

HARTLAND TOWNSHIP PLANNING COMMISSION REGULAR MEETING APPROVED MINUTES  
January 9, 2020 – 7:00 PM

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1. **Call to Order:** Chair Fox called the meeting to order at 7:00 p.m.

2. **Pledge of Allegiance**

3. **Roll Call and Recognition of Visitors:**

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

Absent – Commissioner Colaianne

4. **2020 Annual Planning Commission Organizational Meeting:**

a. Reaffirm Bylaws, Election of Officers & Committee Appointments

Director Langer confirmed the Bylaws are unchanged.

**Commissioner Grissim offered a Motion to Reaffirm the 2020 Hartland Township Planning Commission Bylaws. Seconded by Commissioner Mitchell. Motion carried unanimously.**

**The Planning Commission elected the following Officers and confirmed members of the sub-committees:**

**Chair – Larry Fox**

**Vice-Chair – Michael Mitchell**

**Secretary – Keith Voight**

**Ordinance Review Committee:**

**Commissioner Sue Grissim**

**Commissioner Thomas Murphy**

**Commissioner Keith Voight**

**Site Plan Review Committee:**

**Chair Larry Fox**

**Commissioner Keith Voight**

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

**A Motion to approve the January 9, 2020 Planning Commission Meeting Agenda was made by Commissioner Voight and seconded by Commissioner Grissim. Motion carried unanimously.**

6. **Approval of Meeting Minutes**

a. Planning Commission - Regular Meeting – November 21, 2019

**A Motion to approve the Meeting Minutes of November 21, 2019 was made by Commissioner Mitchell and seconded by Commissioner Voight. Motion carried unanimously.**

- b. Planning Commission - Regular Meeting – December 5, 2019

**A Motion to approve the Meeting Minutes of December 5, 2019 was made by Commissioner Murphy and seconded by Commissioner Grissim. Motion carried unanimously**

**7. Call to the Public**

- Gary Cornillaud, Hartland Township, expressed concern about drainage in the area of Site Plan #20-001 (Brennan) impacting the property across the street from the project and the process.
- Dave Briar, Hartland Township, new owner of 1010 Old US 23 introduced himself.

**8. Old and New Business:**

- a. Rezoning #19-003 for 1010 Old US 23

**Commissioner Mitchell offered a Motion to remove Rezoning #19-003 for 1010 Old US 23 from the table. Seconded by Commissioner LaRose. Motion carried unanimously.**

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

- Request is to rezone approximately 1.97 acres of property from GC (General Commercial) to LI (Light Industrial), located in Section 28 of Hartland Township addressed as 1010 Old US-23.
- Public Hearing for Rezoning #19-003 was held at the October 10, 2019 Planning Commission meeting.
- Property owner at that time requested that any action on the rezoning be delayed as he was in the process of selling the property.
- At the October 10, 2019 meeting, the Planning Commission voted to table Rezoning #19-003. Property was sold to a new owner, who has been contacted by staff about the proposed rezoning.
- Small residential units/cabins on property do not comply with GC and are considered a pre-existing non-conforming use.
- Ready to move forward with rezoning request and has provided details of the request in the staff memorandum.

The current property owner, Mr. Dave Briar, expressed dismay that he was unaware of the rezoning until after the sale.

Chair Fox asked Mr. Briar if he had any questions.

Mr. Briar stated he intends to clean up the property and continue to rent the units as residential dwellings.

Chair Fox asked if that has any impact on the rezoning. Director Langer stated it does not as the use does not conform with the current zoning and it will not conform with the new zoning.

Chair Fox asked what kind of improvements may be made to the non-conforming structures. Director Langer stated the owner can perform a repair on a non-conforming structure that does not exceed fifty percent (50%) of the replacement value of the structure. He can replace doors, windows, interior items but could not demolish them and rebuild, either in the current zoning or in the proposed zoning category. Mr. Briar stated he wants it to be nice and wants to work with the Township. He understands if something is destroyed, it could not be rebuilt. Chair Fox mentioned there are currently items being stored on the property which is not permitted. Director Langer stated outdoor storage becomes more of a possibility in LI than in GC.

Chair Fox asked if the property owner is comfortable with the rezoning moving forward. Mr. Briar stated he is. There is a plan for the items being stored to be removed.

Commissioner Mitchell asked about the dog run that is encroaching onto the property from the parcel to the north. Mr. Briar stated he believes the business owner has an arrangement for this use, but he will look into it. Director Langer stated he has a copy of a survey that may show the location of the dog run fence more accurately.

Commissioner Grissim asked about the billboard currently located on the property. Director Langer stated it is non-conforming in the current GC zoning district and is still non-conforming in the LI Light Industrial district. Billboards are only allowed in the I Industrial zoning category. Chair Fox stated if it needed to be replaced, it could not. Mr. Bair stated the previous owner owns the billboard and he would not have an issue removing it if required.

**Commissioner Voight offered the following Motion:**

**The Planning Commission Recommends Approval of Rezoning #19-003, for the property addressed as 1010 Old US-23 (Parcel ID #4708-28-300-016) approximately 1.97 acres in area, and as described in this memorandum, from GC (general Commercial) to LI (Light Industrial), based on the following findings:**

- 1. The requested rezoning of the subject property to the LI (Light Industrial) zoning classification is consistent with the Township's Comprehensive Development Plan, which indicates the property should be developed as Light Industrial or Planned Development.**
- 2. Access to the subject property is provided from Old US-23 and the property has the minimum required frontage along Old US-23 for the LI zoning classification.**
- 3. The requested rezoning of the subject property to LI (Light Industrial) zoning classification is compatible with the surrounding uses and zoning and is more appropriate than the current GC zoning classification.**

**Seconded by Commissioner Murphy. Motion carried unanimously.**

b. Site Plan #20-001 Brennan Office

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

- Request to allow for office, commercial, and retail uses on a portion of the first floor of the residential structure, for an area of approximately 672 square feet.

- Submitted floor plan for the first floor shows shaded areas that include the following spaces for the office/retail uses: an entrance/foyer area, three (3) offices, conference room, and half- bathroom.
- Per the applicant approximately 188 square feet of the first floor will be dedicated for a Christian inspired art and décor shop in the northwest corner of the first floor.
- Remaining offices will be used for Michigan Financial Planning, approximately 484 square feet in total area.
- Originally permitted as a single-family dwelling and amended to shift the structure in order save a mature tree. While under construction, the applicant was made aware of some commercial requirements and tried to incorporate those items into the construction.
- The portion of the structure and property planned for commercial use requires Site Plan Approval.

The Applicant, Kevin Brennan of Michigan Financial Planning, introduced himself and stated the following:

- Thanked the Planning Staff for their help and guidance during the process.
- Has operated his business in Hartland since 2004, lifelong resident of Hartland, looking forward to growing his business and raising his family in the Hartland community.
- Has one employee currently, holds meetings Monday through Thursday, two to three client meetings during those days. Hopes to have another part-time employee to staff a Christian inspired art and décor shop in the northwest corner of the first floor.
- Hopes to add another walkable business experience to the Village in Hartland.

Chair Fox referred to the staff memorandum.

### **Applicable Site Standards**

Chair Fox stated even though the original permits were issued for a residential structure and not a commercial, they pretty much comply with the architectural standards in LC Limited Commercial. Director Langer concurred. Director Langer stated in LC the intent is to maintain the historic nature of the Village and be consistent with adjacent lots or existing buildings.

Commissioner LaRose asked if the Off-Street Parking was approved through one of the previous Land Use Permits. Director Langer explained, technically the Land Use Permit was only for the residential construction and a parking space is not required; however, the applicant constructed it to comply as shown on the plan. The Applicant took a risk constructing it first hoping that it would conform but it does. Chair Fox asked the Applicant about his process. The Applicant stated the Building Department at Livingston County was reviewing it as if it was going to be commercial.

### **Landscaping and Screening**

Director Langer stated the Applicant intends to install more landscaping than required as they plan on screening a patio area from adjacent properties and roads. Commissioner LaRose asked are there any concerns with types of trees as they interact with utilities, public services, sidewalks and roads. Director Langer stated yes, landscaping often conflicts with underground elements so it is always a challenge to locate them the best that we can. It is a constant issue. The Applicant stated they took all of that into consideration and they have

attempted to plan well for those conflict points. All landscaping is installed other than the shrubs around the porch, riprap drainage and rain garden due to weather. Commissioner Grissim asked about the coniferous trees shown on the east side. The Applicant stated he is unsure of the variety, but they are a smaller, narrower pine tree that should not intrude on the parking.

Chair Fox touched on the Township Engineer's letter about drainage. Director Langer explained most residential Land Use Permit applications do not include a detailed grading plan to show storm water runoff as they are costly and not typically required. Generally, they show small arrow depicting where the water will drain. Commercial plans require more detail. There was concern about storm water runoff, so the Township Engineer went to the site to do a physical inspection and outline what they thought would be required to correct storm water runoff. His email is part of the attachments. He indicated his opinion is the storm water issues at this location are not necessarily due to the construction, but due to Crouse Road itself and improvements that need to be done to the road. That may be a project for the Township and/or the Road Commission. Thus, they have asked the Applicant to prepare a plan to depict where they intend the storm water runoff to go and install some rain gardens to handle detention and retention on this property. The Applicant has recently submitted that plan, but comments have not come back at this time from the Township Engineer. As this project moves on to the next phase for the commercial components, that issue will be managed during that phase with the finish grading and rain garden areas.

The Applicant stated he resides at the property and is monitoring the runoff. He has contacted the Drain Commission and will follow their direction in adding silt fence if it is required. He is asking for patience as they could not complete the final grade and landscaping before the weather turned. He also stated he does not believe any other property has installed gutters or drainage systems to the extent they have.

Commissioner LaRose asked about the Engineer's recommendation for installing riprap in the spillway as soon as possible but it sounds like the Applicant intends to do that as part of the final landscaping. The Applicant stated according to his landscaping company, they cannot complete that work this time of year, but he is their first project when the weather changes in the spring. Commissioner LaRose said it sounds like the erosion control measures are in place. The Applicant stated they are.

Commissioner Voight asked if the commercial Land Use Permit will be held until the Applicant has satisfied the Drain Commission's requirements. Director Langer stated no, that is not the process. The Drain Commission will not review the plan until after the Land Use Permit is issued to the Applicant. The Applicant then takes the approved Land Use Permit to the County for the rest of the required permits. The Planning Department has been in communication with the Drain office, and the Applicant can certainly speak with them to get ahead of this. The Township relies on our Engineer to determine if this is a satisfactory storm water management system. Commissioner LaRose added that the Drain Commissioner's office issues Soil and Erosion permits for two years so there is probably a permit still open for this project.

The Planning Commission briefly discussed the permitting process.

Commissioner LaRose asked if they intend to have a well but use municipal sewer. The Applicant stated that is correct.

Chair Fox asked Director Langer to explain the differences in process for a home that is newly built and converted to a commercial use as opposed to an existing historical structure in the Village being converted to a commercial use.

Director Langer stated with an existing historical home, used as residential, proposed to convert a portion of the structure to an office use, would go through site plan review. He would have to have a site plan showing adequate parking and stormwater runoff, construction documents showing compliance with current building codes, make the interior ADA compliant, and alter the entry to be ADA complaint; essentially the same process that is occurring now. If the project were new construction the process is the same.

Chair Fox stated the Applicant did not save anything by not going through site plan review at the beginning.

The Applicant stated because it is unique, he thinks the process has almost been more difficult. Hopefully this will pave the way for other opportunities in Hartland.

Chair Fox stated the Applicant will need to work with the Township Engineer to resolve any issues before they can proceed to the next level of permitting at the County level.

**Commissioner Murphy offered the following Motion:**

**Move to approve Site Plan Application #20-001, a request to allow for office, commercial, and retail uses on a portion of the first floor of the residential structure, for an area of approximately 672 square feet, and provide off-street parking on the subject site. Approval is subject to the following conditions:**

- 1. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated January 2, 2020. Revised plans if necessary, shall be subject to an administrative review by the Planning staff prior to the issuance of a land use permit.**
- 2. A land use permit for the proposed office, commercial, and retail uses is required.**
- 3. Future expansion of the office, commercial, and retail uses shall require additional approvals from the Planning Commission and all other government agencies, as applicable.**
- 4. Applicant complies with any requirements of the Department of Public Works Director, Township Engineering Consultant (HRC), Hartland Deerfield Fire Authority, and all other government agencies, as applicable.**

**Seconded by Commissioner Mitchell. Motion carried unanimously.**

**9. Call to the Public**

Gary Cornillaud, Hartland Township, stated according to his research there is a tremendous amount of expense involved in making a driveway approach conform to commercial standards, which is what he had to do. He believes a commercial driveway permit would not have allowed the water to drain onto Crouse Road as he believes it is now. He has no issue with the business or the use, his issue is with the process: beginning as residential and switching to commercial. If the Applicant is willing to correct the driveway approach he will be satisfied. He feels the drainage and slope of the driveway should have been addressed on the site plan. He feels the cost of

managing the stormwater runoff has now been pushed onto the neighboring properties and asked that consideration be given to this when considering future projects.

**10. Planner Report:**

Director Langer reported the following:

- The next Planning Commission meeting will be a Work Session.
- Training opportunities are available for Planning Commissioners.

**11. Committee Reports:**

None

**12. Adjournment:**

**A Motion to adjourn was made by Commissioner Voight and seconded by Commissioner LaRose. Motion carried unanimously. The meeting was adjourned at approximately 8:10 PM.**

Submitted by,

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

**Keith Voight,  
Planning Commission Secretary**