

HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED MEETING MINUTES

May 26, 2022– 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, Mayer, McMullen, Mitchell, Murphy
Absent – None
4. **Approval of the Meeting Agenda:**
A Motion to approve the May 26, 2022 Planning Commission Meeting Agenda was made by Commissioner Mitchell and seconded by Commissioner Grissim. Motion carried unanimously.
5. **Approval of Meeting Minutes:**
 - a. Planning Commission Meeting Minutes of April 14, 2022
A Motion to approve the Meeting Minutes of April 14, 2022 was made by Commissioner Grissim and seconded by Commissioner Murphy. Motion carried unanimously.
6. **Call to the Public:**
None
7. **Public Hearing:**
 - a. **Site Plan Application #20-011 Villas of Hartland Planned Development (PD) – REVISED Preliminary Site Plan (PD)** – a request for Preliminary Planned Development Site Plan approval for a fifty-seven (57) unit single-family residential site condominium planned development, to be completed in two (2) phases.

Chair Fox opened the Public Hearing at 7:03 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 east of Hacker Road, north of Highland Road (M-59), and west of the single-family, residential planned development commonly known as Walnut Ridge Estates (Planned Development), and Grumlaw Church (8457 Highland Road).
- Explained the three-step process for a Planned Development (PD); Conceptual, Preliminary, Final. All are heard before both the Planning Commission which makes a recommendation, and the Township Board which makes the final decision.
- In 2019, the Applicant submitted a Concept Plan and in 2020 a Preliminary Plan which did not progress primarily due to the considerable concerns with the connection to Walnut Ridge.
- The Applicant has revised the Preliminary Plan, relocated the secondary access, and this is the review of that submission.
- As the plan was changed, a second Public Hearing is being held to allow residents to participate in the process.

- Changes include requesting 57 units instead of 55, and a secondary emergency access to Hacker Road rather than connecting to Walnut Ridge.

Wayne Perry, Desine Inc., representing the Applicant Joe Rotundo, introduced himself and stated the following:

- Connection to the east was unsuccessful.
- Reconfigured the road by adding a cul-de-sac and secondary access to Hacker Road.
- Revised the stormwater management to accommodate the new design.
- Utility connections to the east are similar but modified to accommodate the new road configuration.
- Proposed entrance is the same.

Call to the Public:

Henry Nykiel, N Hacker Road, Oceola Township; concerned this project will impact wetlands and his pond; requests removal of drainage pipe. Feels the developer must be responsible for any negative effects caused by water runoff.

Steven Cotter, N Hacker Road, Oceola Township; has concerns about the impact of this development on his property value and enjoyment of his property, construction noise, increased traffic, light pollution, vehicle lights shining into his windows, runoff into his pond and wetlands. He requested the Planning Commission require a buffer with a berm and evergreens; consider requiring the developer to pave Hacker Road farther to the north to the edge of the property to give people along the road some benefit from the project.

Jim Jablonski, N Hacker Road, Oceola Township; expressed concerns about runoff negatively impacting existing wetlands and ponds; concerned about the design of the retention pond and the culvert, believes the water flows east to west and could flood his home and yard; does not feel there are enough outstanding attributes to award the density bonus.

Mike Foley, N Hacker Road, Hartland Township; concerned about density, wildlife, privacy, light pollution, construction noise, regular noise, traffic, Section 8 housing and crime. Would like higher berms, fencing, lower density, a pet waste remediation process, a Home Owners Association (HOA), controlled lighting, and provide entrance or exit onto a road other than Hacker.

William J. Bamber, E Clyde Road, Oceola Township; concerned about water leaving the site, Hacker Road paving, lights from cars exiting the site shining across the road and requested extra screening.

James Quigley, Hacker Road, Hartland Township; expressed concerns about increased vehicle traffic, noise, feels this development is not needed.

Chair Fox closed the Public Hearing at 7:35 PM

**Requirements for Preliminary Review (Section 3.1.18.E.ii)
Stormwater and Drainage Systems.**

Director Langer stated the following:

- Stormwater calculations are not typically required at this point in the review; generally, that review happens during the construction phase.
- System is required to meet certain standards; designed to manage two one-hundred year flood events.
- Applicant’s engineer has stated they believe the design can meet that standard.
- Township Engineer will review at the construction phase.

Commissioner LaRose expressed concern about the following:

- Requesting bonus density and should offer more recognizable benefits.
- Would like the Impact Assessment to look farther downstream to address where the water would go in an overflow event, current drainage pattern versus future, impact on the pond to the west.
- Understands concerns of the residents.
- Would like to see a soil boring within the proposed detention area.

The Applicant stated the following in response:

- Existing topography shows the property currently drains to the west, under the road, into the pond on the west side of Hacker Road.
- Proposal is not to construct a detention basin, but to construct a retention basin; a retention basin has no outlet, LCDC requirements for this site state it must manage the entire runoff of a two-inch rainfall event and infiltrate it 100% into the ground.
- Typical detention basin requirements are to temporarily hold back water, infiltrate some of that water but most often not, discharge the stormwater downstream onto the neighboring property.
- This basin is a 100% retention basin and does not discharge anything. All of the stormwater from this development, fully developed, infiltrates into the ground.
- Contrary to the previous discussion, the soil boring has been done, they did not have clay, through the clay there is a lot of sand below. This is a very sandy substrate on the bottom, there will be a filtration gallery in the bottom to ensure proper filtration.
- LCDC has also required three feet of additional free-board, additional capacity if it is needed for some larger storm event.
- On top of that, they went even further and added capacity for two back to back 100-year storm events without discharging anything from the property. It all infiltrates into the ground.
- There is zero runoff going toward Hacker Road. Currently, all of the runoff goes toward Hacker Road.
- The emergency overland overflow pipe is a requirement of Livingston County and EGLE. Every stormwater management system in Livingston County, regardless of what it is, is required to provide an emergency overflow. With two 100-year storm event capacity it will never be used, and he, being an engineer, does not say “never” very often.
- This retention pond is so far over designed it exceeds the requirements of both the Township and the County by a factor of two.

Chair Fox stated all projects approved in Hartland must comply with any requirements of the Township Engineering Consultant, Department of Public Works Director, Hartland Deerfield Fire

Authority, and all other government agencies, as applicable. If the Township approves a project and it cannot meet the requirements of all of those and other government agencies, it will not happen. The design engineer, the Township Engineer, the County will have to work out any issues prior to construction.

The Applicant stated all of those calculations have been provided in the submitted site plan; they have not been reviewed as it is not the Township Engineer's policy to review drainage calculations at this level of the review process, but they have been provided.

Chair Fox explained the reason the review is not required at this level is it would be a tremendous burden to place on any developer to ask that they cover the expense of such a review before they even know if they have a project.

Commissioner LaRose stated she thinks she has been told she is wrong, but she still has concerns and still feels the project does not meet the requirements for the bonus density.

Commissioner Grissim asked about the list of recognizable benefits; one had to be removed as the connection to the east for vehicles or pedestrians did not happen. She is not seeing items that are recognizable benefits to the community. There are many waivers being requested.

Chair Fox suggested the Planning Commission complete the review of what is there and discuss the 57 units at the end.

Internal Vehicular Circulation

Director Langer gave an overview of the plan stating the following:

- Pavement of Hacker Road would be extended from the southern property boundary just north of the entrance to the development.
- There is an island and gates are proposed.
- Previously when gates were discussed, they were planned to have an electronic eye system and would automatically open to any approaching vehicle. In the event of a power failure, the gates could be manually opened.
- Inside there are two cul-de-sacs with sidewalks on both sides.
- Fire Department is requesting a key system for the emergency access gates.

Landscaping

The Planning Commission discussed the following regarding Landscaping:

- Divider median has a variety of elements but there is room for 3 trees to be added before the gates, the rest can be lawn.
- Try to stay as close to the Ordinance as possible.
- When paved with acceleration and deceleration lanes, per the County, strongly recommend keeping as many of the existing trees as possible to calm traffic on Hacker Road and provide the country feel; if the trees are too far away from the road it will feel like a highway.
- Keep the screening on the site.
- Trees cannot be planted in the right-of-way, but they can be retained if existing.

- Right-of-way is approximately forty feet with the water main located within eight to ten feet from the edge.
- Internally the street trees are shown outside the right-of-way near the homes due to the location of the utilities, but the distance between the road and the trees is too great.
- May be possible to plant certain type of tree with a particular root system that could be planted closer to the utilities.
- Concern was expressed that street trees would not be planted until each house is constructed and it would be a challenge to monitor compliance.
- Applicant will put the required trees wherever the Township desires but the Township Street Tree Ordinance requirement conflicts with the Township Design Standards for utilities.

Director Langer suggested to add the street trees as a condition with the caveat the DPW accepts the location.

- Screening works along the property line.
- Additional screening for vehicular lights as a recognizable benefit.
- Trees to remain should be identified and shown on the plans.
- Paving the road to the northern property line would cause several of the existing trees to be removed affecting the character of the road more than is currently proposed.

Street Lighting

Chair Fox confirmed there are a couple of decorative light fixtures at the entrance which are not fully shielded but that is not a requirement for residential developments.

The Applicant stated they are downward directed with LED lighting which allows for directional design.

Other

Commissioner Murphy asked about a walkway connected to the development to the east. The Applicant stated there is no pedestrian connection; the lot was used for a building site by Walnut Ridge. The only connection is the two utility easements which are within the setbacks.

Commissioner McMullen stated she has a problem with the gates; she feels they are exclusionary.

Commissioner Mitchell confirmed that the gates open automatically to any vehicle, so he does not have a problem with the gates. They are a device to slow traffic.

Commissioner Murphy asked if they would stay open during busy times, and he has concerns about the maintenance.

The Planning Commission briefly discussed gates in other developments and if they stay open.

Director Langer pointed out one unit that did not meet the front setback, unit 15 on the cul-de-sac is twelve (12) feet in the front; usually it is 25 feet. The driveway is long enough it is just the way the unit intersects with the configuration of the cul-de-sac. The Planning Commission has the ability to accept this as it is a PD.

Density

Commissioner Mitchell stated Fiddler Grove is about the same density, they have approved others with a higher density, this is a rural area, he has no problem with the requested density.

Commissioner LaRose stated she does not see the required amenities to warrant giving the density bonus.

Director Langer explained the density bonus option for Planned Developments.

- Future Land Use Map determines the underlying density for a PD; 49 units would be allowed by right, 69 would be allowed with the bonus density, 57 is in between.
- Planning Commission may award a 40% density bonus if the developer offers amenities.
- Amenities proposed include increased open space, 40% rather than 25%; possible screening on the other side of Hacker Road which was mentioned but not agreed to.

Commissioner Murphy stated he does not have a problem with the density. He likes that it is not as dense as Fiddler Grove. Appreciates the sidewalks on both sides of the road.

Chair Fox stated he does not have a problem with the density, there is market for this product. It is good to offer a variety of housing in the community, smaller homes provide an opportunity for existing residents to downsize and remain in the community allowing younger families to move in which helps the schools and keeps the community vibrant. The density is within the realm of other successful projects such as Fiddler Grove. This is just a different type of housing.

Commissioner Grissim stated the following about recognizable benefits:

- Open space, when joined with others, create corridors that support wildlife.
- Low to no maintenance community could be viewed as a benefit when there is a need for that product in the community, but it is also a selling attribute.
- Water and sewer extension is required for the project and not really a recognizable benefit to the community.
- What do we look for as a recognizable benefit for the community? How do we judge?

Commissioner McMullen reiterated she is not comfortable with the higher density.

Director Langer suggested the Planning Commission ask the Applicant if they are willing to add another recognizable benefit or change something that might change the mind of a Planning Commissioner.

The Planning Commission, Applicant and a member of the public discussed light from cars entering or leaving and the actual location of the property in question.

The Applicant agreed to add a second row of trees for screening on the western curve of the proposed Pastir Lane.

Commissioner Mayer asked about the soil balancing on the site and the height of the berm along Hacker Road.

The Applicant replied the site balances completely. The berm at the entrance is approximately four feet; near the retention pond, it is three feet.

Chair Fox suggested the extra screening might be better utilized in the area near the wetland. Trees on the development property is better than having them on the neighbor's property.

Commissioner Mayer asked about the proposed landscaping in between the rear of the units.

The Applicant stated those areas are lawn and usable open space.

Director Langer asked the Planning Commission to keep in mind the houses may not be precisely as shown on the site plan but would be within the building envelopes.

Commissioner Mayer stated the list of recognizable benefits to the community is not impressive. If the Applicant is willing to add the second row of evergreen for additional screening; and, as another benefit, add a variety of trees in the common area, those would be beneficial. The high density is to each his own; some people prefer the higher density and less maintenance.

The Applicant stated they would gladly add a variety of trees in the park area and a second row of pine trees for screening.

Commissioner Mayer stated he thinks that would make the neighbors happier. If the water retention is approved by the engineers and governing agencies as stated, no stormwater is going to leave the retention basin based on it holding two 100-year flood events, and there would be no overflow onto neighboring properties, he could support this project. He was concerned initially that the neighbors would experience flooding; they may even end up in a situation where that pond runs dry. He is not an engineer, but they get a lot of water from that area. If they are willing to add the screening and trees in the common area he will agree to the higher density.

Chair Fox stated they are going to have to meet or exceed the standards. The Applicant stated they do.

The Applicant stated Commissioner Mayer raised a good point; he does not believe in that area of the Township, with what he knows after developing here for thirty-five years, that they are going to run out of water in the existing pond. It sits low enough that he is not worried about it in this location. He does not believe the pond is surface-fed but spring-fed. They will not have an issue of running out of water and this project will eliminate all of the current run-off from this site.

[A brief discussion about the County required drainage pipe occurred between the Applicant and members of the public.]

Chair Fox stated they have to meet or exceed the standards of the Township, and the County; the Township has an engineer, the Applicant has engineers, the County has many engineers. If it does not meet or exceed the standards, it will not happen. It is that simple. He continued the property is listed on the Future Land Use Map for something like this; many do not know the difference between current Zoning and Future Land Use Categories. They are not asking for anything out of the ordinary of what could be. It has been that way for a long time.

Commissioner Mitchell answered an earlier question about Section 8 low income housing by stating the following:

- Average square footage of the single-story houses is 1800 square feet.
- Two-story is 2100 square feet.
- Will be using luxury materials.
- By that you can imagine that would leave out low income type of housing.
- He does not have a concern in that area.

Commissioner Mitchell asked about the traffic calculation.

The Applicant stated for a single-family development, it is approximately ten trips per day per household. There are 57 units planned.

Chair Fox suggested the Planning Commissioners think of a neighborhood they have lived in and image the traffic.

Commissioner Mitchell offered the following Motion:

Move to recommend approval of Site Plan Application #20-011, the Preliminary Planned Development Site Plan for the Villas of Hartland, subject to the following:

- 1. The Preliminary Planned Development Site Plan for the Villas of Hartland, SP #20-011, is subject to the approval of the Township Board.**
- 2. Waiver request for substitution of evergreen trees for 50% of the required canopy trees in the greenbelt area (Hacker Road), is approved.**
- 3. Waiver request to plant street trees within the Unit Envelope, behind the 12-foot-wide public utility easement, is approved.**
- 4. Waiver request to use existing deciduous and evergreen trees, in combination with new trees, along the north and south boundaries of the site, to fulfill the screening and buffering requirements of the Ordinance, is approved.**
- 5. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated May 19, 2022, on the Construction Plan set, subject to an administrative review by Planning staff prior to the issuance of a land use permit.**
- 6. 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.**

Seconded by Commissioner Murphy. The Seconder proposed the following conditions:

- 7. The applicant shall install a second row of evergreen trees along Hacker Road between the existing wetland and Hacker Road, to act as a screen.**

8. **The applicant shall install a variety of trees in the open space area south of Pastir Lane and north of Morelli Court.**
9. **The applicant shall identify existing trees along Hacker Road that can be saved and shall make attempts to save those existing trees.**

The Maker and Seconder agreed.

RESULT:	RECOMMENDED APPROVAL
MOVER:	Commissioner Mitchell
SECONDER:	Commissioner Murphy
AYES:	Commissioners Fox, Grissim, Mayer, Mitchell, Murphy
NAYS:	Commissioners LaRose, McMullen

8. Call to the Public:

Jim Jablonski, N Hacker Road, Oceola Township; feels the Applicant's dismissal of their stormwater concerns is alarming. The materials contain a letter from Spaulding DeDecker on page 27 that states the ultimate destination for the water is the pond. He also would like the Planning Commission to reconsider what would make the neighbors happy relative to the density; he is here with his neighbors, and no one is happy. Comparing it to Fiddler Grove is not the same thing. It does not belong on Hacker Road. It does not fit.

Henry Nykiel, N Hacker Road, Oceola Township; wants to know if water does leave the property, what can be done. Dams fail all the time, and this is an earthen dam.

Steven Cotter, N Hacker Road, Oceola Township; asked for the four foot berm to be continued to the emergency access, and have the road paved to the emergency access as a benefit since he believes his property value will fall.

Chair Fox thanked the members of the public attending the meeting for taking the time to come and share their views; the Planning Commission does hear the thoughts expressed by the public and those thoughts do have an impact on this and other projects.

9. Planner Report:

None

10. Committee Reports:

None

11. Adjournment:

A Motion to adjourn was made by Commissioner Grissim and seconded by Commissioner LaRose. Motion carried unanimously. The meeting was adjourned at approximately 9:07 PM.

HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED MEETING MINUTES
May 26, 2022 – 7:00 PM

Submitted by,

A handwritten signature in cursive script that reads "Michelle LaRose".

Michelle LaRose
Planning Commission Secretary