

HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED REGULAR MEETING MINUTES

June 10, 2021 – 7:00 p.m.

1. **Call to Order:** Chair Fox called the meeting to order at approximately 7:00 p.m.
2. **Pledge of Allegiance:**
3. **Roll Call and Recognition of Visitors:**
Present – Commissioners Fox, Grissim, McMullen, Mitchell, Murphy
Absent – Commissioners LaRose, Voight
4. **Approval of the Agenda:**
A Motion to approve the June 10, 2021 Planning Commission Regular Meeting Agenda was made by Commissioner Grissim and seconded by Commissioner Murphy. Motion carried unanimously.
5. **Approval of Meeting Minutes**
 - a. **Planning Commission Minutes of April 8, 2021**
A Motion to approve the April 8, 2021 Planning Commission Regular Meeting Minutes was made by Commissioner Mitchell and seconded by Commissioner Grissim. Motion carried unanimously.
6. **Call to Public:**
None
7. **Livingston County Planning Commission Visit:**
Kathleen Kline-Hudson, Director of the Livingston County Planning Commission, and Jean Klum, Livingston County Planning Commissioner, offered their support and shared information about the LCPC, Brown Bag Lunches, Hybrid Meetings, Livingston County Park activities, Livingston County Trails Program and Hartland Township connections.
8. **Public Hearing:**
 - a. **Site Plan /PD Application #20-012 Newberry Place Planned Development Preliminary Site Plan (Pattern Book submitted on April 15, 2021)**

Chair Fox explained the Public Hearing process.

Chair Fox opened the Public Hearing at 7:09 p.m. stating all noticing requirements have been met.

Director Langer summarized the location and scope of the request stating the following:

- Located north and south of M-59 at Fenton Road/Pleasant Valley Road.
- Planned Development designated as Special Planning Area on the Future Land Use Map (FLUM) and have been so since the 1990s.
- Mixed Use PD was approved in 2007 but the project did not proceed to construction.
- Mayberry Homes acquired the project.
- Plan has changed several times which prompted the most recent Concept Review in March 2021, which did not include the 40 acres to the west.

- Currently seeking Preliminary Planned Development approval recommendation from the Planning Commission and ultimately a decision from the Township Board, step two of the three step process.
- Last phase is the Final Planned Development approval which looks mainly at the Planned Development Agreement documents. The Planning Commission would again make a recommendation and the Township Board the final approval of the PD.
- The Applicant would still need to come before the Planning Commission for Site Plan approval for any portion of the development they desire to construct, a more detail oriented approval process that examines landscaping, lighting, construction materials, etc.

Director Langer referred to the current request Regulating Plan noting the following:

Purple - Single Family Detached Only Residential District

This district consists of nineteen (19) lots along the northern boundary of the North Parcel, for the construction of detached, single family houses, only. The number of units is capped at nineteen (19) units. Only residential.

Blue - Single Family Residential District

This district allows for single family detached dwellings; attached style condominium up to five (5) units per building; duplex motor court condominiums; and 4 to 6-plex motor court condominiums. Consideration should be given to the possibility that this district could be comprised of a mix of the allowed residential uses or be entirely comprised of one (1) of the permitted residential uses. The regulating plan outlines that a maximum of 90 residential units would be permitted, within this district, on the north parcel; and 242 units would be permitted, within this district, on the south parcel. In total, 332 units would be permitted in the Single Family district on both the north and south parcel.

Light Green - Mixed Use District

As background information, the Mixed Use District allows for a diverse mix of housing options and uses as listed in the Pattern Book: commercial/office/retail uses; live-work units; single family detached dwellings; motor court condominiums (duplex; 4, or 6-plex condominiums); and multiple family (up to 14 units per building). Per the Regulating Plan, up to sixty-six (66) residential units could be built within the Mixed Use District. The Regulating Plan does not distinguish how many units on the north parcel and how many units on the south parcel. So, theoretically, all sixty-six (66) units could be developed on either the north or the south parcel. Some could include residential units above commercial businesses.

Dark Green - Commercial District

Specific Permitted Principal Uses are not listed for Commercial District. There is a statement that commercial use buildings shall conform to the uses permitted in the Township General Commercial (GC) Zoning District. It is unclear if that would permit any of the Special Land Uses listed in the GC Zoning District regulations. Consideration should be given to the possibility that this district could be comprised of a mix of the allowed uses or be entirely comprised of one (1) of the Permitted Uses.

Director Langer stated the Applicant has shown the maximum residential units and commercial space on the plan, there will never be more than the allowed units, but they are asking for some flexibility within the districts. The only district locked in would be the purple Single Family Detached Only units.

The Applicants, David Straub of Mayberry Homes, and Bob Schroeder, owner of Mayberry Homes introduced themselves and stated the following:

- Excited be back before the Planning Commission again.
- Project has proceeded in fits and starts over time and they are thrilled to hopefully be able to move forward.
- Staff has done an extensive review.
- Looking for feedback.
- Least intense proposal brought forward for this site.
- Tried to consider the existing single family homes on the north parcel and plan a good transition to the commercial portion rather than a wall of townhouse garages as in the 2007 proposal.
- This plan has the potential to utilize the REUs already present on the property; any less development, and they may choose to do less, would not use the REUs that have been applied to the property.
- Offering a mix of products, Middle Missing Housing, different products in a single neighborhood.

Call to Public

- Barbara Krueger, Hartland Township; expressed concerns about traffic, impact on school district and the post office.
- Ann Maguire, Hartland Township; commented on retaining the topography of rolling terrain on the northern portion, the setbacks for the single family only housing, ensuring some kind of landscape buffer or fence between the existing houses and the new development.
- Terry Gardner, Hartland Township; expressed concerns about this development negatively affecting his water supply.
- Richard Rowe, Hartland Township; expressed concern about the density, traffic, security, privacy, higher taxes to pay for more services like fire and police. Would like to see a brick wall on the north side. Would like to see more information showing elevations and topography, especially near Heritage Park. Commented on the old plan compared to the current plan in the purple area.
- Charles Johnson, Hartland Township; agrees with the other comments, has concerns about traffic, security, and trespass.
- Alex Yarber, Hartland Township; concerned about traffic on all of Fenton Road.
- Amanda Britton, Hartland Township; concerned about the potential noise from the commercial components, traffic, higher taxes, strain on other services, preserving rural character, and the location.
- Dick Krueger, Hartland Township; concerned about preserving the rural culture and character of the east side of Hartland, traffic and safety. Would like it moved back from M-59 100 feet.
- Dana Gardner, Hartland Township; concerned about traffic and would like to eliminate the commercial component.

Chair Fox closed the Public Hearing at 7:51 p.m.

Chair Fox referred to the staff memorandum dated June 3, 2021.

Overview of the Planned Development - Proposed Development Districts and Uses

Blue - Single Family Residential District

Director Langer stated the following:

- 332 units, the majority, on both north and south parcels.
- Consisting of a variety of options:
 - Single family homes

- Attached style condominium up to five (5) units per building
- Duplex motor court condominiums
- 4 to 6-plex motor court condominiums

The Planning Commission discussed Single Family Residential District.

The Applicant stated the following:

- Motor court condominiums, 4 to 6-plex each a single family home.
- Site condominiums, each unit owns its own lot.
- Shared driveway as opposed to an alleyway in the rear.
- Additional density with a nice visual and not attached.
- Can be located anywhere in the Blue Single Family Residential District.
- Developers are asking for flexibility dependent upon the market and demand.
- May not build some of the products listed but the number of units will not ever be more than what has been approved.

Purple - Single Family Detached Only Residential District

Director Langer stated the following:

- Most locked in category.
- Nineteen (19) lots, single family detached.
- Higher density than some of the surrounding single family homes.
- Entire project is proposed with municipal water, originally proposed with a well.
- Originally the area was proposed for another type of housing, but residents requested the Applicant consider single family detached only abutting the existing houses to the north and the concept plan was modified.

Light Green - Mixed Use District

Director Langer stated the following:

- Caused the most concern with staff.
- Includes 85,000 square feet of commercial, 66 units of residential.
- Residential could be above the commercial or 14-unit multiple family buildings or any of the other housing styles.
- Preliminary Plan does not depict what the 66 residential units might be like if they are not above a commercial space. The Director is unclear of how it would look, work or fit.
- Requesting a revision of this portion of the plan for the Final PD approval that does show the 66 units if they are not above the commercial units.
- Recommends the developer go through the formality of plotting out 66 units that are not above the 85,000 square feet of commercial to determine if they would fit.

The Applicant stated the following:

- Dozens of combinations, difficult to plot.
- Balance of the various ingredients.
- Trying to remain flexible and let the market drive the direction for this District.
- They like residential over commercial, but many commercial users do not want that.
- Believes they would have a hard time finding buyers for the maximum commercial space, parking and stand-alone residential for 66 units.

The Planning Commission discussed the Mixed Use District.

- Applicant wants the flexibility to undo the commercial and make it residential if that is what the marketplace demands.

- Possibility there would be less than 85,000 square feet of commercial which sounds like a large amount, but it is roughly twice the size of the Kroger store.
- Stores will be neighborhood service convenience items for residents; hair salons, ice cream store, dry cleaner.

The Planning Commission would like to see a plan that shows a layout of the 66 units of residential not above the 85,000 square feet of commercial.

Dark Green - Commercial District

Director Langer stated the following:

- Regulating plan shows:
 - North side approximately 4800 square feet of commercial.
 - South side approximately 44,000 square feet of commercial.
 - Plan tentatively depicts automotive fueling stations and some unknown type of commercial.

Director Langer asked for the following items to be added or corrected in the Regulating Plan:

- Page 2, an 8-foot-wide bituminous Bike/Safety Path is shown on the north and south sides of Highland Road. Typically, the south side has a 5-foot-wide concrete sidewalk.
- Page 5, the plan should show the lot boundaries, building footprint, and setbacks similar to drawings in the Pattern Book for other types of residential buildings.
- Page 12, the following Street Type Guidelines revisions are required for the Legend and Map:
 - 66' Entrance Street ROW is listed in the Legend but is not shown on the plan (olive green color)
 - 110' Boulevard ROW should be added to the plan/legend with a specific color (located on south side of Highland Road)
 - 100' Boulevard ROW should be added to the plan/legend with a specific color (located on north side of Highland Road)
 - 5' Concrete Sidewalk should be shown on the south side of Highland Road, in place of the 8' Bituminous Bike/Safety Path, with a specific color on the plan/legend, to match that same color designation on Page 2 (Regulating Plan).

Chair Fox asked the Application if they could add this information. The Applicant agreed.

Eligibility Criteria (Section 3.1.18.B.)

Traffic Generation

Director Langer stated previously letters were submitted for the 2016 version of the development from Michigan Department of Transportation (MDOT), dated February 14, 2017, and from Livingston County Road Commission (LCRC), dated February 15, 2017. Updated review letters for the revised plan should be provided.

The Applicant stated there will be light at the intersection and a right turn only coming out of the project with a Michigan Left turning lane.

Director Langer stated the letter stated currently the intersection is failing, it is operating at an E or F Level of Service as some of the residents have pointed out. MDOT has improvements slated that include a signal at that intersection. He continued the Applicant is caught in the middle with MDOT directing them to first make the road improvements, add the signal etc., before they will approve the project, but the Applicants need MDOT approval in order to move forward. He is unsure if a 2017 letter is valid for this project as it is currently designed.

The Applicant stated they can provide documentation from their traffic engineer that will speak to that. Since 2016, When they added the 40 acres to the west and proposed an alternate entrance off of M-59, that threw a wrench in the works, but when they reverted back to the 108 acres originally proposed in 2016, the MDOT letter remained intact. They will revisit that with their traffic engineer and have them communicate with both MDOT and LCRC and provide a memorandum. Working with MDOT is not a fast process; they waited for a year and a half for an answer. The answer they ultimately received was MDOT would put in the first light at M-59 and Fenton Road at their expense, after that, there would be a threshold of trips generation for further improvements.

The Planning Commission briefly discussed MDOT's request for feedback on proposed changes to the intersection not related to the Newberry development.

Director Langer stated currently MDOT is asking the Township Board for feedback from the Township for a proposal to prohibit northbound traffic on Pleasant Valley Road from crossing M-59 directly to Fenton Road. Of course, the Township Board can recommend but MDOT has jurisdiction.

The Planning Commission briefly discussed the current signage and what is proposed.

Director Langer stated LCRC emailed information after the packet was sent indicating concern about the north commercial area connection to Fenton Road which has been a point of contention raised by residents in the past and here tonight. That connection requires a permit from LCRC. If it is permitted, he would like to know; if it is not permitted, there are a large number of commercial and residential units with a single access to M-59 which would require further discussion.

Commissioner Murphy asked about the intent of the design for the road. The Applicant stated it is intended as an alternate access to the commercial area. Residents could use it, but it would be an awkward access to the residential area. The M-59 access is the primary access. It is a means of ingress and egress for the commercial area and an alternate emergency access to the development if needed.

Director Langer added, the two connections on the south parcel to Pleasant Valley should also be approved by the LCRC.

Commissioner Mitchell stated he has concerns about the distance of the north connection to Fenton Road from M-59. Unsure if it meets the standard. He also would prefer access to the north commercial area be from M-59 only. Chair Fox stated from his experience, MDOT will not allow a driveway cut at that location. Commissioner Mitchell suggested the commercial portion be moved westward to avoid the conflict points on M-59. He feels, as many in the audience, it would be an injustice to allow a connection to Fenton Road at such a busy intersection. Even if MDOT added a light, it needs more. He feels that intersection should look more like Hickory Ridge Road and M-59.

The Applicant replied that the dark green portion is owned by sperate group, it would involve trading land in some way, but no matter what is in that location, it would be difficult to access without a connection to Fenton Road. He defers to the traffic engineers who specialize in this area.

Commissioner Mitchell stated he disagrees. It was stated the type of commercial uses would be in the service area such as hair salons, barber shop, real estate office; if so, he does not feel an access to Fenton Road is warranted. The Applicant stated that would require those patrons to drive through the gas station to get to those businesses; it still would be more difficult.

Commissioner Mitchell stated this issue may not be resolved at this meeting, but he is looking forward to getting an update from Livingston County Road Commission and MDOT to see what their thoughts and opinions are four years later.

Commission Grissim stated she feels they need two access points due to the number of uses on that site and is sad to hear that MDOT will not allow it. She does not like it off of Fenton Road either, but she cannot fathom that property with this development and only one entrance. It is not good planning, is what they have heard in the past. She would like to see two off of M-59.

The Applicant stated they want two access points for safety. They are willing to work and do some thinking about it but working with MDOT is difficult; dealing with LCRC is easier but still requires dealing with all of their engineering standards. They are open to whatever the best solution may be.

Commissioner Murphy stated he agrees with Commissioner Mitchell but also sees value in having two access points. It is in a difficult location. His suggestion is to consider moving the boulevard to the east, but he too would like to see two entrances on M-59.

The Applicant stated according to MDOT the two entrances would be too close together. He could look at moving the boulevard unless MDOT is locked into that location. Director Langer stated it is typically the distance from the intersection that determines minimum distance for an access which is often predicated on site distance and other access points. He cannot speak for MDOT but moving it closer to the intersection may not be possible.

Commissioner Murphy stated the access on the south side is closer to the intersection but there may be a difference in direction traffic is moving at that location. It is a shame it takes so long to get answers.

Commissioner McMullen stated the other Commissioners have brought forward good points; being a traveler on Fenton Road, she too can see that drive would hinder more than benefit.

Public Safety

Director Langer indicated the designated area for a fire station on the South Parcel, adjacent to Pleasant Valley Road. He stated this goes back to the 2007 plan. The fire department commented this part of the Township needs another fire station to serve the residents. One of the benefits of the project is the developer is allocating the land for a fire station.

Stormwater and Drainage

The Applicant was advised to speak to The Department of Environment, Great Lakes and Energy (EGLE) regarding any wetlands on the property.

Water/Sewer

Director Langer stated the sewer is already available. Director Langer explained this property already has a significant investment in sewer which is why suggestions for a lesser density are not feasible. Currently there are plans for the extension of municipal water east along M-59 which would serve this development and several others along Highland Road.

Compatibility with Comprehensive Plan

Director Langer referred to the Comprehensive Plan and the staff memorandum.

Planned Development Design Standards (Section 3.1.18.C.)

Permitted Uses

Director Langer generally explained a Planned Development:

- Unique zoning tool.
- Some regulations can be waived as a trade off if applicants provide a development with worthwhile amenities for the community.
- Listing the uses allowed – the Applicant made reference to the uses allowed in the GC zoning district.
- The Zoning Ordinance GC General Commercial category lists Uses by Right and Uses by Special Use Permit.
- Special Use Permits require a Public Hearing and noticing.
- The question is, does the Planning Commission want to allow all of the uses as Permitted Uses, acknowledging there has already been a Public Hearing process, or does the Planning Commission want to limit some of those uses.

The Applicant stated the fueling station and car wash are part of the plan. They would like those to be approved with this plan.

Commissioner Mitchell asked if the Applicant could look at the list of Permitted Uses by Right and by Special Use Permit in the GC zoning district and present them to the Planning Commission for their consideration and approval, either in the Pattern Book, or with a reference in the Pattern Book to the PD Agreement, at a future meeting. The Planning Director, Planning Commission and Applicant agreed.

Residential Density

Director Langer stated the following:

- FLUM and Comprehensive Plan Standards for density.
- 3 to 4 du per acre.
- Density is 3.84 units.
- Density Bonus is allowed but not being requested as they comply.

Chair Fox asked the Planning Commission if this was a good place to pause the discussion and come back next week, June 17, 2021, for a Special Planning Commission Meeting at 7:00 p.m. The Planning Commission and Applicant agreed.

9. Call to Public:

Dick Krueger, Hartland Township; asked the developer to consider adding a world class electric charging station in conjunction with General Motors. Also, would like to see provisions for electric car charging units in every residence in this development and every new development in Hartland.

10. Planner's Report:

None

11. Committee Reports:

Chair Fox reminded the Planning Commission of the Special Planning Commission Meeting scheduled for June 17, 2021, at 7:00 p.m.

12. Adjournment:

A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner Murphy. Motion carried unanimously. The meeting was adjourned at approximately 8:56 p.m.

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 last name.

Keith Voight,
Planning Commission Secretary