

HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED MEETING MINUTES

September 10, 2020 – 7:00 PM

1. **Call to Order:** Chair Fox called the meeting to order at 7:00 p.m.
2. **Pledge of Allegiance:**
3. **Roll Call and Recognition of Visitors:**
Present – Commissioners Fox, Grissim, LaRose, Mitchell, Voight
Absent – Commissioners Colaianne, Murphy
4. **Approval of the Meeting Agenda:**
A Motion to approve the September 10, 2020 Planning Commission Meeting Agenda was made by Commissioner Mitchell and seconded by Commissioner Grissim. Motion carried unanimously.
5. **Call to the Public:**
None
6. **Public Hearing:**
 - a. Site Plan with Special Land Use Application #20-009 (Undercoating Business); a request to establish an undercoating business as a special land use, at 10055 Bergin Road, in Hartland Commerce Center.

Chair Fox opened the Public Hearing at 7:03 PM.

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

- Part-time leading to full-time if successful.
- Customers would bring the vehicle to the site for application. A vehicle may be parked for a short time in the parking lot.
- Based on the applicant's explanation, the proposed business is undercoating cars and trucks using NH Oil as the rust-proofing product. NH Oil undercoating is a toxic-free, non-flammable, environmentally safe lanolin-based product, per the applicant
- Proposed undercoating process is similar to rust-proofing which is listed as an activity associated with Automobile Repair-Major which is only permitted by Special Use Permit and requires the approval of the Township Board.
- Using existing building, not altering the site or the site plan but will have a brief Site Plan Review tonight as well.

The Applicant, John Partyka, introduced himself and stated the following:

- Described the process.
- Product as plant & animal based, essentially organic.

Public Comment:

Wally Haley, of Haley Law Firm representing H & G Site Development the abutting unit, stated the following:

- Special Use approval in Light Industrial is required for a reason, must be harmonious with the surrounding uses which are mostly office or warehouse.
- Product is an oil; all oil comes from an organic plant source.
- Materials Safety Data Sheet information warns of contact with skin, eyes, and release into the environment. We are the environment.
- The buildings were not constructed to provide barriers from toxic materials to the east or to the west. The walls are drywall with no odor protection.
- Believes there is a better location for this use such as a structure with masonry walls.
- Does not think there is enough information to ensure this use is harmonious with existing uses.
- Would like the applicant to provide more information as to how he would protect the surrounding units and their personnel.
- Asking for the following:
 - non-permeable barrier for the walls
 - interior ventilation system that would filter out contaminants within the units
 - exterior filter system that would prevent any material from going on vehicles in the shared parking area
 - pollution liability coverage policy
 - Surety Bond in case the business fails to cover cleanup of the unit
- Believes these are not Building Department issues but Special Land Use issues and should be handled at this level.

Dan Eiden, unit owner, stated the following:

- Feels this is an issue of resistance to change.
- Existing businesses were aware of the building's materials and limitations when they came in. It was their option to be in a free-standing building, but they chose this type of structure with these types of uses.
- Concerned about the use of the word "toxic" and the information shared to the other occupants.
- Does not have concern about overspray impacting and permeating the walls.
- Does not have a concern about the harmonious nature of this use, does not feel it will negatively impact anyone's health and does not see a need for pollution liability coverage.
- Trying to sell his unit, process has been a long one, never anticipated those kinds of obstacles.

Tim Belt, another unit owner in the complex, stated the following:

- Feels it is reasonable to ask how the oil will be contained and if it will be present outside the unit.
- Overnight parking is prohibited; wants to know if there will be any vehicles left overnight.

Chair Fox closed the Public Hearing at 7:25 PM.

Chair Fox referred to the staff memorandum.

Special Land Use Review – General Standards

Section 6.6

- A. Be harmonious and in accordance with the objectives, intent, and purposes of this Ordinance.
- B. Be compatible with the natural environment and existing and future land uses in the vicinity.
- C. Be compatible with the Hartland Township Comprehensive Plan.
- D. Be served adequately by essential facilities and public services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
- E. Not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, person, property, or the public welfare.
- F. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

SPECIAL LAND USE REVIEW – Applicable Site Standards

Automobile Repair-Major (Section 4.59)

1. Repair Facility.

The Applicant stated he has consulted with the Livingston County Building Department (LCBD) about the undercoating product and required ventilation. The LCBD made a recommendation the ventilation system be .75 cfm per square foot of the warehouse space. Chair Fox asked if the product has much of an odor. The Applicant stated it has a citrus scent. Chair Fox asked about the location of the ventilation system. The Applicant stated it would most likely go through the roof which will be reviewed and approved by the Building Department. Commissioner Mitchell asked if there would be a filter. The Applicant stated the Building Department did not say it was required but he is not against it.

Chair Fox asked Director Langer to give an overview of the permitting process once the Special Use Permit is reviewed and approved by both the Planning Commission and the Township Board. Director Langer stated they would then apply for a Land Use Permit reviewed administratively for the new business and any interior changes. Once that is issued, they would go to the LCBD for Building/Mechanical/Electrical/Plumbing permitting. The Building Department and the Fire Authority would be the two entities involved in approval of a ventilation system.

2. Outdoor Storage.

Chair Fox asked about outdoor storage. The Applicant stated this is by appointment only and there would not be any outdoor storage. No products would be stored outside.

3. Grades.

The proposed business is located within an existing building in the Hartland Commerce Center and site changes such as grading are not proposed.

4. Vehicle Sales and Storage.

The Applicant stated there may be a drop box with early bird drop off.

5. Groundwater Protection.

Chair Fox asked about the Pollution Incidence Protection Plan (PIPP). The Applicant stated he has been in discussion with the Fire Department and will provide one.

SITE PLAN REVIEW – Applicable Site Standards

Chair Fox stated there are no changes proposed to the site, so a full Site Plan Review is not required. Director Langer stated they provided parking requirements and there is more than sufficient parking for this use.

Commissioner LaRose wanted to ensure Genesee County be included in the subject to other agency's approvals requirement as they handle commercial sewer. The Applicant stated he has already filed the required form with their office.

Chair Fox asked if this is a new product/process. The Applicant stated it is rather new. He was looking to get undercoating on his new vehicle and learned about this product. Chair Fox asked how long the process takes. The Applicant stated it takes approximately one hour. Chair Fox asked if it is purchased in a large container. The Applicant stated it is sold in five (5) gallon buckets and applied with a pump style gun. Chair Fox asked if it drips onto the floor. The Applicant stated it does not; once it is applied it sticks. He has no concerns for floor cleanup. Chair Fox asked what the other companies do for waste cleanup. The Applicant stated he will do whatever is required to properly dispose of waste. Other companies use sawdust and dispose of it in the trash.

Commissioner Voight stated he watched the YouTube video for this product and the technician did not wear a mask, he sometimes wore goggles when doing close work. The only mist that he saw was when he was working under the vehicle. It seemed more like a spray paint. He is comfortable with it. The Applicant stated there are a variety of nozzles and implements available to access all parts of a vehicle.

Chair Fox asked Director Langer to show the allowed uses and special uses in LI Light Industrial shown in the zoning ordinance.

The Planning Commission discussed Light Industrial uses.

Commissioner Voight stated regarding the harmonious nature of this use, this complex has many different uses and one is a car repair, this use is listed as a use with a special use permit. Chair Fox agreed it belongs in this category. The uses listed are quite varied. Chair Fox stated the ventilation is really a Livingston County issue; their standards will need to be met. To his recollection, the Township has never required a pollution liability coverage policy and there are oil change businesses operating in the Township.

Commissioner LaRose clarified the status of the PIP, that, according to the Applicant, has not yet been provided. The Applicant stated he was unsure; he filled out a lot a paperwork. Chair Fox agreed the language for finding #5 should be changed to “will provide”.

Commissioner Voight offered the following Motion:

Move to recommend approval of Site Plan with Special Land Use Application #20-009, a request to establish an undercoating business as a special land use, at 10055 Bergin Road, in Hartland Commerce Center. The recommendation for approval is based on the following findings:

- 1. The proposed special land use, undercoating, meets the intent and purposes of the Ordinance as well as the specific Special Use standards outlined in Section 6.6 (Special Uses) and Section 4.59 (Automobile Repair-Major), as undercoating is permitted as a special land use in the LI-Light Industrial zoning district.**
- 2. The proposed use is compatible with the existing and future land uses in the vicinity and is consistent with the plans previously approved by the Township for Hartland Commerce Center.**
- 3. The proposed use is compatible with the Hartland Township Comprehensive Plan, which designates this area as Planned Industrial Research and Development (PIRD). The intent of this designation is to accommodate light industrial land uses which are similar in nature to those currently permitted in LI Light Industrial zoning.**
- 4. The proposed undercoating business is located in an established development, the Hartland Commerce Center, which is currently served by public sewer and private well. The proposed use will be adequately served by existing essential facilities and public services, and the Fire Department has no objection.**
- 5. The proposed use will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, or the public welfare. The undercoating process takes place in a fully enclosed building, and the applicant will provide a Pollution Incident Prevention Plan (PIPP) to the Fire Department.**
- 6. The proposed use will not create additional requirements at public cost for public facilities as the commerce center, where the proposed business is located, is currently served by public sewer and private well.**

Approval is subject to the following conditions:

- 1. The proposed Special Land Use, undercoating, is subject to approval by the Township Board.**
- 2. The applicant shall adequately address the outstanding items noted in the Planning Department’s memorandum, dated September 3, 2020. Revised plans if necessary, shall be subject to an administrative review by the Planning staff prior to the issuance of a land use permit.**
- 3. A land use permit is required for the proposed special land use.**
- 4. Applicant complies with any requirements of the Department of Public Works Director, Township Engineering Consultant (HRC), Hartland Deerfield Fire Authority, and all other government agencies, as applicable.**

Commissioner Mitchell seconded. Motion passed unanimously.

7. **Old and New Business:**

None

8. **Call to the Public:**

None

9. **Planner Report:**

Director Langer reported the following:

The Township Code Enforcement Officer has retired, and we are seeking applicants.

10. **Committee Reports:**

None

[Brief Recess] 7:51 PM

11. **Work Session:**

Call to Order

Chair Fox reconvened the meeting at 8:00 PM

Roll Call

Present – Commissioners Fox, Grissim, LaRose, Mitchell, Voight

Absent – Commissioners Colaianne, Murphy

Call to the Public

None

a. Future Land Use Amendments – Hartland Glen Golf Course

Planning Director Langer gave a brief overview of the Future Land Use Map designation for the Hartland Glen Golf Course property and the proposed Redwood development. There was a brief discussion on the density and how the current Redwood development does not comply with the current density requirements of the PD (Planned Development) regulations.

Director Langer outlined options for the Planning Commission to consider if the Planning Commission desired to make an amendment to the Future Land Use Map designation for the Hartland Glen property.

The Planning Commission discussed the existing sanitary sewer availability and the potential of municipal water being made available to this site.

The Planning Commission also discussed the existing site characteristics and the wetlands and natural features that exist on the property. Additional discussion focused on more dense development at the northern portion of the site and less dense development to the south,

where the property abuts more rural areas. The Planning Commission also discussed keeping the density and development compatible with the surrounding areas.

The Planning Commission agreed to initiate an amendment for the future land use map amendments and comprehensive development plan updates and changes, as discussed.

12. Adjournment:

A Motion to adjourn was made by Commissioner LaRose and seconded by Commissioner Grissim. Motion carried unanimously. The meeting was adjourned at approximately 8:40 PM.

Submitted by,

A handwritten signature in black ink that reads "Keith R. Voight". The signature is written in a cursive style with a horizontal line through the middle of the name.

**Keith Voight,
Planning Commission Secretary**