

# HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED MEETING MINUTES

February 9, 2023– 7:00 PM

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1. **Call to Order:** Vice-Chair Mitchell called the meeting to order at 7:00 p.m.
2. **Pledge of Allegiance:**
3. **Roll Call and Recognition of Visitors:**  
Present – Commissioners Eckman, Grissim, Mayer, McMullen, Mitchell, Murphy  
Absent – Chair Fox
4. **Approval of the Meeting Agenda:**  
**A Motion to approve the February 9, 2023 Planning Commission Meeting Agenda was made by Commissioner Grissim and seconded by Commissioner McMullen. Motion carried unanimously.**
5. **Approval of Meeting Minutes:**
  - a. Planning Commission Meeting Minutes of January 26, 2023  
**A Motion to approve the Planning Commission Meeting Minutes of January 26, 2023 was made by Commissioner Eckman and seconded by Commissioner Murphy. Motion carried unanimously.**
6. **Call to the Public:**  
None
7. **Public Hearing**
  - a. Rezoning Application #23-001 (Bergin Road and Old US-23) request to rezone 158.8-acre undeveloped parcel located west of Old US-23 and south of Bergin Road from CA Conservation Agriculture to LI Light Industrial.

**Vice-Chair Mitchell opened the Public Hearing at 7:05 PM stating all public notice requirements for the Public Hearing have been met.**

Director Langer gave an overview of the location and scope of the request stating the following:

- Located west of Old US-23 and south of Bergin Road.
- 158.8 acres
- Request to rezone from CA Conservation Agriculture to LI Light Industrial.
- No proposal or development plan was provided but even if there were, the Planning Commission needs to consider all of the permitted uses, not only the one submitted as a concept.
- This is the first step in a Rezoning request. After the Public Hearing at the Planning Commission, the Planning Commission offers a recommendation to the Township Board. The request will also be heard by the Livingston County Planning Commission, and they will make a recommendation. The last step is that the request be heard and ultimately decided by the Township Board.

The Applicant, Tom Kalas representing Szerene Land, LLC introduced himself to the Planning Commission and stated the following:

- Proposing rezoning from CA to LI
- Feels this is the appropriate zoning because of the flexibility of uses under the LI Light Industrial zoning district.
- Today's economy demands uses that can be found in the LI district.
- Not marketable or economically feasible under the current zoning.
- Current Conservation Agriculture zoning calls for large lots for residential use.
- Future Land Use Map calls for Medium Density Urban Residential, single-family detached housing, 12,000 square foot lots roughly eighty (80) by one-hundred fifty (150) foot lots; these lots in today's marketplace are not in demand as it is currently extremely expensive to build a house on an eighty (80) foot wide lot.
- Light Industrial lots are selling, and the zoning ordinance allows many different uses and special land uses.
- Everything has changed from three years ago due to the pandemic.
- Feel LI is the appropriate zoning district for this property.

**Call to the Public**

- Maik Lauterbach President of Meadowview Estates HOA: does not support the rezoning, asked for data to support the lack of demand for housing. Feels there is a demand for residential housing development in this area.
- No name given, Hartland Township; does not support the rezoning, also feels there is a demand for residential housing. Concerns for future housing values for some of their development's nicest houses, also concern for wells and drinking water.
- Maik Lauterbach; confirmed there are two houses recently finished in their subdivision and another planned to be built indicating there is a demand for residential housing in this area.
- Nick Saroli, Hartland Township; does not support the rezoning, expressed concern for what could be built there under LI. Also has concerns for Blaine Lake.
- Jerry Millen, Hartland Township; does not support the rezoning, expressed concern for what could be built.
- Michael Martz, Howell; mother lives in Meadowview Estates, does not support rezoning, believes we need more land for residential development, sees a need for more residential properties to bring the other businesses in.
- Katheen Damico, Hartland Township; does not support the rezoning, feels residential development would be a better source of tax revenue than commercial.
- Aaron Krese, Hartland Township; does not support the rezoning, wants to keep the rural character of Old US 23, expressed concern for the wildlife and the wetland areas. Thinks this property should be in a conservation district.
- Frank Damico, Hartland Township; Meadowview Estates is one of the most desirable subdivisions in Livingston County, would prefer to see residential development, does not support the rezoning.
- Dave Willacker, property owner of Hartland Commerce Center; recently developed a Medium Density Residential development to the south at Old US 23 and Hyne Roads, Brighton Township. Stated there is a strong demand for that sort of residential development. Also developed Cobblestone Preserve with several amenities to support and encourage the rural

character of the area. Does not support the rezoning as there are so many uses that could take place that may not be best for this area.

- Russel Long, Vice-President for Pleasant Valley Home Owner's Association, Hartland Township; stated there is a demand for houses in this area, removing this property from a Medium Density Residential FLUM designation seems like a mistake, has concerns for spring-fed waterbodies in the area, does not feel it is the best use of the land.
- Jason Shippy, Hartland Township; moved to the Meadowview Estates for the rural character and feels this change would not be good for the area, concerned about possibility of noise pollution from Light Industrial uses.
- Allison Stoecker, Hartland Township; new to the area, took three years to be able to purchase a house where they wanted to be, a unique area, concerned this rezoning would cause this area to lose something special.
- Michael Hall, Hartland Township; stated he speaks for everyone present, they do not want this rezoning and all the headaches that go with living near Light Industrial uses. He has concerns for the environment.

**Vice-Chair Mitchell closed the Public Hearing at 7:41PM**

**Zoning Map Amendment Criteria (Section 7.4.3)**

*Section 7.4.3.A. Consistency with the adopted Comprehensive Plan (2020-2021 Comprehensive Plan Amendment).*

Vice-Chair Mitchell stated the proposed rezoning request, to rezone the property to LI (Light Industrial), is not consistent with the FLUM and Comprehensive Plan which designates the property as Medium Urban Density Residential.

*Section 7.4.3.B. Compatibility with the site's physical, geological, hydrological and other environmental features.*

Vice-Chair Mitchell stated the property consists of wetland areas, open fields, and wooded areas. A natural features inventory has not been completed at this point to verify wetland areas on the site.

*Section 7.4.3.C. Reasonable return on investment with current classification of CA.*

Vice-Chair Mitchell stated the Applicant has not provided any documentation to support their claim that the property is not marketable under the current zoning or what uses they have planned.

The Applicant responded stating the following:

- He understands the size of the parcel and beauty of the area cause concern for the residents.
- Cannot build a subdivision and incur all of the development costs on 158 acres for a profit; would go bankrupt within two years.
- This property has been marketed for years for residential use by experienced developers with no interested buyers.
- Two years ago, his client sold 14 acres on the east side of Old US 23 for industrial use.
- In other townships and counties what is being sold and built on currently is mini-storage, Light Industrial, buildings for research and technology, other Light Industrial uses contained wholly within the building; not heavy Industrial type uses but uses that are compatible with the area.
- To the north, Light Industrial property; to the east, Industrial property. If developed for residential, it would be abutting those uses, which would not be marketable.

- There is a significant forest area, approximately 100 feet, and wetland areas buffering both sides of the property between the subdivision and this parcel.
- Hartland Township Zoning Ordinance provides adequate buffering and screening between Light Industrial properties and Residential properties.
- If it were ten (10) or fifteen (15) acres, it would have been developed as Residential.
- The size, 158 acres, needs the flexibility of uses provided in the Ordinance for Light Industrial to make it economically feasible.
- If one cannot use one's land under the current zoning, it is considered a "taking" which is illegal.
- It needs to be rezoned to be marketable and sell.
- In the future, someone may come along with a concept to building homes on the western side; if it is vacant, that could happen.
- Currently zoned CA they are limited to large two-acre lots, the FLUM calls for Medium Density which are 80 foot wide single family detached lots, cannot even build duplexes,
- What is selling is technology, banks, restaurants; uses that are marketable and feasible in today's and the foreseeable future market.

*Section 7.4.3.D. Compatibility of all potential uses allowed in the proposed LI District with surrounding uses and zoning.*

Vice-Chair Mitchell stated he believes that has been covered by the comments from the Applicant.

*Section 7.4.3.E. Capacity of infrastructure and other public services and street system.*

Vice-Chair Mitchell stated this parcel has neither sewer nor water available on site; it ends at Bergin Road and may be able to be extended but no public water is available. Also, Old US 23 is under the jurisdiction of the Livingston County Road Commission but there has not been a traffic study to indicate if these roads could adequately support permitted uses in the LI (Light Industrial) zoning category.

Director Langer stated regarding the public sewer options, this property is outside of the urban service district. A capacity study would need to be completed, and the Township is currently reaching its peak limit on available REUs. The likelihood of sewer being extended is not very good. There is a memo from the Department of Public Works Director included in the packet.

*Section 7.4.3.F. Capability of the street system to accommodate the expected traffic generated by uses allowed in the requested zoning district.*

Vice-Chair Mitchell reiterated there has not been a traffic impact statement completed for this property so that would still be unknown.

*Section 7.4.3.G. Apparent demand for uses permitted in the requested zoning district.*

Vice-Chair Mitchell stated again the Applicant spoke to this earlier, but as mentioned before, the requested zoning is not compatible with the FLUM. There is a sizable quantity of land available in the Township for Light Industrial or Planned Industrial Research and Development (PIRD).

*Section 7.4.3.H. Ability to comply with zoning regulations.*

Vice-Chair Mitchell stated without further information the Township cannot determine if the property is sufficiently large enough to accommodate Light Industrial development outside of any regulated wetlands on the property.

*Section 7.4.3.I. Appropriateness of the requested zoning district.*

Vice-Chair Mitchell stated the FLUM indicates other areas of LI available.

*Section 7.4.3.J. Amendment of permitted or special uses versus rezoning.*

Vice-Chair Mitchell stated there is a wide variety of uses permitted in LI zoning.

*Section 7.4.3.K. Exclusionary and Spot Zoning Issues.*

Director Langer stated it is good to have the comments shared tonight but there is a long history of case law where if municipalities do not follow their own rules and procedures, the court system can take control and neither the Township nor the residents have a say in the outcome. The Planning Commission is diligent about sticking to the criteria regarding a rezoning request; one of the criteria is the resulting rezoning would not result in exclusionary or spot zoning.

Commissioner Eckman commented he is not in favor of this rezoning based significantly on the Future Land Use Map and he does not feel he has the expertise to say whether or not something is more marketable with a different zoning; he would need to see more data to support the current zoning or FLUM category limiting the property owner's use or a "taking."

Commissioner Murphy stated he agrees with Commissioner Eckman and that a lot of time and effort went into modifying the Future Land Use Map in 2021, and this property is properly listed and planned for a future Residential use. He appreciated the residents who came forward to share their comments.

Commissioner Mayer stated he also agrees with what has been said; the Zoning Map and Future Land Use Map were heavily reviewed recently. This has caused undue stress to the neighboring residents here today and he does not support the proposed rezoning.

Commissioner Grissim stated she had nothing more to add other than as said previously, there is not enough data to make the kind of change requested. The Planning Commission worked hard on the Comprehensive Plan trying to be fair and represent what Hartland Township is about, what the needs are. This is not what all the professionals we worked with told us. She feels it should remain as currently zoned.

Commissioner McMullen stated she would echo what has been said and feels not enough information was provided as to the intent of the Applicant.

The Applicant stated the data is there is a large tract of land sitting undeveloped. If it were able to be developed as it is, it would have been. As far as marketability, it is sitting vacant; that should tell you all you need to know.

**Commissioner Grissim offered the following MOTION:**

**The Planning Commission Recommends Denial of Rezoning Application #23-001 based on the following findings:**

- 1. The requested rezoning of the subject property from CA (Conservation Agricultural) to the LI (Light Industrial) zoning classification is not consistent with the Township's**

**Comprehensive Development Plan, which indicates the property should be developed as Medium Urban Density Residential.**

2. **The requested rezoning of the subject property from CA to the LI zoning classification would further extend the Township’s intended Light Industrial development farther into existing and future residentially developed areas.**
3. **The site is not adequately serviced by services such as water and sanitary sewer which would better suit the uses permitted in the LI (Light Industrial) zoning district.**
4. **The requested rezoning of the subject property to LI (Light Industrial) will decrease the amount of land designated as Medium Urban Density Residential on the 2020-2021 Amendment to the Hartland Township Future Land Use Map (FLUM), by approximately seventeen percent (17%).**

**Seconded by Commissioner Murphy. Motion carried unanimously.**

**8. Call to the Public:**

- Maik Lauterbach, Hartland Township; stated he feels the problem with the property is not only the difficulties of the last few years but also the price is too high for the amount of land that can be used and developed due to the wetlands.
- No name given; Hartland Township; feels there is no reason why this property cannot be developed with large lots as others in the area have been.
- Aaron Krese, Hartland Township; stated it is important for the community to be involved and continue to be involved.
- Jerry Millen, Hartland Township; feels property overpriced. Should not give them a blank check without a plan.
- Katheen Damico, Hartland Township; stated there are housing developments being constructed right off Old US 23 farther south.
- No name given; asked what the next steps in the process are. Director Langer explained the request will next be heard in front of the Livingston County Planning Commission and eventually the Hartland Township Board will make the final decision. The audience member went on to say she appreciated Commissioner Murphy’s comments and referenced the lack of development in Hartland Towne Square due to needing more “rooftops.”

**9. Planner Report:**

Director Langer reported the following:

- Upon request from a Planning Commissioner, the Director explained the history of the Township sanitary sewer system and the rapidly approaching REU limit. The Planning Commission discussed the ramifications of reaching the REU limit and what options may be available for future projects.
- Joint Meeting with the Township Board, the Planning Commission and the Township Attorney is currently being planned but a date has not been finalized.

**10. Committee Reports:**


Director Langer stated the Ordinance Review Committee is reviewing a Solar Farm Ordinance.

**11. Adjournment:**

**A Motion to adjourn was made by Commissioner Eckman and seconded by Commissioner Murphy. Motion carried unanimously. The meeting was adjourned at approximately 8:32 PM.**

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February 9, 2023 – 7:00 PM

Submitted by.

A handwritten signature in blue ink, appearing to read "Tom A. Murphy". The signature is stylized and cursive.

Tom Murphy  
Planning Commission Secretary