

HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED SPECIAL MEETING MINUTES

June 17, 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, Voight
Absent – Commissioners LaRose, Murphy
4. **Approval of the Agenda:**
A Motion to approve the June 17, 2021 Planning Commission Special Meeting Agenda was made by Commissioner Mitchell and seconded by Commissioner Grissim. Motion carried unanimously.
5. **Call to Public:**
None
6. **Old and New Business:**
 - a. **Site Plan /PD Application #20-012 Newberry Place Planned Development Preliminary Site Plan (Pattern Book submitted on April 15, 2021)**

Design Standards – continued

Design Details

Chair Fox stated the Pattern Book includes all the regulations no matter who develops the various pieces.

Minimum Design Detail Requirements

Chair Fox stated the Pattern Book replaces the Zoning Ordinance. In areas that are not listed, the Zoning Ordinance is followed.

Minimum Yard Requirements

Director Langer referred to the chart on page 15 of the June 3, 2021, staff memorandum stating the Pattern Book shows an 80 foot or 50 foot setback for the Commercial and Residential along M-59 & Fenton/Pleasant Valley. For most of the Residential one must refer to the diagram.

Front setback

- Single Family Detached 15 foot setback but some items are allowed to encroach such porch, steps.
- Mixed Use Single Family and attached condominiums 15 foot setback.
- Mixed Use Multiple Family 30 foot setback.

Commissioner Grissim asked about the perimeter; the Residential and Mixed Use setback from M-59 & /Fenton/ Pleasant Valley roads meet or exceed the PD standards, the Commercial does not. She is concerned about the 50 foot Commercial setback as this use is so intense. She is hoping they will be able to downplay the intensity along the perimeter and use all of the buffer. Internally, things can be tighter, but she would like to explore the perimeter.

Distance Between Buildings/Side and Rear Setbacks

Director Langer stated the following:

- Single Family Detached five (5) foot side setback, 15 foot rear setback, 10 foot alley setback.
- Mixed Use Single Family and attached Townhome 10 foot side setback, 15 foot rear setback, 10 foot alley setback.
- Duplex Motor Court, 7.5 foot side setback, 15 foot rear setback.
- Four (4) to six (6) Plex Motor Court, five (5) foot side setback, 10 foot rear setback.
- Multiple Family (up to 14 units) 20 foot side setback.

Commissioner Voight asked if the 10 foot separation meets Fire Department guidelines. Chair Fox indicated there was a letter in the packet and no it does not; there could be a sprinkler requirement. Commissioner Voight stated sometimes certain fire resistant materials are required. The Applicant stated the Fire Department's comments are related to ingress and egress, not separation of structures but they will confirm with the Hartland Deerfield Fire Authority.

Building Height

Director Langer stated typically building height is limited to 35 feet measured between the peak and the eave. This Pattern Book lists 35 feet or three (3) stories whichever is less; however, in the 2016 Plan a fuel station canopy measured 43 feet to the top of the architectural feature on the canopy. There are no dimensions in the current concept plan for the Commercial/fuel station. He is noting for the record that it could be an issue.

Parking and Loading

Chair Fox stated parking will be handled at the Site Plan Review phase when more is known about the use.

Landscaping

Director Langer stated generally, they follow Landscaping required for Commercial areas. Mixed Use will also follow Mixed Use standards. Multi-family, Open Space, Greenbelt are the areas to address.

Open Space

Commissioner Grissim stated, as a whole, there are many inconsistencies which make the Plan hard to understand. The Applicant stated it is difficult to write an ordinance for all open areas, it is our intent to follow the Township guidelines, the specific landscaping for those areas will be determined at Site Plan Review. Commissioner Grissim stated photo examples are helpful to help understand the intent; the diagram does not really help. They are looking for a sense of the quality of materials, not quantities. She encouraged them to leave yourself some flexibility.

Greenbelt

Commissioner Grissim asked the Applicant to elaborate to let the Planning Commission know what they have in mind. They do not need the names of the plantings, but they do need the intent stated to show where a parking area is located, a greenbelt will be added. The diagrams provided are hard to read and do not show the intent to follow the Greenbelt requirements. The Applicant requested some guidance in this area.

The Planning Commission briefly discussed the expectations for the level of detail in the Pattern Book.

Schematic Landscape Plans for Streets

Commissioner Grissim stated it is the same for Street Trees; we do not need to know the exact variety and locations but general areas and how far apart they will be planted.

Greenbelt

Commissioner Grissim stated it is the same as above for this item. The Planning Commission would like you to indicate in the areas where there are gaps, those areas will have solid screening noting the understanding the ordinance will be met. Berms may be used with evergreen material to provide a solid screen year-round.

Walls and Fences

Chair Fox referred to the first bullet point. Director Langer explained the Pattern Book states the communities Architectural Review Board could deviate from the Zoning Ordinance by allowing a fence or wall in the front yard. Chair Fox asked if that sentence could be eliminated.

The Applicant stated residents can use some decorative fencing. Chair Fox replied what is being described would be more of a landscape feature although he understands the intent. However, if someone else builds this portion of the project, they may not interpret it the same way. Chair Fox requested some language be added clarifying it is not a perimeter fence. The Applicant will comply.

Chair Fox asked about Greenbelt item 1.C which states “Any Greenbelt less than 20 feet in depth shall include an obscuring fence/wall with a height of six (6) feet...” Director Langer stated fences/walls are not permitted in the Greenbelt. A six (6) foot high wall along Highland Road may not be desirable. The Applicant stated they would like to remove that portion. The Planning Commission agreed.

The Planning Commission briefly discussed the second bullet point referring to a four (4) foot limit on obscuring walls and fences.

Director Langer stated if the Applicant intends different height limitations for different types of fencing, there should be some language defining which type of fence can be four (4) feet and which can be six (6) feet. The Applicant agreed.

Other Comments related to Landscaping

Chair Fox asked for additional clarification regarding the white-toned areas on the plan, the tip of each parking island.

Commissioner Grissim stated the alley or service area is pretty brutal being all paved; it could use some street trees, also in the islands. The language needs to be in the Pattern Book for when each project comes in for Site Plan Approval, it is there. Right now, the language is not there, and those items are not shown on the Plan.

Chair Fox mentioned an eight (8) foot wide parking aisle is required for parallel parking; the Plan shows six (6) foot wide aisles for the 100 foot and 110 foot boulevard streets. The Applicant agreed to modify the Plan.

Chair Fox asked, on page 14 of the Pattern Book, a note be added stating “Not to scale,” related to the areas labeled as five (5) feet in width but are drawn at different widths. The Applicant agreed.

Open Spaces

Director Langer stated the following:

- PDs in general have 25 percent open space, 10 percent usable space.
- Regulating Plan shows different districts (the colors) – proposing a certain amount of open space for each.
- The open space cannot be determined for the entire project making it impossible to know if it complies with the standard.
- Residential is stated to be 25 percent open space with 10 percent usable space; Commercial and Mixed Use is 15 percent with two (2) percent usable space.

The Planning Commission discussed open space within the project.

Chair Fox stated the following:

- It is a PD, and this can be waived.
- The Pattern Book is a concept.
- Will not know if it can be built with this amount of open space until the site plans are actually submitted for review.
- This development will have 435 Residential Equivalency Units (REU) used no matter how it is configured.
- Greater open space requirements for Commercial will drive the project to build up, have more intense uses or add apartments in order to use all REUs.

Commissioner Voight stated requiring 25 percent in the Commercial areas is pretty open. The majority of the development is residential which will have 25 percent.

Director Langer showed the Open Space Plan based on the Regulating Plan. He stated he cannot calculate the percentage but asked the Planning Commission to look at the visual.

Chair Fox stated in the end, this project may look nothing like the Pattern Book representations. They may not have this road network. The Applicant stated the wording is what is being agreed to. They could keep playing with the drawing until it is exactly right, but he is unsure of what that would prove. They are agreeing to the verbiage; if it is not right in the plan now, it will be when the site plan is approved. Chair Fox stated it will have to be. The Pattern Book becomes the Zoning Ordinance for this development. The Applicant agreed.

Chair Fox continued if the Planning Commission requires the Commercial and Mixed Use areas to have the same open space requirements as residential, something somewhere is going to be sacrificed.

Commissioner Grissim asked if, in the past, other developments have been required to have the 25 percent open space in the commercial portion. Director Langer stated he cannot answer the question as the larger commercial developments predate his time at the Township. The PDs he has dealt with have been residential. This is a very large project, and he is unsure if there is something comparable within Hartland Township. The Applicant stated they are complying with the residential; the commercial is a lesser component.

Commissioner Voight stated he would not call it “breaking rules” as this is all a part of the PD process, allowing flexibility. He would not support requiring 25 percent open space in the commercial areas as it will force some of the other areas to not be as pretty as they could have been.

Commissioner Grissim agreed but continued she wants the Applicant to make use of the REUs, but she is unsure of the math. The Applicant started a greater open space requirement in the commercial area will have to come out of the residential and they do not want to decrease the residential.

Commissioner Mitchell stated what he believes Commissioner Grissim is asking the Applicant to commit to 25 percent as an overall open space number for the whole project. The Applicant replied but they are not committing to that; they do not want to have to take away anything from the residential open space.

Commissioner Grissim reiterated she would like to see 25 open space overall on the whole project but she does not know the math. She would like more information to see what they can do. The Applicant agreed to working on the math, but they are not agreeing to 25 percent open space in the commercial area.

Natural Features

Director Langer stated there are some regulated wetlands on the property which are under the jurisdiction of the State of Michigan Department of Environment, Great Lakes and Energy (EGLE formerly the MDEQ.) Work in those areas would require a permit from their office. The Regulating Plan did indicate some work in wetland areas.

Architecture / Building Materials

Director Langer stated the following:

- The Plan shows a couple of styles of single family homes.
- Trying to show illustrations of what they look like.
- Generally, in PDs, the Planning Commission does not get too involved in the design.

Director Langer displayed the five (5) unit attached condominium style, the duplex motor court and the four (4) to six (6) plex motor courts stating the Planning Commission typically does not get into building materials for this type of construction. Commercial and Mixed Use Commercial are similar; there are a variety of types displayed with statistics in the packet.

Chair Fox asked for word clarification; he is seeing brick or block in places where what is meant is brick and it should be clarified. They are blended in together. The Planning Commission does not want to see a Commercial building that is 43 percent split-face block. Block can be used but the wording needs to be clarified.

Architectural Drawings

Director Langer stated an architectural rendering of the fueling stations, convenience store and canopies on the north and south corners should be provided in the Plan. The Applicant stated the Commercial buildings will have the flavor shown, the fueling station will have the same characteristics but may not be exactly as shown. Chair Fox stated if they do not address those items in the Pattern Book, they would have to follow the Zoning Ordinance. Director Langer concurred. The Applicant stated that is what they intend; it not their property for the gas station. They would defer to the Zoning Ordinance. Chair Fox reiterated when the Site Plan for those components comes it, it may not look as shown. The Applicant stated in the past, they had an architect from Florida draw one of the gas stations and it had a different flavor than the other, so they went back to the 2007 drawings feeling they better represent what is intended.

Commissioner Grissim asked if they could add a photo or clarify what they have in mind.

Chair Fox stated he is going to disagree with the staff memorandum; it is conceptual. He asked how the Township can ask the Applicant to design a gas canopy they do not own. The Zoning Ordinance has standards. When the Site Plan comes in, it will have to meet those architectural standards.

Director Langer stated his intent was to be sure there was a purposeful discussion for this item so everyone understands going forward how this will be addressed.

Chair Fox stated again what is visually presented in the Pattern Book is conceptual. If an item is not addressed, the Zoning Ordinance will be used. The Planning Commission agreed.

Signage

Director Langer stated the following:

- There are two kinds; Wall Signs and Monument Signs
- For Wall Signs, they are deferring to the Commercial Wall Sign regulations in the Zoning Ordinance.
- For the Monument Signs, there are 10 signs on the north parcel and 10 signs on the south parcel. Director Langer indicated the drawings in the Plan and their locations.
- Ordinance limits Monument Signs to seven (7) feet, some are shown at 10 feet.

The Applicant stated they submitted concept drawings but would be happy to comply with the Sign Ordinance height limit. He also stated they showed the maximum locations not knowing where they will actually be. As it went through the review process, it went from a little detail to a lot.

The Planning Commission discussed the signage and the locations touching on the following topics:

- Monument Sign size.
- Location of Landmark Corner Signs.
- Sign on the back wall of gas station.
- Text defers to Commercial Sign regulations which may not permit a sign that size.
- Needs to be more specific.

Chair Fox stated it might be better if the signs were not shown but text added to indicate they will follow the Zoning Ordinance with the specific exceptions listed and shown.

Access on Fenton Road

Director Langer stated the following:

- Last meeting questions were raised about the 2017 approval letter from MDOT.
- Their traffic consultant stated the 2017 letter is still applicable to the current development program.
- The Director contacted MDOT but has not heard back at this time.
- Information from Livingston County Road Commission (LCRC) indicated, for the southern access on Pleasant Valley, they would need more information.
- For the northern access on Fenton Road, LCRC stated they would need plans with more details.
- Most of the discussion centered on the Fenton Road access.

Comments from Public Hearing

- Noise from Commercial - Chair Fox stated the size of the Commercial portion is nearly the same size as the Kroger, a little over 49,000 square feet, which is fairly small.

- Security – Chair Fox stated he would hope this development would be fairly nice and attract good citizens. Most are for sale and will be owner occupied although there could be some rentals. There are many good rentals too. Commissioner Voight stated the Planning Commission has no ordinance regarding rentals, the Township Board would have to act in that area.
- Topography – Chair Fox asked if there would be a great deal of change in the topography. The Applicant stated he would like to see a flow with the grade to some extent, but moderated. They do not desire to make the entire space flat.
- Type of buildings – Chair Fox stated he envisions mostly two story structures.
- Fencing along north property line – Chair Fox asked about fencing. The Applicant stated they will do a combination of berm and landscaping to define the area and screen it. A fence will not stop anyone from accessing or leaving the area; they would just walk around.

Director Langer stated the biggest issue in his opinion is the Applicant working with the Livingston County Road Commission to gain approval for the access point to Fenton Road. If the Planning Commission chooses to remove that access, it would create some other hurdles. An alternate secondary access or emergency access should be considered.

The Applicant stated they desire to have a secondary access however that can be achieved, a breakaway post or through the Commercial area. They do not want to sprinkle the entire northern portion of the development.

Commissioner Voight stated the Livingston County Road Commission (LCRC) information approvals are available as part of the packet.

Director Langer clarified the following:

- Those LCRC documents are not approvals.
- LCRC has stated it meets their sight distance and off-set requirements, but they need to submit the additional information required before it can be formally approved.

The Applicant stated it LCRC has said the Fenton Road access meets the sight distance required and the stacking requirements, at that point they tell us what to do.

Commissioner Voight stated there are turning modifications being discussed currently about right turns only and no cross traffic.

Chair Fox stated yes, it is being discussed even without this development.

The Applicant stated he believes the Fenton Road access will be a right in only which will change the traffic flow.

The Planning Commission discussed the Fenton Road access.

Chair Fox stated the Township can recommend a certain traffic flow, but essentially it is the County's and Michigan Department of Transportation's (MDOT) decision of how traffic will flow along their roads.

The Planning Commission discussed the Mugg and Bopp's access and the no left turn for the southernmost exit onto Clark Road feeling this is a similar situation.

Chair Fox asked the Planning Commission if they are in favor of an access on Fenton Road or

not.

Commissioner Voight stated he does not see any other choice but to allow it.

Commissioner Mitchell stated this is conceptual drawing and this may change over time. He can see a possible redesign of the northern portion with a second access off M-59 farther west.

Director Langer stated he is not MDOT and does not speak for them, but in his opinion, a second access off of M-59 on this site may not be possible. There may not be enough distance from the intersection with the spacing requirements.

The Applicant stated he does not think MDOT would approve a second access onto M-59, and it took two years to get the first letter.

Commissioner Mitchell stated he sees other Commercial development farther east on M-59 where there are two access points.

Director Langer stated there may be several parcels owned by separate entities where an access must be granted, but in this case, he does not believe it would be approved.

Commissioner Voight stated interior loop roads have been encouraged to eliminate additional access onto M-59 and allow access to Commercial.

Chair Fox stated he has been involved with the Planning Commission and this project for 17 years. He has been in meetings with MDOT when this originally started. He can confirm the Planning Director's statement about parcels with separate owners being granted access. He continued, for safety MDOT does not like many curb cuts and prefers service drives that are interconnected. They have all the power. Unless they have changed their philosophy, this is their choice, and this is what it is going to be. He cannot believe the Fire Department would approve this plan without a secondary access. The choices are limited. Chair Fox stated as for the turn limitation going north, there is a tremendous convenience to be able to pop into that location, get a propane refill, get and ice cream or get your hair done and return home by turning left. If you remove the Fenton Road access, you will have killed the Commercial portion of the project at that location because no one is going to circle back through all of it to get back out. He said previously, there is not that much Commercial here and it may be something else within the Mixed Use zone. He does not think there is that much traffic. The traffic is in the general residential as this is a huge magnet for families with school age kids.

Commissioner McMullen stated the proposed changes to Fenton Road would be a mess. She has been in traffic at that location, it was stacked pretty deep; it is not good.

Chair Fox stated the only help will come when MDOT does what they say they are going to do and install a signal.

The Applicant stated the access off of Fenton Road will not tie easily into the residential area to avoid it becoming a cut through. Chair Fox replied that is true, but you do not own it; he sees both sides. The Planning Commission will have the opportunity during Site Plan Review for the gas station to make sure it is not a direct path. Whether one or all of the Planning Commission are still here when it comes through, it is our obligation to represent everyone in the community and those are the things that will not be lost.

Director Langer explained MDOT is currently proposing, regardless of this project, that

through traffic would not be allowed either southbound or northbound from Pleasant Valley to Fenton Road but would be required to turn right onto M-59 and make a left turn at a turn-around. The Township Board is discussing this issue currently.

Chair Fox mentioned the way the Motion is written, the Applicant will work with staff for the changes. Director Langer concurred adding when the Applicant returns for Final Planned Development approval, they will show this Plan with those changes. Chair Fox stated this allows them to get to the Township Board. His suggestion is for the Applicant is to work with staff and others for the Landscaping. Without public water, the whole plan will change with the requirement of a private community well.

Commissioner Voight offered the following Motion:

Move to recommend approval of Site Plan Application #20-012, the Preliminary Planned Development Site Plan for Newberry Place, subject to the following:

- 1. The Preliminary Planned Development Site Plan for Newberry Place SP #20-012, is subject to the approval of the Township Board.**
- 2. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated June 3, 2021, on a revised Preliminary Plan Site Plan, subject to an administrative review by Planning staff prior to the Final Review of the Planned Development. This revised Preliminary Plan will also be presented to the Planning Commission and Township Board as part of the Final Review of the Planned Development.**
- 3. Applicant complies with any requirements of the Township Engineering Consultant, Department of Public Works Director, Hartland Deerfield Fire Authority, and all other government agencies, as applicable.**
- 4. Municipal water shall be available for this development. In the event that municipal water is not available for this project, the developer shall re-submit plans to be approved by the Planning Commission and Township Board that provide an acceptable water source.**
- 5. After the Planned Development (PD) has been approved by the Township, the applicant/developer will be required to obtain Site Plan Review approval from the Township Planning Commission for any portion(s) of the development project.**
- 6. In the event that any portion of the project involves work, within a regulated wetland, the applicant/developer shall obtain all necessary permits from the Michigan Department of Environment, Great Lakes, and Energy (EGLE), as part of the Site Plan Review application to the Planning Commission.**
- 7. The applicant/developer shall obtain all required permits/approvals from the Michigan Department of Transportation (MDOT) and the Livingston County Road Commission (LCRC), as part of the Site Plan Review application to the Planning Commission.**
- 8. The applicant/developer will address the issues discussed at the June 10, 2021 Regular Planning Commission meeting and the June 17, 2021 Special Planning Commission meeting as well as the items listed in the staff memorandum dated June 3, 2021.**

Seconded by Commissioner Grissim. Motion carried unanimously.

7. Call to Public:

- Barbara Krueger, Hartland Township; expressed concern about water and a community well. Concerned their wells will run dry.
- Dick Krueger, Hartland Township; expressed concern about the elimination of the rural character of Hartland. He would like to see a sunset date for this approval once construction begins so that it does not stretch on forever. Has a concern about left hand turns into the development off Fenton Road due to topography in winter weather.

8. Planner's Report:

Director Langer stated this project involves the extension of a public water main down M-59. It is a specific condition of the approval. This project does not involve drilling a well or a community well. Water line extensions are paid for by water Residential Equivalent Units (REU) based on a certain dollar amount. The developer will pay those fees. Any property connecting to the water will pay those as well as projects are developed over time.

Commissioner Voight asked if there are phasing designation dates for the project. Chair Fox stated it is a big project and realistically that is tough. Unfortunately, it is not going on now.

9. Committee Reports:

10. Adjournment:

A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner Voight. Motion carried unanimously. The meeting was adjourned at approximately 9:15 p.m.

Submitted by,



**Keith Voight,
Planning Commission Secretary**