

HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED MEETING MINUTES

October 10, 2024– 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 Eckman, Fox, Grissim, Mayer, McMullen, Mitchell, Murphy

Absent – None

4. **Approval of the Meeting Agenda:**

A Motion to approve the October 10, 2024, Planning Commission Meeting Agenda was made by Commissioner Eckman and seconded by Commissioner Murphy. Motion carried unanimously.

5. **Call to the Public:**

- Diane Petronio, Hartland Township; concerned about traffic, volume of customers this brand of restaurant generates, feels the access should be from the south toward Rural King.
- Lorna Coury, Hartland Township; does not see a benefit to Hartland Township residents other than property taxes, there are twenty fast food restaurants in the area, concerned about traffic and safety, and the volume of customers this brand of restaurant generates.
- Jessica Brooks, Hartland Township; agreed with previous statements, witnessed changes in the area as development has progressed, concerned about traffic and safety, volume of customers this brand of restaurant generates, does not feel this location is suitable for this applicant, existing problems with drivers observing traffic signage.

6. **Old and New Business**

- a. Site Plan Site Plan #24-010 Redevelopment of site – proposed restaurant with drive-through service (Chick-fil-A), Planned Development (PD) Concept Plan (10382 Highland Road)

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

- Confirmed the location as east of US 23, east of Blaine Road, south of M-59.
- Proposing a Planned Development (PD).
- PD permits commercial uses.
- Previous use was a Burger King restaurant with a drive-through service window.
- Rural King and parking area is to the south.
- PD is a three-step process: Concept, Preliminary, Final all of which come before both the Planning Commission and the Township Board. The Planning Commission makes a recommendation, and the Township Board has final approval. At the Conceptual review, no decisions or recommendations are made, the Applicant receives comments from both the Planning Commission and the Township Board. Most of the details are reviewed at the Preliminary level. The Final Review is where the legal documents for the PD are reviewed, and the property is actually rezoned to PD.

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- Proposing to close the M-59 access and install a sidewalk, the access on Blaine Rd and to Rural King would both remain. There are two canopy's and two drive-through lanes plus some on-site parking.

The Applicant, Leslie Accardo, Senior Project Manager of PEA Group, representing Chick-fil-A stated the following:

- Drive-through lanes will accommodate fifty (50) cars so that they will not spill off of the site. The sweet spot or average they deal with is thirty-five (35) cars.
- Intend to close off the MDOT access to M-59 to improve traffic flow.

Chair Fox referred to the staff memorandum dated September 26, 2024. He explained the staff review letter contains brief talking points and outlines the project. The intent is for the Planning Commission to share their thoughts on the concept of the project. If the Applicant chooses to move the project forward, a more detailed review will come at the Preliminary review during the Public Hearing. Notices will be sent prior to the Public Hearing to all property owners within 300 feet of the property.

General Layout

Chair Fox called out the following:

- 5,146 square foot building
- Restaurant with drive-through service (Chick-fil-A)
- Outdoor seating (24 seats) is shown on the north side of the building
- Seventy (70) seats are available for dining inside the restaurant, and 24 seats outside.
- Fifty-five (55) parking spaces
- Two (2) drive-through lanes

Zoning Information

Chair Fox stated the site is currently zoned GC General Commercial. The Applicant has chosen the PD route.

Commissioner Eckman asked about the process if it remained GC. Director Langer stated the following:

- A fast-food restaurant with a drive-through is permitted in the GC zoning district by Special Use Permit.
- If it remained GC, there would be a public hearing with the Planning Commission making a recommendation. The Township Board would have the final approved.
- If all of the GC standards were met, the Township would be in a very difficult position to do anything other than approve it.
- PD process allows for more flexibility for the Township and the Applicant.

Chair Fox added that most of that area was developed as a PD. It is the preferred route.

Site Layout

Chair Fox stated they are proposing to close the M-59 entrance and will use the other two existing accesses available.

Parking

Commissioner Murphy asked if twenty-five feet is enough space between the parking area and the drive-through lanes. The Applicant responded yes, and often they will ask the employees to use those spots so there is less traffic going in and out.

Commissioner Murphy asked about the possibility of having the employee parking off-site in the adjacent Rural King parking area. The Applicant stated there are ongoing discussions with Rural King about off-site parking to address concerns about not having enough parking spaces.

Commissioner Eckman asked about the GC parking standards. Director Langer stated those parking standards are based on usable square footage, the areas where the customers are excluding the restrooms. A floor plan is not required at this review level, and one was not provided; all we have currently is the gross square footage. As more detailed information is provided, there may be more parking required than is proposed. This is something that would come up and be worked out during the Preliminary review.

Chair Fox stated in his experience the Township wants less parking and the developer wants more parking than may be needed leading to large areas of unoccupied paved parking. The PD process allows flexibility in negotiating the right amount of parking for the specific use. In this case, it may be a higher intensity of use, and the conversation could be different.

Commissioner Murphy commented that if the employees are required to park off-site, he wants to ensure their safety and not have them walk on the road. The Applicant stated they have done crosswalk parking with a sidewalk for the employees to walk from one area to another at other stores. It is a concern of Chick-fil-A as well.

Chair Fox commented the parking spaces are shown as 9' x 18' the Township typically requires 10' x 20'. If the Planning Commission desires something else, they should let the Applicant know now so the plan can be modified. Hartland has been a huge advocate of larger parking spaces.

Commissioner Mitchell stated he would like to see 10' x 20' parking spaces as this community tends to drive larger vehicles.

Commissioner Mayer agreed.

Commissioner Grissim stated she is open to considering 9' x 18' to reduce the amount of pavement.

Commissioner Murphy stated he too likes the larger size but recognizes many of the customers may be coming from other communities with smaller vehicles, so he is also open to considering a smaller space as long as it is reasonable.

Commissioner Eckman stated he drives a larger truck and likes the larger spaces but dealing with parking a large truck is a decision one makes when purchasing a vehicle. Sometimes the spaces are small, sometimes not, but he does not see it as a deal breaker here.

Commissioner McMullen stated she is open to either.

Building Elevations

Chair Fox stated it is an all-brick facility as are most Chick-fil-As. The Applicant provided a sample board. Chair Fox confirmed the proposed building would look like the store recently built in Flint. The Applicant concurred.

[The Planning Commission viewed the sample board provided.]

Other

Chair Fox stated municipal water and sanitary sewer are available on this site. A stormwater management plan is not required at this level but will be later.

Traffic Generation

Chair Fox stated a traffic impact analysis will be required at the next step in the Preliminary review.

Director Langer stated there were some really good questions from the public and he would like to share how the Township looks at this issue. He stated the following:

- Blaine Road is a public road under the jurisdiction of the Livingston County Road Commission.
- M-59 is a State Highway under the jurisdiction of the Michigan Department of Transportation (MDOT).
- The Township allows those agencies to take jurisdiction over their roadways. This plan has been sent to them for their input and review.
- Often the Institute of Transportation Engineering (ITE) Manual is used for estimating trip generation; 24-hour volume is generally not the main consideration but rather the a.m. or p.m. peak hours. The comparison is not Burger King to Chick-fil-A but fast-food restaurants with a drive-through and X amount of square footage compared to other fast-food restaurants with drive-throughs and Y amount of square footage of building space. When the traffic analysis is done it may not reflect a significant difference or change so the Road Commission and MDOT may not have much in the way of comments. The Township realizes that it is a big issue but yields to those road agencies to handle traffic issues.
- When the commercial developments on the north side and south sides of M-59 were constructed, the current road improvements, such as the boulevard, left turn lanes and signals, were added with the expectation all of the commercial areas would be built out; they take into account current and future development at that location. Those changes were required by MDOT.

Commissioner Murphy commented that the normal calculation is 35 cars in the stacking lanes but space for 50 cars is proposed. The Applicant concurred. Commissioner Murphy stated obviously traffic is a thing especially with this restaurant which can be a problem because it is so popular. He continued he is curious to see what the traffic study shows and if there are any other options to consider on this particular site to move traffic through.

Commissioner Eckman asked if it is a third-party engineering firm who completes the traffic study using the ITE data. Director Langer stated that typically the Applicant hires a traffic engineer. The Applicant confirmed they typically hire a traffic consultant. Commissioner Eckman asked if plans typically include a more realistic traffic flow for the specific business, not the general type.

The Applicant stated the following:

- The issue of traffic comes up in every community they present with.
- Chick-fil-A is still in a limited number of locations but as the number of locations increase, the traffic gets better.
- They are fully aware that traffic is an issue, so they plan for it.
- They would not propose to come to Hartland without giving careful consideration to the traffic, the site, and how everything is flowing.
- They would not present a plan they did not think would accommodate the traffic.
- They do multiple versions until there is a plan to present; from the first meeting to now, the plan looks quite different.

Commissioner Eckman stated the following:

- Traffic will be the most significant issue; we will have to visit it more.
- Two specific traffic problems: one is the backup issue one typically sees with Chick-fil-A which may be mitigated with the 50 spaces in the queue; the other is the design of the traffic flow pattern at that location.
- He does not understand how MDOT built a 70-million-dollar road improvement and ended up with that turn. The boulevard ends, they could not move it to the next one to do the Michigan left to turn around. It is a significant limitation when turning left; people are not used to turning left with opposing traffic and not having a full traffic light to direct traffic there.
- He does not know how the Township can mitigate that or have any control over it.
- Chick-fil-A is a victim of their own success, it does not seem fair to penalize a business for being too successful.
- Having a definitive written standard or traffic study is better than opinions.

Commissioner Murphy stated he agrees with Commission Eckman and mentioned when the Novi store opened it was difficult for those driving in the area. He also asked if there is some way to reroute traffic to the east side of the building rather than coming off of Blaine Road.

Design Details

Chair Fox stated there is no Pattern Book when it is one building. Director Langer concurred stating the site plan and building elevations become the Pattern Book for that PD.

Recognizable Benefits

Director Langer stated the premise of a PD is give and take; the Township is giving up the normal zoning regulations for that site and the Applicant offers some community benefits in return, over and above what it might normally do. Something that would be a benefit to the community. Chair Fox added the redevelopment of a site with a vacant-for-over-three-years restaurant and Number 1 on the Community Survey with comments like “Do something about this.” He stated that it does not erase everything else they have talked about but is a benefit.

Commissioner Murphy asked about the location for truck deliveries. The Applicant stated there are two types of deliveries; the WB62, which is a big truck that delivers after hours between 12:00 a.m. and 5:00 a.m., and usually during the day one box truck will come with fresh buns and produce. The Applicant stated they can add a loading spot, but it is typically a pretty quick delivery. Chair Fox and Director Langer indicated a loading area is typically not shown for the recently approved

restaurants. The Applicant stated it is typically not needed because of when the large semi-trucks make their deliveries.

Commissioner Mayer asked about relocating the access. Director Langer stated the road to the east is a private road and would require an access agreement. Most of the landscaped area on the site plan is on the Rural King property. Commissioner Mayer asked if they were working with Rural King to purchase additional property. The Applicant stated no, the intent is to not purchase additional property. Commissioner Mayer asked about having the employees park on Rural King property. The Applicant stated that would be more of a cross-access agreement. Commissioner Mayer stated he would like to see them explore gaining access to the private road and using that as an entry. The Applicant stated that it could be explored.

Planning Commission Comments on the Concept Plan

Commissioner Grissim stated the following:

- When you look at the property line, you see they are maximizing the site.
- Curious to see what open space there will be.
- Likes the idea of working something out with Rural King.
- Planning Commission seems to feel the site is a little too tight.
- Does not feel the Rural King site is being used effectively.
- Hopes something could evolve for another access.
- It is a tight situation in so many ways.

Commissioner Mayer reiterated he would like to see possibly using the private service drive instead of Blaine Road as an access.

Commissioner Mitchell stated with the exception of the Novi facility that is not accommodating the amount of traffic, he feels this proposal and the amount of stacking spaces shown, far exceeds the average Chick-fil-A store he has visited. He is not overly concerned about the traffic issue internally.

Commissioner Murphy stated the following:

- Regarding traffic, what is supposed to be on this lot, or inevitably what will be there?
- Many fast foods restaurants are in the area.
- Reality is we are a highway exit.
- Not a surprise that Chick-fil-A is coming to this spot.
- Over time, as more stores open, the novelty may wear off.
- Applicant knows the flow of traffic and how fast they can get people through the line, it is very efficient the times he has been there.

Commissioner Eckman stated the following:

- Not relevant how many others will be built; we do not know if any others will be built; we are looking at this particular plan.
- Biggest concern is the U-turn on M-59, would be interested to see the traffic study in relation to what the existing traffic is now. Is it going to back up onto M-59 as people try to make that left turn during peak hours?

- M-59 is busy with backups. We cannot control the traffic on M-59 other than stopping all development.
- Curious to see how this may affect traffic on surrounding roadways.

Director Langer explained what is contained in a traffic study stating the following:

- Often times there is an aerial depiction of an intersection and calculations of how many cars are turning right, or left if possible, or heading to the U-turn which is actually farther down than some realize.
- It will be broken into Peak Hours for the a.m. and p.m. and the number of cars that will go in each direction.
- It will focus primarily on this site and often it will identify what improvements can be made.
- He is trying to prepare the Planning Commission for the possibly the traffic study may indicate no improvements are necessary.
- It is not going to answer all of your questions.

The Planning Commission briefly discussed traffic studies.

Chair Fox stated the following:

- If MDOT and the Livingston County Road Commission approve the project, it cannot be denied. They have access to the road; you cannot deny them access to the road that they front.
- The county will never tell them to shut the Blaine Road entrance.
- Like the existing development or not, he was here when many of these projects were approved.
- For a 5,000 square foot restaurant, remove the name from the building, which is what will happen, can it go there? That is what you will see in the traffic study.
- The Township does not control the roads.
- If you pull up to that light on M-59, there is a large chance the people next to you do not live in Hartland; most of the traffic is Highland and Howell. The reason they come here is because of the access to US 23. If the traffic backs up at existing restaurants, it is possible most of those people do not live in Hartland.
- GC zoned property, currently a dilapidated site the public has asked in surveys to please do something about, Chick-fil-A or whatever, we have a request for redevelopment.
- If the Township did not approve even one more project in Hartland, the traffic would still increase next year.
- We have no control over Howell or Highland, and limited control here.
- He understands the traffic issue: he lives it, he drives it.
- How many times has M-59 not been under construction in the last few years?
- If you did get a report, what are you going to do about it? Not trying to diminish it, traffic is important, but we do not have a say in it.

Commissioner Eckman replied you are saying we do not need a traffic study, that we only need comments from MDOT and the Road commission. Chair Fox stated that is typically how decisions are made.

Director Langer added the following:

- In a case like this, it will be a minimal traffic study as it is going from one fast food restaurant to another.

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- In most peoples' minds it is an underperforming Burger King changing to a high performing Chick-fil-A which is a huge difference, but in the world of traffic generation, the use is generic to allow for a fair comparison.
- They do not take the applicant's word, they use studies from around the country to determine what a fast-food restaurant with a drive-through window generates so they are not being biased or discriminatory; they are using tried and true, traditional, relied on traffic information to support any decision.
- If you start veering off from that and just use the applicant's information, you do not know if that is accurate and you are out of your element. When you are out of your element in decision making, that becomes a potential legal issue for the Township. Unfortunately, that is the world we live in.
- Traffic is important, but many times the Township has to look at a request from a legal standpoint. What are we locked into or not locked into? What can we push for and what we cannot push for. That weighs heavily on decisions.

Chair Fox added MDOT is going to love that they are closing the M-59 driveway. That is the reality of it; it does not mean he is for or against the project.

Commissioner Mayer asked the Applicant if they know how many cars come out of there at peak hours. The Applicant replied she does not, but she does know when they do the trip generation, it is based on location, signals, many variables. She does not know those figures off the top of her head. Chair Fox added we all have experienced driving to Twelve Oaks or Novi. The whole population of Livingston County is 150,000 people; there may be 150,000 people within three or four suburbs of Novi, including Novi. We do not have a million square foot shopping center like Twelve Oaks. We do not have all of the commercial. All of the traffic back up there is probably people who do not live there. They have I-96 whose traffic is substantially greater than US 23. We can talk about the traffic, but we cannot change the traffic. The reality is this could never be Novi; we do not have the commercially zoned property and we also do not have the traffic and people to get here. He has been to the Miller Road facility but has never seen cars in the road, but he has not been there at 5:00 p.m. so maybe there are. They do not have anywhere near the stacking space proposed here. He is not trying to defend it but is trying to show the reality of what it is. He understands what residents are feeling and if he lived on Blaine Road, he would be in the audience too wanting the facts.

Commissioner McMullen stated the following:

- Agrees with Commissioner Mitchell.
- Regarding traffic, there was big hype in Novi, she has visited that store once or twice but does not typically stop at Twelve Oaks because of the traffic.
- Lived in Novi in the 1990s and the traffic was horrendous then.
- Typically frequents the store in Northville, also a high traffic high volume area, she is in and out. Both entrances are off of the service drive in front of Kohl's.
- The hype dies down after a time and they are not that busy compared to when they first opened.
- Does think it will be a benefit to the community, especially to get that Burger King gone.
- Also appreciates the things Chick-fil-A does for the community and their involvement.

The Applicant stated the following:

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- She stopped at Culver's on the way to the meeting and had dinner and sat in the parking lot for quite a while waiting for her food. The entire parking lot was backing up, but they have a very short stacking lane.
- Chick-fil-A is very efficient, they do get the cars through.
- When the Novi and Shelby Township stores opened, it was during COVID, there was no dine-in option, everything was fast-food and drive-throughs. Those stores experienced traffic delays.
- If you went to the store in Roseville that opened a few days ago, you would not see anything like that.
- The Shelby Township store has a stacking lane for 25 cars; they are proposing twice that here.
- They realize traffic is an issue. She is not saying it is not an issue, but they have planned for it with stacking on the site.

Commissioner McMullen commented if MDOT timed the lights better, we would not have some of the issues on M-59 that we see today. They have to get those lights timed right.

7. Call to the Public:

Lori Sieckowski, Hartland Township; stated the following:

- Concerned about traffic.
- Feels the M-59 intersection and road were designed poorly.
- Concerned that people will not follow the existing signage for the turn-a-round.
- Concerned about increased traffic negatively affecting the future pavement condition of Blaine Road.
- Asking the Planning Commission to support the residents.

Jerrad Beauchamp, Hartland Township; stated the following:

- Agrees with what has been said about the traffic,
- Would like to see the Applicant work with owners of the private access drive and remove all access from Blaine Road.
- Supports Chick-fil-A coming to the community.
- Wants Chick-fil-A to add flashing lights at Blaine Road and M-59.

Jackie Shaller, Hartland Township; stated the following:

- Wants the Township to work with existing road agencies for safer roads.
- Not opposed to a Chick-fil-A but has concerns about traffic and safety.
- Would also like to see the Applicant work with Rural King for additional parking and access.

Larry Mauk, Hartland Township; stated the following:

- Feels the Planning Commission does look out for the entire community and would like to see it continue.
- Concerned about the M-59 Hartland Road intersection as some drivers do not observe the multitude of signage already in place..
- Thinks it was a good meeting.

Laura Skipworth, Hartland Township; stated the following:

- Supports what has already been said regarding traffic flow, the lack of understanding of the existing signage, and safety.

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- Does not feel Chick-fil-A understands Hartland.
- Supports the use of empty asphalt space and the private access versus using Blaine Road.
- Asks the Planning Commission to challenge the data that Chick-fil-A presents versus taking a back seat because we do not own the roads and the people on M-59 are not our neighbors.
- Asking the Planning Commission to challenge the data to have an open mind about what else is available versus the plan that they put in place that would flow better for the non-neighbors, the neighbors and residents of Hartland.
- Does not hear an argument against Chick-fil-A; she is hearing, please hear those who live here.
- Hartland is growing; consider how we are planning for the future of Hartland and for the people that live here.

Mary Beth Vicary, Hartland Township; stated the following:

- Agrees with everyone else.
- Concerned about safety; family has been in automobile accidents near Wendy's.
- Concerned about traffic jams and the hours of operation; before and after school traffic and young drivers.
- This location is an eyesore but maybe there is a better location.

Martin Stawicki, Hartland Township; stated the following:

- Concerned about the traffic, Blaine Road has a significant subdivision farther down with limited road access.
- Feels the M-59 entrance should be open to reduce traffic coming onto Blaine Road.
- Give consideration to push people down to the second entrance off of Blaine that goes into the business development, would reduce the bottleneck near Wendy's.
- Does not matter what goes there, it will cause an issue.

Lorna Coury Hartland Township; stated the following:

- Safety; at the south exit of Wendy's across from the Rural King parking lot, she has been almost hit several times, it is already an issue.
- Does not object to Chick-fil-A but is concerned about the traffic flow.
- Believes there is a huge volume traffic going up north and coming home year-round.
- Thinks the flow should be designed in such a way that people intuitively do the right things so it will work for everyone.

Bob Coury, Hartland Township; stated the following:

- Agreed with Commissioner Eckman, if we do not address the traffic flow, no matter how efficient Chick-fil-A is, it will be a problem.
- Agrees with Mr. Beauchamp about using the private access to the east and having an agreement with Rural King for RV parking so the throughput can be improved.
- Concerned about a potential bottleneck at the Blaine entrance.

Chair Fox thanked the audience for attending and getting the facts. He appreciates the community involvement. It is a big project for Hartland. No one should interpret his comments as if he does not care, he knows where the traffic discussion leads; you have to deal with Lansing. He hopes the correct information can be shared. After The Applicant meets with the Township Board, they will decide if

they want to move forward. If they do, that is when there will be a lengthier meeting with all of the details. He also stated the Planning Commission has heard the residents' concerns.

8. Planner Report:

None

9. Committee Reports:

None

10. Adjournment:

A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner Murphy. Motion carried unanimously. The meeting was adjourned at approximately 8:38 p.m.

Submitted by.

A handwritten signature in blue ink, appearing to read "Tom A. Murphy".

Tom Murphy
Planning Commission Secretary