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**Hamburg Township
Planning Commission
Wednesday, August 18, 2021
7:00 P.M.**

1. CALL TO ORDER:

The meeting was called to order by Chairman Muck at 7:00 p.m.

Present: Bohn, Hughes, Muck & Muir

Absent: Hamlin, Leabu & Priebe

Also Present: Scott Pacheco, Township Planner & Chris Madigan, Planning & Zoning Administrator

2. PLEDGE TO THE FLAG: Chairman Muck led those present in the pledge to the flag.

3. APPROVAL OF THE AGENDA:

Motion by Hughes, supported by Muir

To approve the agenda as presented

VOTE:

MOTION CARRIED UNANIMOUSLY

4. APPROVAL OF MINUTES:

a) July 21, 2021 Planning Commission Meeting Minutes

Motion by Hughes, supported by Bohn

To approve the minutes of the July 21, 2021 meeting as presented

VOTE:

MOTION CARRIED (1 abstain)

5. CALL TO THE PUBLIC:

Chairman Muck opened the call to the public at 7:03 p.m. Hearing no public comment, the call was closed.

6. NEW BUSINESS:

- a) Final Site Plan Review (SP21-002) to consider a 29,950 square foot addition to the existing 61,600 square foot Kroger building at 9700 Chilson Commons Circle. The project will include improvements associated with the expansion such as additional parking and landscaping. Also included is the relocation of the existing detention basin and flood plain mitigation area for the Chilson Commons Shopping Center, proposed grading on unit 9 to store soils associated with the construction and requests an additional 49.5 square foot of signage on the existing freestanding Kroger sign, which requires approval of a sign waiver.

Planner Pacheco gave a brief description of the project which is a 29,950 square foot addition to the existing 61,600 square foot building. In August 2020, the Township Board approved an amendment to the HPUD agreement which created the proposed Unit 11 which was to be used as expansion of the use of Unit 1. This proposal is that expansion. As part of that agreement, the common space parcel was extended to the east to allow for the shifting of the detention basin. He further explained that we will require the floodplain mitigation area to be relocated onto parcel 3. He explained the floodplain mitigation area. He reviewed the Zoning Ordinance requirements and stated that this meets those requirements or the HPUD requirement. He discussed his review letter and aspects of the plan including landscaping, parking, lighting, setback requirements, etc. He discussed his concerns with the project including grading, removal of trees for the berm, and vegetation on unit 9 prior to development of that unit. He stated that we received initial comments about the site plan from our engineer, utilities and police, fire department, drain commission, and other interested agencies. The local department comments are fairly minor. We do not know MDOT comments or Environmental Great Lakes and Energy comments at this point. The applicant will have to get those approvals. He discussed some of the comments and stated that all of those approvals will have to be submitted prior to the Land Use Permit issuance. Pacheco discussed the request for sign waiver. He stated that our Sign Ordinance allows approval above and beyond what is allowed in the Sign code as long as you can meet certain standards. The site is a large site along M-36 and currently has two free-standing signs, which is minimal, and he believes that they do meet the waiver requirements. He described the proposed sign.

Mr. Bill Watch, applicant, stated that Kroger Corporation owns that store and he and his partner own the adjacent land within the shopping center. He addressed the berm on Unit 11 and the fact that Kroger would not object to additional landscaping. This was put in for additional site and lighting screening. They would work with staff to include what they feel is appropriate. He stated that the shopping center is 20 years old and described the recent additions to the center. He stated that signage has always been a problem at the center and feels that adding the second panel is something that is needed to accommodate the new businesses. He discussed the grading on Unit 9 and stated that they have a user that is interested, which is a carwash. He discussed the parcel between unit 9 and the gas station and stated that when graded, it will be level. He stated that MDOT has asked for a "trip-generation study" which is in the works. Pacheco further discussed the access onto a MDOT right-of-way and their approval.

Commissioner Bohn stated that he agrees with the increased signage with the conditions cited by staff.

Discussion was held on the wetland area and floodplain mitigation. Discussion was held on the temporary placement of dirt rather than hauling off site.

Commissioner Bohn indicated that there should be a bike rack added. It was stated that currently there is a bike rack by the trail. Discussion was held on the need to have a rack at the Kroger.

Discussion was held on the internal turning circle. Mr. Watch stated that they have no plans on changing it. This was a requirement of the Commission 20 years ago. Further discussion was held on traffic flow. Pacheco discussed the engineer's comments.

Further discussion was held on the removal of trees on Unit 9 and the potential timing of the development on this site. Discussion was held on requiring a tree study. Discussion was held on eliminating the need to move the dirt twice for this site.

Discussion was held on the signage. Commissioner Hughes discussed putting the Kroger name at both entrances and simply using "Chilson Commons" rather than naming all of the individual businesses. Mr. Watch stated that the biggest demand they have gotten from their tenants is that they want the signage to be seen from the road. Discussion was held on the need for the additional six spaces to accommodate all of the units in the center.

Discussion was held on the addition of the carwash and the design attempts to incorporate unit 9. Further discussion was held on the need to fill for any development.

Further discussion was held on the circular intersection. Commissioner Hughes stated that she feels that it should be a four-way stop. Mr. Watch stated that he is going to deal with the traffic issues. Pacheco stated that it is an engineering item, not a police item.

Commissioner Hughes stated that she is concerned about the residential homes across M-36 and wonders if the berm and trees are going to be enough to protect those four homes. Mr. Watch stated that there is a 50 foot buffer that currently exists with mature pine trees. They are proposing a berm behind those that will cut off the site line and lighting to completely screen from those neighbors and will also act as a sound barrier. They have indicated that they will work with staff to add some landscaping as well. Pacheco discussed the removal of trees that is allowed under the HPUD agreement. He does not think that landscaping is necessary on that berm. He further discussed the proposed landscaping and the existing trees.

Discussion was held on the detention pond. The question was asked if there is a berm around the existing pond. Mr. Watch stated that there is not. Discussion was held on the required berm on the proposed pond.

Discussion was held on the EGL review and their requirements for tree removal, etc. affecting bats and other wetland animals. Pacheco stated that they are just changing the location not eliminating it.

Discussion was held on the plan needing to reflect the correct date. Further discussion was held on staff working with the developer on the preservation of some of the trees along the west property line and along M-36.

Chairman Muck gave a re-cap of the concerns of the Commission including the traffic circle, berm and grading. He further stated that he feels that we should maintain the buffer zone but does understand that the future development is a deciding factor. He would be satisfied with staff working with the developer. He is also in favor of the sign as proposed.

Discussion was held on pedestrian access and pedestrian movement on the site including providing a bike rack and other discretionary standards.

Discussion was held on two motions being required. One is for recommendation of the site plan to the Township Board, and the other is for the sign waiver. It was stated that both would have to pass with all four votes of the members present.

Discussion was held on the landscape island that would run through the center of the parking, perpendicular to Kroger. Further discussion was held on additional sidewalks that could be added with future development of the site.

Motion by Muir, supported by Bohn

That the Planning Commission recommends approval of the final site plan to the Township Board because the project as conditioned meets 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 conditions:

1. Except where used for security purposes, all outdoor lighting fixtures, existing or hereafter installed and maintained shall be turned off between 11:00 p.m. and sunrise, except when used for commercial and industrial uses, such as in sales, assembly and repair areas, where such use is open for business after 11:00 p.m. but only for so long as such use is open for business. Businesses with light fixtures used for security purposes are encouraged to use a motion detection device which is directed to detect motion within the property.
2. Prior to approval of a land use permit, the applicant shall receive any required approvals from all appropriate local, county, state and federal agencies including, but not limited to, Hamburg Township Fire, Assessor, and Utilities Departments, the Michigan Department of Transportation, Livingston County Drain Commissioner, and Health Department; and the Michigan Department of Environment, Great Lakes and Energy.

3. If tree clearing is required, it will be conducted within the period from October 3 to March 31 to avoid potential adverse effects to specific bat species.
4. The assessor has not yet processed the new parcel lines based on the lot lines shown in the August 2020 approved HPUD site plan amendment. This will be required prior to issuance of a permit for this project. All construction except for the creation of the floodplain mitigation area shall be outside of parcel 2.
5. The developer and staff will work jointly on a tree plan for unit 9 prior to any backfill of soils.
6. A bike rack will be included in the Kroger area.

ROLL CALL VOTE: Yeas: Bohn, Hughes, Muck & Muir

Nays: None

Motion by Bohn, supported by Muir

That the Planning Commission approves the sign waiver to allow 49.5 additional square foot of signage on the existing freestanding Kroger sign at the eastern entrance to the shopping center because as conditioned the sign will meet the sign waiver standards under section 18.11 of the Zoning Ordinance as discussed at the meeting tonight and presented in the staff report with the following conditions:

1. Illuminated signs shall be equipped with a functional timer control. Signs shall not be illuminated after 10:00 pm or one half (1/2) hour after the use of the site ends for the day, whichever is earlier, nor before 6:00 am or one half (1/2) hour before the beginning of the use of the site for the day, whichever is later.
2. Future Tenant Signs shall receive a land use permit prior to installation.

ROLL CALL VOTE: Yeas: Bohn, Hughes, Muck & Muir

Nays: None

The question was asked if Kroger will remain open during construction. Mr. Watch stated that it would remain open

7. ZONING ADMINISTRATOR'S REPORT:

Chris Madigan, Planning & Zoning Administrator, stated that we are losing our Zoning Coordinator. Brittany will be moving on to another position. They did conduct interviews today and would suspect that the person for the job is among that group.

Madigan stated that we discussed the proposed carwash at Chilson Commons and would suspect that we should receive the proposal in the fall. He further discussed upcoming projects. Pacheco stated that we have not appointed an Architectural Review Committee for Murie Glen Subdivision which was part of their preliminary site plan approval. The consensus was that Commissioners Leabu and Muir be appointed to that Committee.

Madigan discussed the table of uses that Scott Pacheco has been working on for the Zoning Ordinance. This should be a topic of discussion at the September meeting.

Discussion was held on the recent census data released showing the different demographic changes, etc. Further discussion was held on the census data.

8. ADJOURNMENT

Motion by Bohn, supported by Muir

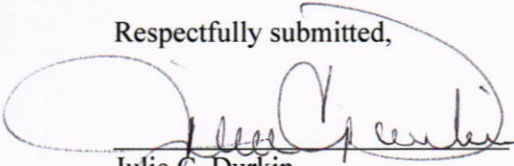
To adjourn the meeting

VOTE:

MOTION CARRIED UNANIMOUSLY

The Regular Meeting of the Planning Commission was adjourned at 8:22 p.m.

Respectfully submitted,



Julie C. Durkin
Recording Secretary

The minutes were approved as presented/Corrected: _____



Jeff Muck, Chairperson