	That are behind the front elevation of the main structure can be 5 feet from the side and rear property lines.	MPUD
ECHO Units Regulations in the RAA:			
Number of units	1 unit per 15,000 sq. ft. (20)	1 unit per 15,000 sq. ft. (20)	✓
Maximum ECHO unit floor area:	980 square feet	980 sq ft	✓
Maximum building height:	1 story	1 story	✓
Minimum building			

Criteria/Regulation	Required by Regulations	Proposed Project	Status
width, any dimension: Handicap ramps:	14' May encroach into any setback space.	14' May encroach into any setback space	✓ ✓
Minimum setbacks: Overall Site Setbacks			
All Buildings	20'	20'	✓
Streets, Roads, or Common Drives:	4'	4'	✓
Project Setbacks			
Main Building Setback from street or road right-of-way:	15' porches may encroach 7'	15' porches may encroach 7'	✓
Separation between roof overhangs on habitable buildings:	10'	10'	✓
Separation between roof overhangs on accessory structures/adu	6'	6'	✓
Separation for attached units or garages	1'	1'	✓
Setbacks for buildings from common access drives (excluding driveways)	5'	5'	✓
<p>Suggested Condition 1: As a part of the final site plan review the project plan shall contemplate the location of the road right-of-ways and how the property will be split under the proposed use. All information required by the Township Assessor to split the parcel will be required prior to issuance of a land use permit.</p> <p>Please note that should the Township Board approve the final MPUD site plan, the Township Ordinance requires a development agreement with the developer that would include the following conditions: a private roadway easement shall be created for all roadways within the project. All through traffic on the site shall have open access along these roadways from current developments or future developments.</p>			

Criteria/Regulation	Required by Regulations	Proposed Project	Status
Landscaping: The preliminary plan provides a tree removal plan and shows that many trees will need to be removed and many existing trees will remain as a part of this project. (Exhibit A, plan page ES-03) Plan Pages AS-02 TO AS-06 (Exhibit A) shows conceptual landscaping including the existing trees to remain and proposed new trees. However, a more detailed landscape plan that meets the requirements of the Zoning Ordinance will be required as a part of the Final Site Plan Review. This plan will need to address required street trees and transition (buffer) area landscaping. (Section 9.4)			
Suggested Condition 2: A more detailed landscape plan shall be included as part of the final site plan submittal. This plan shall address the required street trees and transition area landscaping (Section 9.4)			
Lighting: The preliminary site plan submitted does not show any proposed lighting. If any lighting is proposed outside of the residential homes lighting it will be required to be shown on a detailed lighting plan as a part of the final site plan review. To preserve the rural nature of the surrounding properties, no street lighting should be proposed as a part of this project. Any lighting proposed shall meet the requirements of the Zoning Ordinance.			
Signs: No signs were submitted as a part of the application materials for the preliminary review. Any signage proposed for the project will be provided as a part of the final site plan review and shall meet the requirements of the zoning regulations (section 18.8).			
Suggested Condition 3: A sign plan for the proposed project signs shall be included as a part of the final site plan submittal.			
Parking: OSPUD and ECHOPUD: 2 Parking Spaces Per Unit: OSPUD: 20X10 per Space ✓ ECHOPUD: 18X10 per Space ✓			
MPUD Requirements: 14.5.3 Project Characteristics. A mixed development community shall comply with the Project Characteristics including but not limited to lot size, lot width, open space, site amenities, and setbacks of the Planned Unit Development type utilized on the project and as following: A. Location. A mixed development community may only be approved within a zoning district in which all of the proposed Planned Unit Development utilized are allowed. B. Permitted Uses. Only the permitted uses in the Planned Unit Development utilized are allowed in the mixed development			✓ <

Criteria/Regulation	Required by Regulations	Proposed Project	Status
community			
C. Dwelling Density. The number of dwelling units allowable within a mixed development community project shall be determined as if the project was developed under the regulations of the PUDs utilized.			✓
OSPUD Requirement Section 14.1. 4 Project Characteristics:			
A. Location. An open space community may be approved within any of the following zoning districts: RAA, RA, NR, or WFR.			✓
B. Permitted Uses. An open space community is generally restricted to single family detached or attached residential dwellings.			✓
C. Dwelling Density. The number of dwelling units allowable within an open space community project shall be determined through preparation of a parallel plan.			✓
E. Water and Sewer Service. If there is public water or sewer service available to the site on which an open space community development is proposed, the Planning Commission may require connection into the system.			✓
F. Base Zoning Regulations. Unless specifically waived or modified by the Planning Commission, all Zoning Ordinance requirements for the underlying zoning district, except for minimum lot area, and other Township regulations, shall remain in full force.			See pg 3, 4 above
G. Regulatory Flexibility.			See pg 3, 4 above
H. Open Space Requirements.			
1. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, an approved land improvement, or, if applicable, a commercial use, shall be set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. Grading in the open space shall be minimal, with the intent to preserve existing topography.			✓
2. An open space community shall maintain a minimum of forty percent (40%) of the gross area of the site as dedicated upland open space held in common ownership. Such open space may be reduced to thirty percent (30%) for lower density projects as described in Section 14.1.4.H.9 Large Lot Open Space, except as noted in Section 14.1.4.H.3 Areas Not Considered Open Space, any undeveloped land area within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of twenty-five percent (25%) of the required open space shall be upland area exclusive of wetlands that is accessible to all residents of the open space community.			✓

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>4. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall generally have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting the frontage landscaping requirement. The Planning Commission may require the provision of a planting berm at least three (3) feet in height in addition to the plant materials required to further help to separate open space areas along the public right-of-way parallel to a major arterial.</p> <p>5. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.</p> <p>6. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Planning Commission, such as:</p> <p>i. Recorded deed restrictions,</p> <p>ii. Covenants that run perpetually with the land, or</p> <p>iii. A conservation easement established pursuant to subpart 11 of part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, et seq.. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:</p> <p>a. Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:</p> <ul style="list-style-type: none"> • Dumping or storing of any material or refuse; • Activity that may cause risk of soil erosion or threaten any living plant material; • Cutting or removal of live plant material except for removal of dying or diseased vegetation; • Use of motorized off road vehicles; • Cutting, filling or removal of vegetation from wetland areas; • Use of pesticides, herbicides or fertilizers within or adjacent to wetlands. 			<p>See Plans</p> <p>✓</p> <p>The dedication of open space, continued obligation and structure restrictions in items 6, 7, and 8 shall be required as part of the Development Agreement for Final Site Plan Review.</p>

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.</p> <p>c. Provide standards for scheduled maintenance of the open space.</p> <p>d. Provide for maintenance to be undertaken by the Township of Hamburg in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.</p> <p>7. Continuing Obligation. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Open space may include golf course area, provided that it forever remains outdoor recreation or natural undeveloped land. This dedication shall be written and recorded with the Development Agreement, and shall be in a format reviewed and approved by the Township Attorney.</p> <p>8. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent (1%) of the required open space area.</p> <p>Suggested Condition 4: A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney and shall include the regulations that address items regarding the dedicated open space for the project under Section 14.1.4 (H) 6, 7 and 8.</p> <p>I. Compatibility with Adjacent Uses. The proposed location of accessory uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts and facilities of a similar nature, shall not be located near the boundary of the development so as to mitigate negative impacts to the residential use of adjacent lands.</p> <p>Staff Analysis: The usable common space areas such as roads, the picnic pavilion, the neighborhood garden and the pond overlook are centrally located and not near the adjacent properties. The nearest adjacent structure will be over 150 feet from a proposed structure on the subject site. There are many existing trees that will remain between the proposed subject site improvements and adjacent properties.</p> <p>J. Transition Areas. Where the Open Space Community abuts a</p>			<p>✓</p> <p>✓</p>

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>single-family residential district, the Planning Commission may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single family residential is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commissions may review the proposed transition area to ensure compatibility. The Planning Commission may require that the transition area consist of one or more of the following:</p> <ol style="list-style-type: none"> 1. A row of single-family lots or condominium sites similar to adjacent single-family development in terms of density, lot area, lot width, setbacks and building spacing. 2. Woodlands, natural features or a landscaped greenbelt sufficient to provide an obscuring effect. 3. Open or recreation space. 4. Significant changes in topography which provide an effective buffer. <p>Staff Analysis: The project proposes a minimum of 20 feet between any improvements and the property lines. The subject improvements and structures are over 150 feet to the nearest adjacent structure. The location of the project where the proposed improvements will be the closest to the overall lots perimeter property lines are along the east property line that is shared with the Mystic Ridge Subdivision. The homes in this area are over 250 feet from each other and separated by the 20 foot common open space area on the subject property and the large common open space area on the Mystic Ridge property.</p> <p>K. Architectural and Site Element Design. Residential facades shall not be dominated by garages; at least forty percent (40%) of residential units shall have side entry garages, garages to the rear of the main structure, alley loaded garages, or recessed garages where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging rear yard, recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the aesthetic impact resulting from the close clustering of units allowed under these regulations.</p> <p>Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission may require street or site lighting where appropriate.</p> <p>Staff Analysis:</p>			✓

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>The developer has included example architecture (Exhibit A, plan pages A-02 to A-04) and a Design Guidebook (Exhibit A plan page A-11) that requires some consistency with the design of the project. It requires the homes meet energy efficiency standards, that no more than 3 similar homes be duplicated in a series and that they be different colors and/or different material types, and that no vinyl siding be used.</p> <p>Suggested Condition 5: The applicant shall work with staff and an architectural committee made up of one or two PC members if deemed necessary, to prepare a more detailed guide book and finalize the home designs prior to final site plan approval.</p> <p>L. Access. Direct access onto a County road or State highway shall be required to an open space community. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line). Open Space Communities shall also meet or exceed the access standards contained in Section 10.8 of this Ordinance. The requirements of this section may be waived or modified by the Planning Commission in accordance with Section 14.1.4.G Regulatory Flexibility, A upon a finding by the Planning Commission that safe and reasonable access cannot otherwise be provided in a manner that complies with the standards of the zoning ordinance, including the provisions specified above, and that proposed deviations from these ordinance standards will result in safe and reasonable access to the site. The Planning Commission may require the submission of a traffic impact study to document the conditions and circumstances that prevent compliance with these standards, and if so it shall be the burden of the Applicant to demonstrate that safe and reasonable access is provided by the Open Space plan.</p> <p>Suggested Condition 6: Prior to the final MPUD the applicant will submit documentation for review by the Township Attorney provides legal access, for the use of the roadways and utilities, through the Mystic Ridge Development and Thompson Pond Drive. Documentation of the ability to utilize the common well and water treatment facility of the Mystic Ridge Development for this project will also be required prior to the final MPUD approvals.</p> <p>M. Internal Roads. Internal roads within an open space community may be public or private.</p> <p>1. Construction of private roads as a means of providing access and circulation is encouraged. Private roadways within an open space community must meet the design requirements of the Township Private Road Ordinance. The Planning Commission may modify these requirements, if all of the following findings are made:</p> <p>i. There is no potential for the road to connect with abutting land or be extended to serve additional land in the future.</p> <p>ii. Significant natural features such as mature trees, natural</p>			<p>✓</p> <p>✓</p> <p>Full Engineering review will be required as part of the final site plan review.</p>

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>slopes, wetlands or other water bodies would be preserved through allowing a modification to the Private Road standards.</p> <p>2. Where private roads are developed, a maintenance plan, including a means of guaranteeing maintenance assessments from the affected property owners, shall be reviewed and approved by the Township Planning Commission.</p> <p>Suggested Condition 7: A road maintenance agreement shall be included within or as a separate document attached to the final development agreement. Also a cross access agreement that allows public use of the private roadways within the project will be required as a part of the final development agreement.</p> <p>3. Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one canopy trees shall be provided on each side for every fifty (50) feet or road. Existing trees to be preserved within five (5) feet of the road right-of-way or easement may be credited towards meeting this requirement.</p> <p>See Suggested Condition 2 on page 6</p> <p>N. Pedestrian Circulation. The Open Space Community plan shall provide pedestrian access to all open space areas from all residential areas, connections between open space areas, public thoroughfares, and connections between appropriate on- and off-site uses. Trails within the open space community may be constructed of gravel, woodchip or other similar material, but the Planning Commission may require construction of eight (8) foot wide asphalt bike paths through portions of the development or along the any public right-of-way abutting the open space community. The Planning Commission may require the construction of sidewalks for Open Space Communities within the area included in the Hamburg Village Sub-area Master Plan. Locations for school bus stops shall be provided on the site plan.</p> <p>Staff Analysis: The project proposes sidewalks and trails to provide pedestrian access to the site and surrounding community. The sidewalks and trails provide easy access from all units within the site to the common elements provided by the development and to trails on the adjacent mystic ridge site.</p> <p>To provide better pedestrian access throughout the site and due to the 20 ECHO units located throughout the site staff has some additional suggestions:</p> <p>The township engineer has suggested in their review (Exhibit E) that the three-foot wide sidewalk proposed be expanded to 5 feet in width. Because this site is located in the RAA zoning district, the fact that the surrounding neighborhoods do not have sidewalks, and to reduce the drainage and storm water runoff for the project (keeping with the net zero design); planning</p>			<p>A road maintenance agreement is required as a part of the final development agreement.</p> <p>✓</p>

Criteria/Regulation	Required by Regulations	Proposed Project	Status
<p>staff would suggest looking into the possibility of using an alternative material for the sidewalks, such as a decomposed granite or another material that allows a more rural appearance and provides better drainage solutions.</p> <p>Suggested Condition 8: Prior to final site plan approval the property owner shall work with the schools and postal service to determine if a community bus stop or mail kiosk will be required. If they are required the applicant shall show them as a part of the final site plan. Also a cross access agreement that allows public use of the trails and sidewalks will be required as a part of the final development agreement.</p> <p>Suggested Condition 9: As stated in the Township Engineering review (<u>Exhibit E</u>) the sidewalk width shall be 5 feet not 3 feet. The developer may wish to consider the possibility of making the sidewalk out of a decomposed granite or another material that allows a more rural appearance and provides better drainage solutions, prior to the final site plan review.</p> <p>Suggested Condition 10: Because the MPUD project include 20 ECHO units park benches shall be include along the trail systems to offer rest areas for the senior population of the project.</p> <p>Suggested Condition 11: As a part of the final site plan approval, if it is not already, the applicant shall consider at least a 4-foot-wide shoulder on one side be included on the roadway that is extended over the wetlands to Thompson Pond Road to allow safer pedestrian traffic.</p> <p>O. Natural Features. The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The Planning Commission may also require that the project meets the natural features setback requirements of Article 9 Section 9.9 of the zoning ordinance.</p> <p>P. Existing Structures. When a tract contains structures or buildings deemed to be of historic, cultural or architectural significance, as determined by the Planning Commission, and if suitable for rehabilitation, the structures shall be retained. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.</p>			<p>✓</p> <p>N/A</p>

DISCRETIONARY REVIEW CRITERIA

The following are the applicable discretionary standards for preliminary MPUD site plan review within the Township's Zoning Ordinance in **bold**, followed by staff analysis of the project as it applies to each standard. Because this project is a MPUD that blends an Open Space (OS) and Elderly Cottage Housing Opportunity (ECHO) Planned Unit Development into a single project this project is required to meet both the OSPUD and ECHOPUD regulations. The standards

include the Eligibility (Section 14.1.3) and The Exemplary Project Criteria (Section 14.1.5) for OSPUD, The Planned Unit Development Standards (Section 14.6) and the Site Plan Review Standards (Section 4.5). When the Planning Commission is reviewing the project for compliance to Sections 14.6 and 4.5 Commissioners should remember that tonight's meeting is for the preliminary site plan review and that additional information may need to be submitted with the final site plan application for the Planning Commission to verify that the project meets the standards in Sections 14.6 and 4.5.7. The Planning Commission should review the project and determine if the project meets each of the following standards:

Eligibility Criteria (Section 14.1.3)

Article 14 of the Zoning Ordinance outlines the regulations for an Open Space Community. This option allows for the preservation of the wetlands, trees and steep slopes while providing the same number of units and a high-quality development. The following comments address the eligibility of the proposed project to be developed as an open space community.

A. Recognizable Benefits. An open space community shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high quality architectural design, variety of housing types and sizes, providing additional amenities for public use, extensive landscaping, provide transition areas from adjacent residential land uses, unique site design features, unified access, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams and wetlands. This benefit should accrue, in spite of any foreseeable detriments of the proposed development.

The proposed project will create an access route from the Mystic Ridge Development to Merrill Road allowing better access for residents traveling east from the Mystic Ridge Development and the subject development. The access through the Mystic Ridge Development to Strawberry Lake Road also allows alternative access from the subject site to the west.

The project also will preserve between 29.1 to 28.0 acres of land as open space. The preserved land includes 9.5 acre of wetland. Approximately four acres (3.8 acres) of submerged ponds and marshes will be preserved as a part of this project. The open space areas also include many existing trees that will be preserved.

The development includes a minimum buffer area of 20 feet between the residential properties and the subject site's perimeter property lines. The closest neighboring structure is to the northeast of the site and will be over 150 feet from any buildings or improvements in the subject development. The applicant has submitted a plan that shows the location of the proposed structures in the subject development compared to the location of the neighboring structures (Exhibit A, plan page ES-04).

The design of the project limits the amount of impervious surfaces to further preserve the natural environment of the site and reduce the drainage of the project. One way this was achieved is by working with the fire department to limit the widths of the roadway improvements by installing

fire sprinklers in all of the residential structures and providing fire hydrants along the roadways. The project also proposes natural bioswales and rain gardens along the roadways to provide additional filtration of rain water and more natural drainage system. Along with naturally filtering the drainage these bio swales and rain gardens will further reduce the required size of the retention basins needed for the project.

The project also proposes high quality architectural design and a variety of housing types and sizes. The project home sizes will be varied. The 20 ECHOPUD units will be 980 square feet or smaller. The developer has provided examples of the proposed home designs (Exhibit A, plan pages A-01 to A-04). These designs show a wide variety of home designs. Also, the home designs will have large front porches and are proposed to either have detached garages behind the structures or if the garages are attached, they will be setback a minimum of 5 feet from the front elevation. The design elements will create a cohesive neighborhood feeling.

The homes will also be designed to have many alternative energy benefits, include a net zero electricity footprint, will be LEED certified, WELL certified, Energy Star Plus, Water Sense, Indoor Air Quality Plus and DOE Zero-Energy. The designs will include solar panels, solar south relationships for all homes and structures, and highly efficient insulation for the foundation, exterior frame, and roof or attics.

Suggested Conditions

See Suggested Condition 5 on page 11

See Suggested Condition 6 on page 11

Suggested Condition 12

Prior to review of the final CPUD site plan the applicant shall submit a final CPUD site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance and any required approvals from all appropriate local, county, state and federal agencies, including, but not limited to, Hamburg Township Fire, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department; and the Michigan Department of Environment, Great Lakes and Energy . Some agency approvals are not required until prior to the issuance of the land use permit.

B. Open Space. The proposed development shall provide at least one of the following open space benefits:

1. Significant Natural Assets. The site contains significant natural assets such as woodlands, individual trees over twelve (12) inch diameter, measured at breast height, rolling topography with grades exceeding 15%, significant views, natural drainage ways, water bodies, floodplains, regulated or nonregulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development. This determination shall be made by the Planning Commission after review of a site analysis plan, prepared by the applicant that inventories these features. If animal or plant habitats of significant value exist on the site, the Planning Commission, as a condition of

approval, may require that the open space community plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

2. Recreation Facilities. If the site lacks natural features, it can qualify if the development will preserve an existing recreation facility or provide usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.

3. Creation of Natural Features. If the site lacks existing natural features, it can also qualify if the development will create significant woodland features. The creation of significant woodland features shall be considered providing perimeter buffer plantings and interior street tree plantings at a rate of twice (2 x) what is required by this Ordinance.

The site contains many significant natural assets including 578,912 square feet of wetland areas, rolling topography and many wooded areas, include many trees. The proposed project will preserve most of the wetland area with the exception of the small area of the wetlands where the roadway will cross the site to connect to the end of Thompson Pond Drive. The developed area of the project will also be limited to areas of the site with less significant grades. There are many trees on the site and the project will preserve the existing trees outside the developed areas and will at a minimum of 28 acres of open space that will be preserved as a part of this project. 88,000 square feet of the open space will be maintained and will include trails, a community pavilion, a community gardens, and a pond overlook area. The trail systems and sidewalks along with the centrally located community pavilion and garden area proposed as part of this project will allow easy access to the open space amenities for all units within this development.

See Suggested Conditions 8, 9, 10, and 11 on page 13:

Because the MPUD project include 20 ECHO units park benches shall be include along the trail systems to offer rest areas for the senior population of the project.

C. Guarantee of Open Space. The applicant shall guarantee to the satisfaction of the Township Planning Commission that all open space portions of the development will be maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the open space community plan.

The project proposes between 1,267,983 to 1,218,643 square foot of open space based on the number of units allowed (45-51 units). Of the open space area approximately 88,000 square feet will be maintained as for trails and park areas.

See Suggested Condition 4 on Page 9 of this report

D. Cohesive Neighborhood. The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be equally available to all residents of the open space community.

As previously stated, a minimum of approximately 28 acres of land will be preserved as open space as part of this project; 88,000 square feet of this open space area will be maintained and include natural trails, passive park areas, a community pavilion, a community garden, and a pond overlook area. The natural trail will also be linked to the trails in the Mystic Ridge Development to the west.

See Suggested Conditions 7, 8, 9, and 10 on Pages 12 and 13 and Suggested Condition 12 on page 15 of this report

E. Unified Control. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project unless it is stated in the development agreement. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. In the event, all or any portion of the development changes ownership or control prior to completion of the project, the terms and conditions of the planned unit development shall be binding on any successor owner of all or any portion of the property.

The property is currently owned by CL 48 Properties LLC, Jeff Wilkerson. The project does not currently include a phasing plan but this may be something that the Planning Commission considers as a part of the final MPUD site plan review. A development agreement will be created as part of this project. If a phasing plan is not proposed the development agreement will either be required that all the site improvements be completed prior to the splitting of the property and the construction of the homes or a performance bond will be required for the common improvements to the project site.

F. Density Impact. The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Planning Commission may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impact resulting from the proposed open space community. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development. The Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the open space community plan to assist in making this determination (such as an overlay of conceptual development plans on a natural features map illustrating other site development options to demonstrate the

impacts that have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the open space community.

The project will utilize public sewer, through the Mystic Ridge Development, and will have a gravity feed sewer system which will include a pump station. The Hamburg Township Public Works department and Engineer has done a cursory review these plans and did not raise any significant concerns with this additional use of the sewer systems (Exhibit C and E). The project will hook up to the Mystic Ridge community well for water, under the initial cursory review by the Township Public Works Department and Engineer it appears that there is adequate water from this system to serve this community. The project will also provide access to Merrill Road from Thompson Pond Drive and through the Mystic Ridge Subdivision allowing both the subject project and the Mystic Ridge development to have two access points providing better distribution of traffic to and from the sites. Although it appears that the traffic impact from this development will be minimal the Planning Commission may wish to require as a part of the final site plan review that the applicant prepare a quantitative comparison of the impacts (traffic) of conventional development versus the impacts of the subject project to assist in making their final determination on the project.

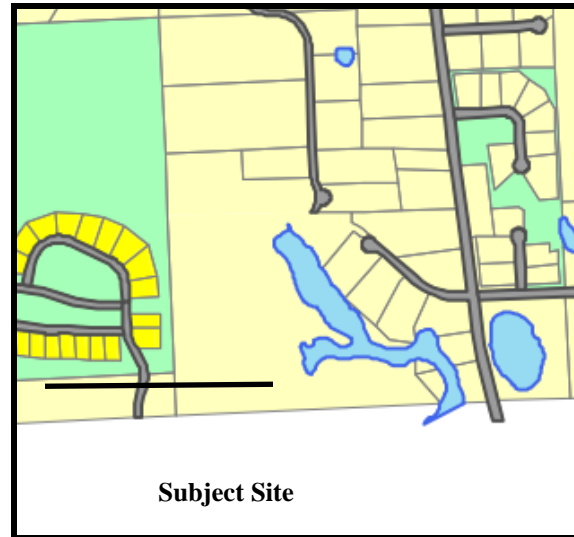
The Livingston County Road Commission has reviewed the project and has provided comments (Exhibit F).

See Suggested Conditions 9, 10 and 11 on pages 13

G. Township Master Plan. The proposed development shall be consistent with and further the implementation of the Township Master Plan.

The subject site is designated Rural Single Family Low Density Residential in the 2020 Hamburg Township Master Plan. The master plan also suggests that “Developments in these areas are encouraged to take advantage of the Township’s open space and agricultural tourism provisions.”

Master Plan Future Land Use Map



The purpose of the Rural Low Density Single Family Residential designation is to keep the overall density of this area relatively low and to preserve open space and the rural atmosphere of the Township.

The master plan also includes the following community goals and objectives that appear to be consistent with this project:

Goal: Protect and promote the public health, safety, comfort and general welfare.

Objective: Manage the Land Use, Transportation and Environmental aspects of the Township.

Objective: Create a healthy and safe community.

Goal: Preserve the natural and historic character of Hamburg Township by accommodating a reasonable amount of development, but ensuring the development is in harmony with the natural features and the unique environmental requirements of the Township.

Objective: Direct future development to areas most suited for that type of development.

Objective: Consider the location of the natural features on a site during review of future development layouts.

Objective: Encourage residential clustering and allow for a wider variety of uses on land that is actively farmed, develop additional practical alternatives for farmers to reduce the necessity to convert prime farmland to other uses.

Goal: Promote a mix of development types to manage sustainable growth.

Objective: Provide an avenue to allow for a diversity in housing types to support the changing demographics, such as young professionals, empty nesters and the increasing elderly population.

Objective: Encourage development that supports the aging population of the community, including aging in place, access to core services, and the expansion of necessary medical services.

Objective: Provide an avenue for attainable housing.

Goal: Promote safe and efficient travel within the Township.

Objective: Provide and promote a vehicular and non-motorized transportation network that is a vital component of a high-quality community environment for people who live, work, shop and recreate in Hamburg Township.

Objective: Encourage vehicular and non-motorized connections between neighboring development and from developments to recreation facilities, commercial businesses, Township services and buildings and the school buildings.

Objective: Manage growth by encouraging and promoting future development in areas with adequate transportation networks.

Objective: Encourage developments to provide alternative transportation opportunities for their communities.

Objective: Promote complete streets.

Objective: Utilize best access management practices.

Goal: Preserve the rural appearance of the Township as viewed from the roadways when appropriate.

Objective: Development should be situated away from the main thoroughfares to protect key view sheds and to retain an appearance of low intensity development.

Goal: Protect, preserve, and enhance whenever possible the unique and desirable natural amenities of Hamburg Township.

Objective: Direct future development to areas most suited for that type of development.

Objective: Consider the location of the natural features on a site during review of future development layouts.

Objective: Encourage preservation of the existing landscaping and natural features of the rural/scenic quality of the Township.

Objective: Encourage future development to incorporate green infrastructure measures.

Objective: Discourage developments from removing existing woodland areas and significant trees when appropriate.

Objective: Identify and restore existing wetland areas that have been damaged.

Objective: Encourage clean energy sources while still balancing the benefits and drawbacks presented by the alternatives.

Optional Provisions for Exemplary Projects (Section 14.1.5)

The applicant has also requested that the Planning Commission consider the project as an Exemplary Project. Under the OSPUD regulations the submitted parallel plan allows 27 homes. The applicant wishes to be approved for the total 15 percent bonus based on the proposed project. Because of the uncertainty of the bonus approval the applicants have submitted plans for the project that show an additional one to four homes (Exhibit A, plan pages AS-02 to AS-06).

In order to qualify for an optional provision, the applicant must demonstrate, to the satisfaction of the Planning Commission that the proposed project exceeds the minimum standards for open space community eligibility under Section 14.1.3 Eligibility Criteria (pages 13-19).

In order to qualify for development under the optional provisions of this section, all structures within the project, including single family dwellings, shall be subject to architectural review by

the Planning Commission. The developers have included in the preliminary site plan example home designs (Exhibit A, plan pages A-2 to A-4) and a project guidebook. Staff suggests that as a condition of approval of the preliminary site plan (Suggested Condition 5 on page 11) the applicant work with staff, including an architectural committee made up of one or two PC members if necessary, to prepare a more detailed guide book and finalize the home designs prior to final site plan approval.

To receive an additional density bonus for an exemplary project a qualifying project shall include at least one of the following elements. The Planning Commission may base the percentage of the bonus, between one percent (1%) and fifteen percent (15%), on the number of elements that are integrated into the project design and the benefit or impact the element/elements will provide to the Township. The elements are in **bold** followed by staff analysis.

i. Inclusion of an integrated mixture of housing types. These housing types may include duplexes, single family attached dwellings, accessory dwelling units, homes designed to front on common open space areas, homes with access from alleys, homes with a wide range of sizes include smaller more affordable homes and other innovative designs and housing types.

All of the proposed homes are single family detached dwelling; however, the designs include a wide variety of house sizes include small home designs for the ECHO units. Most of the homes are smaller to keep the housing cost down and allow more high-quality design elements such as large front porches, detached garage to the rear of the main structures, and net zero energy efficient design.

As a part of the review of the design guideline for the final site plan review under Suggested Condition 5 on page 11 the guidebook for the project should include requirement for a mixture of one- and two-story designs and home sizes.

ii. Providing perimeter transition areas around all sides of the development that are at least one hundred fifty (150) feet in depth.

The transition area on the east side of the project is limited to 20 feet to allow the location of the developed areas to have the least impact on the site.

iii. Utilization of sustainable design elements. These elements may include green infrastructure, energy (solar, energy efficient structure orientation, exc...) and water (low flow water fixtures, grey water tanks, rain barrels, ect.) efficient design practices, limiting impervious surfaces, access to alternative transportation options, and other sustainable design elements.

The project utilizes a multitude of sustainable design elements including requiring solar panels on all homes, high standards of insulations, and south faces solar designs. The homes will be LEED platinum, WELL, Energy Star Plus, Water Sense, Indoor Air Quality Plus and DOE Zero Energy Certified.

The development is designed with natural bioswales and rain gardens along the roadways to provide better store water drainage and filtration and reduce the size required for the drainage detention basins.

The homes will also all have fire suppression systems and fire hydrants will be located every 500 feet along the roadways to allow narrower roadway widths to limit the impervious surfaces used for the development of the property.

iv. Include amenities within the project. These amenities should be easily accessed by the residents of the development, connect the project to surrounding developments and open to everyone within the Township. Amenities may include parks, recreational facilities (playground structure, tot lots, pools, sports courts, picnic areas or similar type improvements.), common buildings (such as pool houses, club houses, gazebos, covered pavilions) trails and other amenities that may be a benefit to the community.

The project proposes between 29.1 and 28 acres of open space, which is between 2.9 and 1.8 acres more of dedicated open space than required by the regulations. Additionally, 88,000 square feet of the dedicated open space will be maintained as parks and trails. The project also includes a community pavilion and garden area and will have a scenic overlook accessed from the trail system over the pond area on the site.

See Suggested Condition 12 on Page 15

v. A minimum of ten percent of the units shall meet the International Code Council Accessibility Standards for Type B units.

The 20 proposed ECHO units will meet the International Code Council Accessibility Standards for Type B units.

vi. A minimum of ten percent of the housing meets the Housing and Urban Development definition of affordable housing.

Not applicable

vii. The sewer systems are gravity feed.

The project proposes a pump station at the west entrance to the project that will allow the project sewer systems to be gravity feed.

viii. Public water is provided

There is not public water near the proposed project. The project does propose to connect to the Mystic Ridge community water system.

ix. Cleanup of site contamination.

Not applicable.

x. Other similar elements as determined by the Planning Commission.

The project also will add a roadway connection from the southeast corner of the Mystic Ridge development through the subject site to Merrill Road. This connection will allow an alternative access route for vehicular traffic from Mystic Ridge to the east. This connection also provides for the future owners of the subject site to be able to access Strawberry Lake Road through the Mystic Ridge Development, creating better traffic circulation in the area.

Planned Unit Development Project Standards (Section 14.6)

In considering any application for approval of any Planned Unit Development community site plan, the Planning Commission shall make their determinations on the basis of the standards for site plan approval set forth in Article 4.00, as well as the following standards and requirements:

A. Compliance with the Specific Planned Unit Development Concept. The overall design and land uses proposed in connection with a planned unit development community shall be consistent with the intent of the planned unit development community concept, as well as with specific design standards set forth in this Article.

The MPUD project utilizes the OSPUD and the ECHOPUD.

The intent of the OSPUD is to encourage the use of Township land in accordance with its character and adaptability; assure the permanent preservation of open space, agricultural lands, and other natural resources; provide recreational facilities within a reasonable distance of all residents of an open space community development; allow innovation and greater flexibility in the design of residential developments; facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; ensure compatibility of design and use between neighboring properties; and, encourage a less sprawling form of development, thus preserving open space as undeveloped land. Staff believes this project, as conditioned, will meet the intent of the OSPUD as discussed through this staff report.

The intent of the ECHOPUD is to encourage the construction of more affordable single family residential detached or attached dwelling for elderly persons units utilizing cluster septic tank drainfields and common water supply systems; facilitate the construction of affordable single family residential detached housing units for elderly persons on a smaller scale than conventional multi-family developments that require public infrastructure improvements such as roads, and public water and sewer to accommodate higher density and lower cost dwelling units; offer an alternative to multi-family residential developments in order to provide affordable housing for elderly persons in a small scale, less dense neighborhood setting; preserve the rural character and appearance of the township through the construction of small scale environmentally sensitive elderly person developments on scattered sites; encourage the clustering of detached or attached single family elderly person dwelling units to promote the safety and security of the senior citizen residents. The development will provide 20 single family units that will be 980 square feet or less and dedicated for exclusive use by persons 55 years old or older. Because of the reduced size of these units, they will remain more affordable than the surrounding homes. Staff

believes this project, as conditioned, will meet the intent of the ECHOPUD as discussed throughout this staff report.

B. Compatibility with Adjacent Uses. The proposed planned unit development site plan shall set forth in detail, all specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and the land uses. In determining whether this requirement has been met, consideration shall be given to:

- 1. The bulk, placement, and materials of construction of proposed structures.**
- 2. Pedestrian and vehicular circulation.**
- 3. The location and screening of vehicular use or parking areas.**
- 4. The provision of landscaping and other site amenities.**

The development includes a minimum buffer area of 20 feet between the residential properties and the subject sites perimeter property lines. The closest neighboring structure is to the northeast of the site and will be over 150 feet from any buildings in the subject development. There are many existing trees that will be preserved on the perimeter boundary of the site between the homes within the proposed project and adjacent lots. As conditioned a detailed landscape plan will be provided as a part of the final site plan review. The applicant has submitted a plan that shows the location of the proposed structures in the subject development compared to the location of the neighboring structures (Exhibit A, plan page ES-04) and plans that show the existing trees to remain (Exhibit A, plan pages AS-02 to AS-06).

The pedestrian trails will be linked to the trails in the Mystic Ridge subdivisions and access will be provided to Thompson Pond Drive and Merrill Road to the east. The main roadway through the site will connect Shadbush Trail in the Mystic Ridge development to Thompson Pond Drive. This connection will allow two automobile access points to the proposed development. Multiple access points will better disperse traffic entering and exiting the subject development. This connection also will provide an alternative access point for residence of the Mystic Ridge Development traveling into and out of the development.

C. Impact of Traffic. The planned unit development community shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.

The project provides access to Merrill Road from Thompson Pond Drive and through the Mystic Ridge Subdivision allow both the subject project and the Mystic Ridge development to have two access points providing for better distribution of traffic to and from the site.

When the Mystic Ridge Development was designed and approved in the early 2000s the right of way for Shadbush Trail was required to be extended to the east property line for possible future development of the subject site.

D. Protection of the Natural Environment. The proposed planned unit development community shall be protective of the natural environment. It shall comply with all applicable environmental protection laws and regulations.

The project will cluster development and preserve open space, which will protect wetlands and existing natural vegetation across 28 acres of the site.

See Suggested Condition 4 on page 9

See Suggested Condition 12 on page 15

E. Compliance with Applicable Regulations. The proposed planned unit development community shall comply with all applicable Federal, state, and local regulations.

See Condition 12 on page 15

F. Design. The planned unit development community shall:

1. result in a higher quality of development than could be achieved under the conventional zoning regulations.
2. not be created in a situation where the same objectives can be accomplished by the application of conventional zoning provisions or standards without the need of a variance.
3. not be established solely for the purpose of avoiding applicable zoning requirements of the underlying zoning district or as a means to increase the density and intensity of the development.
4. improve the appearance of the Township through quality building design and site development, the provision of trees and landscaping consistent with or beyond the minimum requirements; the preservation of unique and/or historic sites or structures; and/or the provisions of open spaces and other desirable features of the site beyond the minimum requirements of the zoning regulations.

The property is 48 acres. A conventional division of this property would allow approximately 22 large single-family lots. The MPUD will require clustered homes and the preservation of open space and existing vegetation, reducing the impacts on the environmentally sensitive areas of the subject site (wetland areas and sloped areas). The project will also include community trail, pavilion and gardens. Smaller homes will be set aside for persons over 55 years old. The development will have a wide variety of housing design and sizes, with specific high quality architectural and design elements. The designs of the homes and the development will also utilize high energy efficiency, water use and storm water treatment standards to reduce the impacts of the development on the environment.

G. Township Master Plan. The planned unit development community shall be consistent with, promote the goals and objectives of and further the implementation of the Township Master Plan and Village Center Master Plan.

Along with other appropriate site design standards, guidelines, and principles, the following site development elements shall also be reviewed for consistency with the applicable guidelines of the Township and Village Center Master Plans:

1. Sidewalks/Pedestrian Circulation
2. Parking/Loading Areas
3. Architecture
4. Signs
5. Street and Access Design
6. Lighting
7. Landscaping

See staff analysis of this project as it relates to the Master Plan under the Eligibility Criteria Section 14.1.3 standard G on pages 18 to 20 of this report.

H. Common Area and Unit Maintenance. The PUD shall include in the Master Deed, Community Bylaws or covenant provisions, as applicable for the maintenance of the common open space, including landscaping maintenance, snow removal and repairs to building exteriors, and other items in a form approved by the Township Attorney.

The developer will be required to create a development agreement which includes master deeds and by laws for the project. This agreement addresses required maintenance of the site. This document will be reviewed and approved by the township attorney.

I. Conditions. Reasonable conditions may be required with the special approval of an Open Space Community, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the Township Master Plan. Conditions imposed shall be designed to protect natural resources, and the public health, safety and welfare of individuals in the project, those immediately adjacent and the community as a whole; shall be reasonable related to the purposes affected by the Open Space Community; shall be necessary to meet the intent and purpose of this Ordinance and implement the Township Master Plan; and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the special approval.

See suggested Conditions 1 to 12 throughout this staff report and consolidated on pages 29 to 30 of this report.

Standards for Site Plan Review (Section 4.5.7).

Compliance with the standards of this section is required as a part of final site plan review. Staff has included these standards into the review of the preliminary site plan to make sure that if the preliminary site plan review is approved the applicant is aware that the project will need to meet the requirement of this section once all of the required information is submitted for final site plan review. In the review of all site plans, the Zoning Administrator and the Planning Commission shall endeavor to assure the following:

A. The proposed development conforms to all provisions of the Zoning Ordinance.

See pages 3 to 12 of this report for information about how the proposed project would conform to all of the provisions of the Zoning Ordinance regulations.

B. All required information has been provided.

It appears that the applicant has submitted adequate information for review of the preliminary site plan review of the proposed MPUD project. All required information under Section 4.5.6 and as required by different agencies and reviewing bodies will be required prior to final site plan review.

C. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.

The township engineer and Fire Department has reviewed the interior roadway layout and did not have any significant concerns regarding the roadway configuration or layout (Exhibit D and E). Therefore, it appears that the roadway design would provide safe traffic throughout the site. The Livingston County Road Commission also reviewed the project for connection to the public roadway and provided comments (Exhibit F).

The project proposes a roadway connection between the Mystic Ridge Development from Shadbush Road to Merrill Drive from Thompson Pond Drive. This connection will provide alternative traffic routes for both the subject development and the Mystic Ridge Development.

The project also proposes a trail system and sidewalks throughout the project that will allow safe pedestrian traffic throughout the site. The township engineer has suggested that the sidewalks in the project be 5 feet wide instead of 3 feet. Sidewalks are not a requirement of the code however they would be required to allow adequate pedestrian access throughout the site.

See Suggested Conditions 9, 10, and 11 on page 13

D. The proposed development will be harmonious with existing and future uses in the immediate area and the community.

See analysis under Planned Unit Development Standard B, Section 14.6 on page 23.

E. The proposed development provides the necessary infrastructure improvements, such as roads, drainage, pedestrian facilities and utilities, to serve the site, and be adequately coordinated with the current and future use of adjacent properties.

The preliminary project plans do not provide enough detail for the township engineer to do a full review of the infrastructure proposed. However, in the cursory review of the project it appears that with the correct engineering and appropriate local, county, and state approvals that the project could be built as proposed without any major changes that would impact the preliminary approvals. (Exhibit E) The plans submitted for final site plan review will provide greater details on the drainage, roadway construction, and other improvements.

F. The applicable requirements of Township, County and State agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers.

More detailed project plans are required as a part of final site plan review. These plans will include more detailed grading and drainage plans. Also more details on water and sewer facilities will be required for final site plan review.

G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.

The project utilizes a clustered residential design which preserved 3.77 acres of submerged land and 29.1 to 28 acres of the subject site as open space. Much of the existing wetland area will be preserved, with the exception of the area needed to building the roadway connection to Thompson Pond Drive. The location of the improvements on the site is designed to utilize the portions of the site with less slopes.

H. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.

A detailed grading plan has not been submitted however the location of the improvement on the site have been placed on the areas with the least slope. A detailed grading plan will be required as a part of the final site plan review.

I. The proposed development will not cause soil erosion or sedimentation.

Prior to issuance of a building permit for this project the Livingston County Drain Commission will require approval of a soil erosion and sedimentation plan that meets the local and state requirements.

J. Landscaping, including trees, shrubs and other vegetative material is provided to maintain, improve and/or restore the aesthetic quality of the site.

Many of the existing trees on the perimeter of the overall site will be preserved along with much of the vegetation in the wetland areas of the property. This vegetation will provide a screen of the development for off-site vantage points.

A more detailed landscape plan will be required that ensures the project will meet the zoning requirement for street tree and buffer landscaping as a part of the final site plan review.

K. Conformance to the adopted Hamburg Township Engineering and Design Standards.

Detailed engineering plans are not required to be submitted as a part of the preliminary site plan review process. The township engineer has done a cursory review of the preliminary plans and

project layout. A detailed review of the project by the township engineer will happen as a part of the final site plan review process.

RECOMMENDATIONS:

Staff believe that as conditioned and with final review of the project under the final site plan review requirement the proposed preliminary site plan for the MPUD project is substantially compliance with the required standards under Sections 14.1.3, 14.1.5, 14.6 and 4.5.7.

The Planning Commission should review and discuss the exemplary design density bonus request from the applicant (Exhibit B) and pages 19-21 of the staff report and make the determination on the density bonus under Section 14.1.5 for Exemplary Project. This determination should include either an approval of a density bonus of up to 15% based on the criteria or a denial of the density bonus request based on the project characteristics.

Once a density for the project has been determined by the Planning Commission, the commission should review and discuss the preliminary site plan for the MPUD project. The Planning Commission should review the preliminary MPUD site plan application, the submitted materials including the project plans, the staff report, and any information presented at the public meeting; and either recommend approval or denial of the preliminary site plan for the MPUD to the Township Board. The Planning Commission may also choose to table the project if additional information is needed for them to make their determination. The Planning Commission should provide the applicant with a list of the request additional information needed.

Example Approval Motion:

The Planning Commission recommends approval of the preliminary MPUD site plan with a ____ percent density bonus, as shown on plan page AS-0_, to the Township Board because the project as conditioned is consistent with the requirements of the open space, elderly cottage housing opportunity, and mixed planned unit development regulations under Article 14 and will be able to meet site plan review standards under article 4 of the zoning ordinance as discussed at the meeting tonight and presented in the staff report with the following conditioned of approval:

Suggested Condition 1: (page 5) As a part of the final site plan review the project plan shall include the location of the road right-of-ways and how the property will be split under the proposed use. All information required by the Township Assessor will be required prior to issuance of a land use permit.

Suggested Condition 2: (page 6) A more detailed landscape plan shall be included as part of the final site plan submittal. This plan shall address the required street trees and transition area landscaping (Section 9.4)

Suggested Condition 3: (page 6) A sign plan for the proposed project signs shall be included as a part of the final site plan submittal.

Suggested Condition 4: (page 9) A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney.

This agreement shall address the items regarding the dedicated open space for the project under Section 14.1.4 (H) 6, 7 and 8.

Suggested Condition 5: (page 11) The applicant shall work with staff and an architectural committee made up of one or two PC members if deemed necessary, to prepare a more detailed guide book and finalize the home designs prior to final site plan approval.

Suggested Condition 6: (page 11) Prior to the final MPUD the applicant will submit documentation for review by the Township Attorney provides legal access, for the use of the roadways and utilities, through the Mystic Ridge Development and Thompson Pond Drive. Documentation of the ability to utilize the common well and water treatment facility of the Mystic Ridge Development for this project will also be required prior to the final MPUD approvals.

Suggested Condition 7: (page 12) A road maintenance agreement shall be included within or as a separate document attached to the final development agreement. Also a cross access agreement that allows public use of the private roadways within the project will be required as a part of the final development agreement.

Suggested Condition 8: (page 13) Prior to final site plan approval the property owner shall work with the schools and postal service to determine if a community bus stop or mail kiosk will be required. If they are required the applicant shall show them as a part of the final site plan. Also a cross access agreement that allows public use of the trails and sidewalks will be required as a part of the final development agreement.

Suggested Condition 9: (page 13) As stated in the Township Engineering review (Exhibit E) the sidewalk width shall be five feet not three feet. The developer may wish to consider the possibility of making the sidewalk out of a decomposed granite or another material that allows a more rural appearance and provides better drainage solutions, prior to the final site plan review.

Suggested Condition 10: (page 13) Because the MPUD project include 20 ECHO units park benches shall be include along the trail systems to offer rest areas for the senior population of the project.

Suggested Condition 11: (page 13) As a part of the final site plan approval, if it is not already, the applicant shall consider at least a four-foot wide shoulder on one side be included on the roadway that is extended over the wetlands to Thompson Pond Road to allow safer pedestrian traffic.

Suggested Condition 12: (page 15) Prior to review of the final CPUD site plan the applicant shall submit a final CPUD site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance and any required approvals from all appropriate local, county, state and federal agencies including, but not limited to, Hamburg Township Fire, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department; and the Michigan Department of Environment, Great Lakes and Energy. Some agency approvals are not required until prior to the issuance of the land use permit.

Next Steps:

If the Planning Commission recommends approval of the preliminary MPUD site plan, the Township Board shall consider the Planning Commission recommendation and public hearing comments and shall take action to approve, deny or remand the site plan back to the Planning Commission for further review.

If the Township Board approves preliminary MPUD site plan the applicant shall submit a final MPUD site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance.

The Planning Commission shall review the submitted Final MPUD site plan to ensure compliance with all standards and criteria of Article 4 Site Plan Review and Article 14, Planned Unit Development. The Planning Commission then takes action to recommend approval or denial of the Final MPUD site plan to the Township Board based upon compliance with the above referenced standards.

Upon receipt of the report and recommendation of the Planning Commission, the Township Board shall review all findings. If the Township Board determines that approval would be appropriate, it shall instruct the Applicant to work with the township attorney to prepare a development agreement setting forth the conditions upon which such approval is based. Such conditions shall include, where appropriate, identification of the phases and time table for development, and an estimate of the costs of implementing each phase.

After approval by resolution of the Township Board, the development agreement shall be executed by the Township and the applicant and recorded in the County records. Approval shall be granted only upon the Township Board determining that all qualification requirements, conditions of approval, and provisions of this and other township ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. Approval shall further be subjected to the condition that the contract will be properly recorded.

Exhibits:

Exhibit A: Preliminary MPUD site plan (Hard Copies PC only)

Exhibit B: Exemplary Project Density Bonus Request

Exhibit C: Hamburg Township Public Works Initial Review

Exhibit D: Hamburg Township Fire Department Initial Review

Exhibit E: Hamburg Township Engineering Consultant Initial Review

Exhibit F: Livingston County Road Commission Initial Review

Exhibit G: Livingston County Public Health Department Initial Review

Exhibit H: State of Michigan Department of the Environment, Great Lakes, and Energy Initial Review

Exhibit A

Exhibit A: Preliminary MPUD site plan may be found by clicking [here](#)

Density Bonus Document

Murie Glen Development - 2020

Based on the zoning code of Hamburg Township, we believe the Murie Glen development should receive the full fifteen percent (15%) density bonus allowed by The Planning Commission based on the following. The development achieves and exceeds multiple qualifying standards established by the existing zoning code while blending with the surrounding neighborhood character. Below is a design comparison between the preferred Murie Glen plan (AS-06) and Hamburg Township's zoning code:

"To receive an additional density bonus under this section a qualifying project shall include at least one of the following elements. The Planning Commission may base the percentage of the bonus, between one percent (1%) and fifteen percent (15%), on the number of elements that are integrated into the project design and the benefit or impact the element/elements will provide to the Township."

"a. Inclusion of an integrated mixture of housing types. These housing types may include duplexes, single family attached dwellings, accessory dwelling units, homes designed to front on common open space areas, homes with access from alleys, homes with a wide range of sizes include smaller more affordable homes and other innovative designs and housing types."

The Murie Glen plan creates a neighborhood with a mixture of affordable Elderly Cottage Housing Opportunity (ECHO) units and single family residential units. The ECHO units have a maximum of 980sf of habitable space whereas the single family residential homes have a limit of 3,200sf. This juxtaposition creates a rich economic diversity, and age diversity vital to community relationships. Within this volumetric difference each home has the opportunity to incorporate accessory dwelling units on every site. This combination of home sizes and costs creates a fabric of older people allowed to age in place/live next to their children and grandchildren, empty nesters can downsize into an active nature community, college graduates unable to afford their own homes moving into their parent's ADU's, and new families able to purchase their own small home from our affordable designs.

This architecture, dwelling placement, and ECHO design creates a unique social landscape that catalyzes relationships, flexibility, and income stability. Within the Murie Glen development every home has backyard access to a maintained open space park or naturally preserved open space.

"b. Providing perimeter transition areas around all sides of the development that are at least one hundred fifty (150) feet in depth."

The Murie Glen development provides a 20 foot buffer between new structures and the property line, but the nearest existing building to a new Murie Glen structure is over 150 feet.

“c. Utilization of sustainable design elements. These elements may include green infrastructure, energy (solar, energy efficient structure orientation, etc.) and water (low flow water fixtures, grey water tanks, rain barrels, etc.) efficient design practices, limiting impervious surfaces, access to alternative transportation options, and other sustainable design elements.”

Every home in the Murie Glen development is required to be net-zero energy and passive. All homes will be equipped with a solar panel system or Tesla roof system and battery to provide adequate energy (the homes will still be connected to the energy grid). All homes will achieve the standards from the passive rating system to ensure the energy use is significantly decreased. The homes in the Murie Glen development will be all electric, and have low flow water fixtures.

The homes will also maintain a fire suppression system that reduces the danger of death and total destruction/spread of fires. The fire suppression system allows the neighborhood to reduce the size of impervious road cover. All homeowners in Murie Glen will be encouraged to maintain a gravel driveway significantly reducing impervious cover on the site.

The development creates a 6 foot wide bioswale in specific areas along the roadway. The bioswale will be located between the curb and the sidewalk conveying the runoff through a series of plantings, soils, and rock that filters water before discharging into a retention basin. The bioswale will help maintain the purity of neighboring wetlands and streams.

The Murie Glen development connects the existing Thompson Pond Drive to Shadbush Trail significantly reducing cycling time to downtown Hamburg and the Manly W. Bennett Park trails. Murie Glen also connects to neighboring Mystic Ridge walking trails, and adds almost a mile of new nature trail.

“d. Include amenities within the project. These amenities should be easily accessed by the residents of the development, connect the project to surrounding developments and open to everyone within the Township. Amenities may include parks, recreational facilities (playground structure, tot lots, pools, sports courts, picnic areas or similar type improvements.), common buildings (such as pool houses, club houses, gazebos, covered pavilions) trails and other amenities that may be a benefit to the community.”

The Murie Glen development will maintain 126,000 square feet of maintained open space, and 1,092,000 square feet of natural preserved open space. The maintained open space consists of three (2) maintained parks. The first park is at the center of the development along the extended Thompson Pond Drive road. The park acts as a central lawn for the community with a pavilion, picnic area,

communal garden space, and a maintained retention pond. Throughout this park wood chip paths diverge north and south connecting the rest of the development. Following the southern path another maintained clearing creates a more private open space with larger grassland for kids to play, dogs to run, and picturesque views for the surrounding homes. The path disappears temporarily in this maintained space to encourage exploration and meandering, but then it reveals itself as it crosses into the preserved forest. Walking down the path toward the wetland a series of dense forest canopies the path and opens into a retention pond. The path curves around the pond to an observation point. The observation point is the Terminus of the southern path that overlooks Thompson Pond. Returning to the heart of the community the northern path diverges across Thompson Pond Drive that snakes through the preserved forest and connects into the Mystic ridge trail system.

“e. A minimum of ten percent of the units shall meet the International Code Council Accessibility Standards for Type B units.”

Every ECHO house (20 of 51 units - 39%) will meet the International Code Council Accessibility Standards for Type B units. Homeowners choosing single-family residential lots may also have Type B design.

“f. A minimum of ten percent of the housing meets the Housing and Urban Development definition of affordable housing.”

The affordability of the ECHO units (20 of 51 units - 39%) will depend on the occupant. Due to the size and finishes of the ECHO units the design will be more affordable.

“g. The sewer systems are gravity feed.”

The Murie Glen development sewer system will be tied into the neighboring Mystic Ridge community system. The Murie Glen plan will have a sewer pump at the entrance of the neighborhood.

“h. Public water is provided.”

The Murie Glen plan will have water provided through the Mystic Ridge neighborhood community well to all 51 homes and any additional ADU's.

“i. Cleanup of site contamination.”

There is no site contamination.

“j. Other similar elements as determined by the Planning Commission.”

Every home design will incorporate a recessed (5 feet or more) or detached garage. This design allows the street and the front of the homes to be relieved of vehicle infrastructure.

The facades of the homes will incorporate different styles and massing to create variation in the neighborhood. The Murie Glen development will reinforce the social diversity of the neighborhood with the design of each home. Every home will have a front porch facing the street that incorporates the design principles of 19th century neighborhoods famous for diversity and social accessibility.



10405 Merrill Road ♦ P.O. Box 157
Hamburg, MI 48139
Phone: 810.231.1000 ♦ Fax: 810.231.4295
www.hamburg.mi.us

MEMORANDUM

To: Scott Pacheco, Hamburg Twp. Planner

From: Tony Randazzo, Utilities Director

Date: January 7th, 2021

Re: **Murie Glen Development Project Planning Commission Review**

On behalf of the Township Utilities and Department of Public Works, I have reviewed the proposed project and there are two issues that will need to be addressed prior to the final approval of the Murie Glen development.

First, the property owner will need to provide confirmation of an easement grant from Jim Haeussler granting access through the Mystic Ridge subdivision for the sewer extension. A copy of the signed and recorded Easement Grant document should be provided to the Township.

Second, the developer will need to submit the attached Development Project or Commercial Property Sewer Connection application to the Township along with a set of the proposed sewer extension plans and a \$1,000.00 application fee. The Township Engineer will need to determine if the sewer can be extended, as proposed, from its current location in the Mystic Ridge subdivision to the Murie Glen sub. The developer's Engineer will need to design the proposed extension, working with the Township Engineer for review and approval or the developer can hire the Township Engineer directly to develop the proposed sewer extension.



Application for
Development Project or Commercial Property
Sewer Connection

Hamburg Township • 10405 Merrill Road, P.O. Box 157, Hamburg, MI 48139 • (810) 231-1000

Property Owner Information:

Applicant Signature:

Parcel I.D. #: _____

Property Owner Address: _____

Print Name: _____

Date of Application: _____

Phone: Day: _____

Evening: _____

NOTE: Submittal of Application does not guarantee connection to Hamburg Township Sewer System.

Reason for requesting Sewer Extension/Connection: _____

Location of proposed development project (**Please attach Survey and/or Plans**): _____

All inspections shall be completed as stated in the Policies and Procedures For Development Project Sewer Connections and the General Sewer Extension Requirements for Proposed Developments.

THIS SECTION TO BE COMPLETED BY MUNICIPAL UTILITIES COMMITTEE

Application Approved: _____ Application Denied: _____ Date: _____

Sewer Committee Signature: _____

THIS SECTION TO BE COMPLETED BY THE HAMBURG BOARD OF TRUSTEES

Application Approved: _____ Application Denied: _____ Date: _____

Supervisor: _____ Clerk: _____

Non-Refundable Application Fee Due: \$ 1,000.00 Date Paid: _____ Receipt Number: _____



10405 Merrill Road ♦ P.O. Box 157
Hamburg, MI 48139
Phone: 810.231.1000 ♦ Fax: 810.231.4295
www.hamburg.mi.us

Policies and Procedures for Commercial and Development Project Sewer Connections

The following procedures will apply to all property owners who are seeking to connect a multi-residential or commercial development project to the Hamburg Township Sanitary Sewer System (HTSSS). Any property owner seeking to connect more than one building unit to the HTSSS shall comply with the following Procedures for Development Projects:

1. The Property Owner shall submit to the Township Utilities Department a completed application for a Sewer Extension Agreement together with a non-refundable application fee of \$1,000.00 to be used for preliminary feasibility analysis and cost estimating purposes.
2. The Property Owner shall submit all project plans to the Hamburg Township Planning Commission for review and approval. Said plans shall contain all information on a checklist pursuant to standards established by the Municipal Utilities Committee regarding proposed connection to the Hamburg Township Sanitary Sewer System (HTSSS) and shall be reviewed by the Township's engineer.
3. A copy of the development project plan shall be submitted to the Municipal Utilities Committee for review and comment. Recommendations shall be forwarded to the Planning Commission prior to their issuance of a recommendation for final site plan approval.
4. Upon approval, by the Municipal Utilities Committee, of engineering to provide sewer service to the development project, an "Estimate of Cost" shall be developed for the project. The Township and Property Owner will then enter into a Sewer Extension Agreement listing the estimated costs for all on-site and off-site work to be done in order to bring sewer service to the development. The property owner shall pay all costs of installation, the appropriate connection fee per Ordinance No. 69H, all equipment charges, legal costs, engineering costs, as well as an administration fee of 2% of the total project cost to the Township in accordance with the Agreement.
5. To ensure the correct sizing and configuration, all sewage pumping stations required for development or commercial sewer connection and/or extension projects shall be designed by the Township Engineer. Pump station designs by the property owner or developer's engineer and/or a sewage pump manufacturer shall not be accepted or authorized by the Township.

6. The property owner shall also be responsible for all on-site engineering and construction costs to construct the sewer collection system within the development project. The Property Owner shall further comply with the *Sewer Extension Requirements for Proposed Developments*.
7. The Developer of any project development including more than ten (10) houses must deposit in escrow with the Township an amount equal to \$1.50 per lineal foot for the length of sewer line to be installed for the on-site sewer construction to cover the cost of the inspections to be completed by the Township Engineer and DPW Field Superintendent. These fees shall be paid prior to the preparation of the MDEQ sewer construction permit application form.
8. The DPW Field Superintendent will make all sewer main construction and installation inspections, grinder pump installation inspections, and any other necessary sewer inspections. Upon completion of all such inspections, the property owner shall dedicate the approved sewer lines within the development to Hamburg Township for operation and maintenance.
9. If an existing multi-residential or commercial development project connected to the sanitary sewer system applies for a site plan amendment or change of use, the property owner must submit a sewer tap fee review application, along with a non-refundable \$200.00 application fee, for a preliminary engineering analysis to determine if any further sewer engineering work needs to be done to accommodate the new structure and/or use, to propose a budget for said work, and determine if the new structure or change of use of the existing structure will cause any changes in the REUs (residential equivalent units) assigned to the project.
10. If a commercial development project opts to use three phase, 208 volt electrical service the property owner must install a transformer with the ability to convert to 240 volts in order to utilize existing Township pumps in case of an emergency or temporary repair. The power supplied to the pump station(s), either by line or transformer, must be 240 volts and shall be provided at the property owner's expense.
11. If a failure of the sanitary sewer system occurs at a commercial or industrial property the Department of Public Works (DPW) staff shall make all reasonable attempts to contact the Owners of the property directly prior to engaging in any repairs to the sewer system.
12. In an attempt to avoid sewer line blockages and expensive repairs to the system Developers shall have the option to build a complete looped sewer system or post a bond for a period of ten (10) years after the sewer line has been dedicated and accepted by the Township. The bond shall be released in incremental amounts based upon project build out with a minimum twenty-five percent (25%) retainage of the total value of the bond. The bond amount shall be limited to one hundred percent (100%) of the Engineer's estimate of project cost.
13. Final release of the bond retainage shall be made to the Developer at the end of the ten year period or final project build out and approval by Hamburg Township whichever occurs first.

The Property Owner will be provided with a copy of the *Approved Contractors List* so the owner may choose an authorized Contractor to perform the sewer line construction and grinder pump installation within the development project.

SEWER EXTENSION REQUIREMENTS FOR PROPOSED DEVELOPMENTS

The following items are the main areas in which the Township wishes to address for new developments extending sanitary sewer lines to serve their properties; however, they are in no particular order.

- For all new homes being constructed, the electrical service line and the gravity line to the grinder pump station will be located in the same trench.
- The Township will be called for all inspections involving air testing (150 p.s.i.) for two hours to detect possible leaks in all new sewer mains, including all air relief structures, valves, and new sewer tie-ins to existing mains.
- Copies of all engineering services and plans for the project will be provided to the Township by the developer.
- Two (2) copies of all as-built prints and individual as-built lead sheets for each lot shall be provided to the Township by the developer, as well as 1 copy of Mylar as-built prints.
- As-built lead sheets will include the electrical and gravity feed lines to the grinder pump.
- G.I.S. mapping information for the new development shall be provided to the Township in AutoCAD 14 format with GPS points on the corners of the property.
- Common Easements for each lot allowing the Township access to maintain and service the lateral sewer connection and grinder pump station will be included in the language of the Master Deed and By-Laws of the development. Easements will also provide the Township to install and maintain a community water system in the future.
- A five (5) year warranty on all force mains, and service laterals, up to and including the curb box, will be required to be provided by the contractor installing the sewer main extension lines for the development.
- During all construction, if any damage is caused to the force main and/or service laterals including the curb stops/boxes, the developer will be responsible for the cost of the repairs and the Township's Department of Public Works (DPW) employees' time.
- The Developer's electrician will be required to connect the electrical lines from the meter box to the disconnect box and control panel for the grinder pump station. Up to 35' of cable and the control panel will be provided with the grinder pump. The 60 amp disconnect box must be provided by the developer.
- A wire lead is to be included on the force main and service laterals up to the grinder in order to be located for MISS DIG purposes.

Development Sewer Extension Requirements
Page 2

- Ownership of the sewer force mains for the development will be turned over to the Township at the time the force main becomes active in order for the Township to operate and maintain those lines.
- Hamburg Township will accept responsibility of the sewer service leads upon occupancy of the residential structure.

If you have any questions concerning these issues please feel free to contact the Supervisor, Patrick J. Hohl, at (810) 231-1000 Ext. 202 or the DPW Field Superintendent, Dave Podvoyski, at (810) 231-8158.

Amendments Approved by the
Hamburg Board of Trustees on February 4th, 2020



HAMBURG TOWNSHIP FIRE DEPARTMENT

FIRE PREVENTION BUREAU

FIRE MARSHAL JORDAN ZERNICK

*10100 VETERANS MEMORIAL DR.
HAMBURG, MI 48139 PO BOX 157
810.222.1100
JZERNICK@HAMBURG.MI.US*

To: Jeffrey Wilkerson

From: Fire Marshal, Jordan Zernick

CC: Fire Chief, Nick Miller

Subject: Murie Glen Residential Development

Date: October 13, 2020

I have completed the preliminary site plan review for the proposed project at Murie Grove Residential Development in Hamburg Township. The review was based on the applicable Fire Code and Hamburg Township Ordinance Requirements.

The plans are approved as submitted with the following requirements, revisions and clarification:

1. All roadways to be 20 ft minimum width.
2. All residential homes shall consist of a residential fire sprinkler system. It shall be written into the bylaws that all residential homes within the development shall consist of residential sprinklers. (Road width decrease from a required 26ft drive isle to 20 ft. due to the installation of residential sprinklers.)
3. All residential developments within the development, regardless of when built, shall consist of a residential sprinkler system.
4. Cul-di-sac to be a minimum width of 80 ft.
5. All residential streets shall be posted as no parking on one side due to the decreased road widths.
6. Hydrants shall be 500ft maximum separation distance.

This approval is subject to field inspection. This approval shall be valid for one year. If construction has not begun within 12 months of the date on this letter the plans must be resubmitted for approval. This approval does not exempt the project from complying with all applicable codes. Additional submittals and approvals may be required

A handwritten signature in blue ink, appearing to read 'J. Zernick', is located below the main body of the letter.

Fire Marshal Jordan Zernick

**Hamburg Township Fire Department
10100 Veterans Memorial Dr PO BOX 157 Hamburg, MI 48139
Phone: 810-222-1100 Fax: 810-231-1974**



Memo

To: Scott Pacheco, Hamburg Township
From: Ted Erickson
cc:
Date: January 8, 2021
Re: Murie Glen – Preliminary Site Plan Review

We have reviewed the Murie Glen preliminary site plan dated November 11, 2020 and submitted by Volta Homes. We offer the following comments for your consideration.

1. The plans are conceptual in nature and do not contain the necessary information to provide a complete engineering review.
2. We understand that sanitary service for the development will be provided by Hamburg Township and water service will be provided by the Mystic Ridge Water Authority. The note on Sheet 07 incorrectly identifies this.
3. We understand the sanitary service is proposed to be a gravity sewer system collects in a lift station that will transport the sewage to the township. A review of the hydraulics of lift station connecting to the existing pressure system in Mystic Ridge should be conducted for verification of the concept and determine the capacity of the lift station.
4. The sanitary lift station is proposed to be located on Thompson Pond Drive at the west edge of the property. Due to the ground elevations, this location will not be able to serve lots 36 to 50 by gravity sewer. The lift station should be relocated accordingly.
5. The petitioner should provide verification of service from the Mystic Ridge Water Authority in terms of agreement for service and available capacity.
6. Department of Energy, Great Lakes, and Environment permits will be required for the water system, collection system and wetlands crossings.

In Summary, we offer no objection to the approval of the Preliminary Site Plan assuming these comments and any other the Township may have are addressed in future submittals.

Please contact me at (734) 657.4925 with any questions.

Amy Steffens

From: Kim Hiller <khiller@livingstonroads.org>
Sent: Wednesday, December 2, 2020 8:04 AM
To: Scott Pacheco
Subject: RE: Murie Glen Preliminary Submission

Scott,

I'm sorry for the multiple emails.

It also occurred to us that it could be argued that Sheldon Road may get most of the new traffic from this development. The Township may also want to consider putting language into the PUD with regard to this development participating in the future paving of either Merrill Road or Sheldon Road due to the impact on the gravel road this development may have on those roads.

Thanks,
Kim

From: Kim Hiller
Sent: Wednesday, December 02, 2020 7:17 AM
To: Scott Pacheco <spacheco@HAMBURG.MI.US>
Subject: RE: Murie Glen Preliminary Submission

Scott,

Thank you for sharing the preliminary site plan for our initial comments. Other than potentially doubling the traffic on Merrill, which carries close to 1000 vehicles/day right now, we do not see any traffic related problems. We would recommend the Township to consider having this development participate in the future paving of Merrill Road as part of any PUD agreement.

Regards,

Kim Hiller, P.E.

Utilities and Permits Engineer
Livingston County Road Commission
3535 Grand Oaks Drive
Howell, MI 48843
Ph. (517) 546-4250
khiller@livingstonroads.org

From: Scott Pacheco <spacheco@HAMBURG.MI.US>
Sent: Tuesday, December 01, 2020 1:39 PM
To: Kim Hiller <khiller@livingstonroads.org>
Subject: FW: Murie Glen Preliminary Submission

Kim:

Please see the electronic plans in the link below. This project was just submitted for preliminary site plan review please review the project and provide any initial comments on to me by December 13, 2020.

Again this is a preliminary site plan review of a PUD to allow a subdivision between Thompson Pond and Mystic Ridge. Final site plan review will be required if the preliminary site plan is approval. I imagine most of your comment will be gathered at final site plan approval. [This project does not directly link to a public road but will increase the traffic at Merrill and Thompson Pond and has access through the Mystic Ridge Development off of Strawberry Lake Road.](#)

If you would like a hard copy of the plans please send me an email request with your name and address and the hard copy will be send directly to you. If you have any question please contact me.

Thank you,
Scott Pacheco, AICP
Hamburg Township
Planning

From: Jeff Wilkerson [<mailto:jwilkerson@voltagehomes.com>]
Sent: Wednesday, November 18, 2020 11:01 AM
To: Scott Pacheco <spacheco@HAMBURG.MI.US>; Amy Steffens <asteffens@HAMBURG.MI.US>
Subject: Murie Glen Preliminary Submission

[_2020_MURIE GLEN_SUBMISSION \(1\).pdf](#)

--

JEFF WILKERSON
COO • CO-FOUNDER
E: jwilkerson@voltagehomes.com
M: 989-529-5858

Amy Steffens

From: Matt Bolang <MBolang@livgov.com>
Sent: Wednesday, December 2, 2020 9:57 AM
To: Scott Pacheco
Cc: Beau Forgette
Subject: RE: Murie Glen Preliminary Submission

Scott,

Thanks for sending this sub plan. I assume that the water supply will come from the Mystic Creek development and township sewer? If so, there are no permits that LCHD would require. Looks like a unique development with opportunities for recreation and retention of natural features.

-Matt

Matt Bolang, MSA, REHS
Deputy Health Officer
Director of Environmental Health
Livingston County Health Department
2300 East Grand River
Howell, MI 48843

517-552-6870 | www.lchd.org



E-mail Confidentiality Notice: This message, including any attachments, is intended solely for the use of the named recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure, or distribution of any confidential and/or privileged information contained in this e-mail is expressly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy any and all copies of the original message.

From: Scott Pacheco <spacheco@HAMBURG.MI.US>
Sent: Monday, November 30, 2020 3:14 PM
To: Matt Bolang <MBolang@livgov.com>
Subject: [EXT] FW: Murie Glen Preliminary Submission

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Matt:

See the link below for an electronic copy of the plans for a preliminary site plan for a PUD within Hamburg Township. This subdivision is off of the end of Thompson Pond to the Mystic Ridge Sub. These plans have been received for preliminary site plan review. If preliminary site plan review is approved final site plan review will be required.

Please send comments back prior to December 16, 2020.

If you would like a hard copy of the plans please send me an email request with your name and address for the hard copy to be sent to. If you have any question please contact me.

Thank you,
Scott Pacheco, AICP
Hamburg Township
Planning

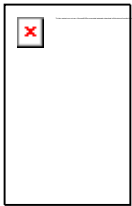
From: Jeff Wilkerson [<mailto:jwilkerson@voltagehomes.com>]
Sent: Wednesday, November 18, 2020 11:01 AM
To: Scott Pacheco <spacheco@HAMBURG.MI.US>; Amy Steffens <asteffens@HAMBURG.MI.US>
Subject: Murie Glen Preliminary Submission



[_2020_MURIE GLEN_SUBMISSION \(1\).pdf](#)



--



JEFF WILKERSON
COO • CO-FOUNDER
E: jwilkerson@voltagehomes.com
M: 989-529-5858

Amy Steffens

From: Pierce, Jeff (EGLE) <PierceJ2@michigan.gov>
Sent: Tuesday, December 1, 2020 11:16 AM
To: Scott Pacheco
Cc: Amy Steffens
Subject: RE: Murie Glen Preliminary Submission

Hi Scott,

Thank you for sending this over. I have the following comments regarding the proposed preliminary plan:

I have some serious concerns over the layouts shown for the Parallel Plan AS-01, as that layout would result in development right up to the wetland edge and removal of the natural forested buffer and slope along the wetland. While there are no direct impacts to the wetland in the parallel plan, the design would still result in secondary impacts and degradation of the wetland.

The base plan options all appear to maintain a natural buffer between the lots and the wetland (Thompson Pond). The main wetland impacts look to be the direct fills for the road and the storm water discharges to the wetlands from the retention/detention basins. Alternative layouts for the road to avoid wetlands should be considered if feasible. Retention/detention basins should be designed to meet first flush and to ensure that the development does not adversely impact water levels within the wetland.

Jeff Pierce
Environmental Quality Analyst
Water Resources Division, Lansing District Office
Michigan Department of Environment, Great Lakes, and Energy

517-416-4297 | piercej2@Michigan.gov
[Follow Us](#) | Michigan.gov/EGLE

From: Scott Pacheco <spacheco@HAMBURG.MI.US>
Sent: Tuesday, December 1, 2020 8:55 AM
To: Pierce, Jeff (EGLE) <PierceJ2@michigan.gov>
Cc: Amy Steffens <asteffens@HAMBURG.MI.US>
Subject: FW: Murie Glen Preliminary Submission

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Jeff:

Please see the electronic plans in the link below. This project was just submitted for preliminary site plan review please review the project and provide any initial comments on to me by December 13, 2020.

Again this is a preliminary site plan review of a PUD to allow a subdivision between Thompson Pond and Mystic Ridge. Final site plan review will be required if the preliminary site plan is approval. I imagine most of your comment will be

gathered at final site plan approval. It appears there are some regulated wetlands that this plan will be crossing or altering.

If you would like a hard copy of the plans please send me an email request with your name and address and the hard copy will be send directly to you. If you have any question please contact me.

Thank you,
Scott Pacheco, AICP
Hamburg Township
Planning

From: Jeff Wilkerson [<mailto:jwilkerson@voltagehomes.com>]
Sent: Wednesday, November 18, 2020 11:01 AM
To: Scott Pacheco <spacheco@HAMBURG.MI.US>; Amy Steffens <asteffens@HAMBURG.MI.US>
Subject: Murie Glen Preliminary Submission

[_2020_MURIE GLEN_SUBMISSION \(1\).pdf](#)

--

JEFF WILKERSON
COO • CO-FOUNDER
E: jwilkerson@voltagehomes.com
M: 989-529-5858

PHONE: 810-231-1000
FAX: 810-231-4295



Attachment C:
February 2, 2021
Township Board memo

P.O. Box 157
10405 Merrill Road
Hamburg, Michigan 48139-0157

Memorandum

To: Township Board of Trustees
From: Scott Pacheco
Date: February 2, 2021
Re: Preliminary Site Plan (SPA20-002) for a Mixed Planned Unit Development (20-001) at parcel 15-35-300-044.

LOCATION:

The 48.79-acre subject site (Parcel ID 15-35-300-044) is located between the Mystic Ridge subdivision to the west and Merrill Road to the east. The site is accessed via Thompson Pond Road, an existing improved private roadway, and a proposed connection to an existing unimproved stub of Shadbush Trail.

Location Map



PROJECT DESCRIPTION:

The proposed project will utilize the Mixed Planned Unit Development (MPUD) regulations (Section 14.5). The proposed project includes 47 to 51 single family homes and utilizes the Open Space (OSPUD) and the Elderly Cottage Housing Opportunity (ECHO) Planned Unit

Development regulations. Twenty (20) of the proposed units would be designated ECHO units as allowed under the ECHO PUD (Section 14.2) and 27 to 31 of the proposed units would be market rate single family units as allowed under OSPUD (Section 14.1).

The density of the project is determined by the ECHO and OSPUD regulations and is shown on the parallel plan; page AS-01 of the submitted plans (Exhibit A). The parallel plan includes a 20-unit ECHO development on 300,000 square feet in the northwest corner portion of the site. The remainder of the site is designed per OSPUD regulations for lots sized at 51,000 square feet. Because the 51,000 square-foot lot size was used in the parallel plan to determine the total number of units the OSPUD would allow on public sewer and while preserving 60 percent of the land used for the OSPUD portion of the MPUD as open space 27 OSPUD units would be allowed.

The developer is also requesting that the Planning Commission review the project and approve a density bonus between one and 15 percent for Exemplary Projects (Section 14.1.5), a request discussed on pages 19 to 21 of this report and in the applicant's density bonus request (Exhibit B). If the Planning Commission determines this project meets the requirements for an exemplary project and grants an additional one to 15 percent density bonus, it would increase the allowed number of units by one, two, three, or four units. This would increase the allowed number of OSPUD units to 28, 29, 30, or 31 units. The developer has provided layout plans on pages AS-02 to AS-06 of the submitted plans (Exhibit A) showing the project with the additional units.

The project also proposes 1,267,983 square feet of open space for 47 units to 1,218,643 square feet of open space for 51 units. Of the open space area approximately 88,000 square feet will be maintained for trails and park areas. The following chart provides a breakdown of the required open space base on the OSPUD and ECHOPUD requirements versus the proposed open space for the MPUD project:

<u>Required Open Space</u>	
OSPUD Lot Size	1,825,405
Required Open Space 60% *	1,095,243
ECHOPUD Lot Size	300,000
Required Open Space 15%	45,000
Total Open Space Required	1,140,243
Proposed Open Space MPUD	1,267,983-1,218,643**

* 60% open space and sewer hookup required to allow the parallel plan to use 51,000 square foot lot sizes in determining the density through the parallel plan.

**the square footage of the preserved open space decreases as the number of units increase from 47 to 51 units

The project will extend the utilities, roadways and pedestrian trails sidewalk systems from the Mystic Ridge development west of the site and the roadway will be extended to the end of Thompson Pond Road to the east for access to Merrill Road.

PROJECT HISTORY:

On November 30, 2020 the applicant submitted the initial draft of the preliminary site plan for the Mixed Planned Unit Development;

Planning staff sent the submitted information and plans to the Hamburg Township Public Works, Fire, and Accessors, the Livingston County Public Health Department and Road Commission and the State of Michigan Department of Environment Great Lakes and Energy for comments.

Staff also reviewed the originally submitted plans and met with the applicant to discuss the comments and discuss necessary requirements and changes to the submitted project plans.

On December 23, 2020 the applicant resubmitted the updated plan for preliminary site plan review for the Mixed Planned Unit Development.

On January 20, 2021 the Planning Commission held a public hearing for the project. At this public hearing 10 people spoke during the public comment period. Of the 10 people that spoke 9 had concerns with the project. The concerns included the following possible impacts that the project would have on the drainage, wetlands, traffic, property values, and the character and quality of life in the area. The Township Board can review the Public Comments either by reviewing the meeting minutes for the January 20, 2021 Planning Commission meeting (Attachment A) or by watching the January 20, 2021 Planning Commission meeting on the Township Website. The Planning Commission then allowed the applicant to present their project and reviewed the staff report and submitted materials (Attachment B and C) and made the determination that the project with conditions met the criteria for Preliminary Site Plan review and Mixed Planned Unit Developments. At this meeting the Planning Commission recommended approval (with a 6-1 vote) of the preliminary MPUD site plan with a 15 percent density bonus, as shown on plan page AS-06 (Attachment C), to the Township Board because the project as conditioned is consistent with the requirements of the open space, elderly cottage housing opportunity, and mixed planned unit development regulations under Article 14 and should be able to meet site plan review standards under article 4 of the zoning ordinance as discussed at the meeting tonight and presented in the staff report with the following conditioned of approval:

Condition 1: As a part of the final site plan review the project plan shall include the location of the road right-of-ways and how the property will be split under the proposed use. All information required by the Township Assessor will be required prior to issuance of a land use permit.

Condition 2: A more detailed landscape plan shall be included as part of the final site plan submittal. This plan shall address the required street trees and transition area landscaping (Section 9.4)

Condition 3: A sign plan for the proposed project signs shall be included as a part of the final site plan submittal.

Condition 4: A development agreement including master deeds and bylaws will be submitted for this project. This agreement will be reviewed by the Township Attorney. This agreement shall address the items regarding the dedicated open space for the project under Section 14.1.4 (H) 6, 7 and 8.

Condition 5: The applicant shall work with staff and an architectural committee made up of one or two PC members if deemed necessary, to prepare a more detailed guide book and finalize the home designs prior to final site plan approval.

Condition 6: Prior to the final MPUD the applicant will submit documentation for review by the Township Attorney that provides legal access, for the use of the roadways and utilities, through the Mystic Ridge Development and Thompson Pond Drive. Documentation of the ability to utilize the common well and water treatment facility of the Mystic Ridge Development for this project will also be required prior to the final MPUD approvals.

Condition 7: A road maintenance agreement shall be included within or as a separate document attached to the final development agreement. Also a cross access agreement that allows public use of the private roadways within the project will be required as a part of the final development agreement.

Condition 8: Prior to final site plan approval the property owner shall work with the schools and postal service to determine if a community bus stop or mail kiosk will be required. If they are required the applicant shall show them as a part of the final site plan. Also a cross access agreement that allows public use of the trails and sidewalks will be required as a part of the final development agreement.

Condition 9: The applicant shall work with Township Engineering the sidewalk widths. The developer may wish to consider the possibility of making the sidewalk out of a decomposed granite or another material that allows a more rural appearance and provides better drainage solutions, prior to the final site plan review.

Condition 10: Because the MPUD project include 20 ECHO units park benches shall be include along the trail systems to offer rest areas for the senior population of the project.

Condition 11: As a part of the final site plan approval, if it is not already, the applicant shall consider at least a four-foot wide shoulder on one side be included on the roadway that is extended over the wetlands to Thompson Pond Road to allow safer pedestrian traffic.

Condition 12: Prior to review of the final MPUD site plan the applicant shall submit a final MPUD site plan which contains all information required by Section 4.4.2 of the Township Zoning Ordinance and any required approvals from all appropriate local, county, state and federal agencies including, but not limited to, Hamburg Township Fire, Assessor, and Public Works Departments, the Livingston County Road Commission, Drain Commissioner, and Health Department; and the Michigan Department of Environment, Great Lakes and Energy. Some agency approvals are not required until prior to the issuance of the land use permit.

Condition 13: A traffic Study shall be submitted for the project as a part of the final site plan review.

RECOMMENDATION:

Township Board should consider the Planning Commission recommendation and public hearing comments and shall take action to approve, deny or remand the preliminary site plan for the mixed planned unit development back to the Planning Commission for further review.

Example Approval Motion:

Motion to approve the MPUD preliminary site plan (MPUD20-001 and SPA20-002) because the project as conditioned is consistent with the requirements of the open space, elderly cottage housing opportunity, and mixed planned unit development regulations under Article 14 and should be able to meet site plan review standards under article 4 of the zoning ordinance as presented by the Planning Commission recommendation, discussed at the meeting tonight and presented in the staff report. The project is approved with the 13 conditioned as recommended by the Planning Commission and presented in the staff report.

PROCESS NEXT STEPS:

If the Township Board approves the preliminary site plan for the MPUD:

The applicant shall submit a Final PUD site plan which contains all information required for site plan review under Section 4.5.6 of the Township Zoning Ordinance and approvals from all appropriate county, state and federal agencies, including, but not limited to, the Livingston County Road Commission, Livingston County Drain Commissioner, Livingston County Health Department and the Michigan Department of Transportation.

The Planning Commission shall review the submitted Final PUD site plan to insure compliance with all standards and criteria of the Hamburg Township Zoning Ordinance, the Master Plan, Village Center Master Plan, and the Southeast Livingston County Greenways Plan where applicable. The Planning Commission then shall take action to recommend approval or denial of the Final PUD site plan to the Township Board based upon compliance with the above referenced standards. The Planning Commission public meeting for final site plan review for a MPUD project is not required to be a public hearing.

Upon receipt of the report and recommendation of the Planning Commission, the Township Board shall review all findings. If the Township Board determines that approval would be appropriate, it shall work with the application and the Township Attorney to prepare a Development Agreement setting forth the conditions upon which such approval is based. Such conditions shall include, where appropriate, identification of the phases and time table for development, and an estimate of the costs of implementing each phase. The Township Board public meeting for final site plan review for a MPUD project is not required to be a public hearing.

After approval by resolution of the Township Board, the Development Agreement shall be executed by the Township and the applicant and recorded in the County records. Approval shall be granted only upon the Township Board determining that all qualification requirements, conditions of approval, and provisions of this and other Township Ordinances have been met, and that the proposed development will not adversely affect the public health, welfare and safety. Approval shall further be subjected to the condition that the contract will be properly recorded.

Attachments:

Attachment A: January 20, 2021 Planning Commission Meeting Minutes

Attachment B: January 20, 2021 Planning Commission Staff Report and Exhibits

Attachment C: Project Plan (11X17 Board Only)

Attachment D: Originally approved project plans can be found [here](#).

Amy Steffens

From: Danielle St. Pierre [REDACTED]
Sent: Sunday, March 14, 2021 1:56 AM
To: Amy Steffens
Subject: Fwd: Proposed Murie Glen Development

----- Forwarded message -----

From: Danielle St. Pierre [REDACTED]
Date: Sat, Mar 13, 2021, 9:12 PM
Subject: Proposed Murie Glen Development
To: <spacheco@hamburg.mi.us>

Hi Scott,

As my family was out and about enjoying our beautiful neighborhood today, we noticed the recent logging/clearing opposite where active construction is supposed to be occurring. This prompted some investigation as to the reason for this and boy did I uncover a very unsuspecting reason.

First of all, I am deeply disappointed that we received no notification of this. One would think that a purposed development that will be sharing utilities and infrastructure is something of importance that a community should be well informed of prior to the development of such. Also, I firmly believe our neighbors are unaware of this happening.

When we purchased our home, none of this future development was in the site plan or the HOA information. Therefore, we purchased this home knowing that Norfolk builders were building and Peter's were concluded their section, but a entire new development was never a thought. I actually don't see how this development can legally be included to using the infrastructure/utilities of our established neighborhood without a vote from our community members. For example, our community well was built for the planned number of units and not for the addition of 50-70 other units.

I would be happy to get a petition signed stating the opposition of Mystic Ridge in regards to this development. I also know the families in Thompson Pond and Centennial are also opposed to this. What do you need from your community members to effectively demonstrate the needs and desires of your current residents opposing such a change?

Sincerely,

Danielle St. Pierre