

# HARTLAND TOWNSHIP PLANNING COMMISSION APPROVED MEETING MINUTES

September 28, 2023– 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 Eckman, Fox, Grissim, Mayer, McMullen, Mitchell, Murphy

Absent – None

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

A Motion to approve the September 28, 2023, 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 August 24, 2023

A Motion to approve the Planning Commission Meeting Minutes of August 24, 2023, 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 #23-008 Site Plan/PD Application #23-008, Highland Reserve Planned Development (PD) – Preliminary Site Plan

**Chair Fox opened the Public Hearing at 7:03 PM stating all public noticing requirements have been met.**

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

- Located east on M-59, south of M-59, east of Cundy Road and Hartland Glen Lane.
- Conceptual review indicated 100 homes; this plan shows 101, 35 are planned as rental homes, 66 will be owner owned and occupied site condominium homes.
- Some commercial is planned for the 1.9 acres in the northwest corner of the site; the use is currently unknown.
- PD (Planned Development) process consists of three review stages; conceptual (comments only), preliminary and final. PDs are reviewed by both the Planning Commission and the Township Board, with the Planning Commission offering a recommendation and final approval coming from the Township Board. This project is at the preliminary stage,

The Applicant, Mike West, representing Green Development Ventures and Allen Edwin Homes; and Matthew Diffin of Diffin-Umlor & Associates, introduced themselves and stated the following:

- Previously appeared before the Planning Commission in March of 2023 and have been working with staff to prepare the preliminary site plan.
- Proposing a residential development on 39 acres, approximately two (2) acres in the northwest corner of the site will be retained by Mr. Yaldo with some kind of commercial use. The remaining approximately 37 acres will be a residential development.
- The rental portion of the property will be a single deed parcel and contain the 35 rental homes.
- Rental homes will have the appearance of a subdivision but will be offered for lease. The remaining 66 units will be developed for sale.
- A variety of home styles planned are in the Pattern Book; ranch, two-story, bilevels ranging from 1250 square feet to 2800 square feet. They have provided five but there are more that would fit into the unit footprints.
- Overall density is about 2.7 dwelling units per acre.
- Yellow boxes on the site plan represent the building envelopes which range in width from 42 feet to 50 feet wide; depth is 50 to 60 feet. The house will be somewhere in the middle. Space between is a minimum of ten feet. Some may be ten feet; others will be more than ten feet. The ten feet allows for more flexibility in building products. Rentals will be ten feet apart; site condo side setbacks will be a minimum of five feet allowing for at least ten feet separation.

[Mr. West referred to Exhibit A in the Pattern Book]

- Only the units that have a three-stall garage will be ten feet apart; most are between 12 and 20 feet apart.

[Mr. West referred to Exhibit B in the Pattern Book]

- Offered an example of an existing development with 55-foot-wide lots with 10-foot separation. These lots are 60 feet wide.
- Have exceeded the open space requirement with 40 percent planned that will include usable open space.
- Sidewalks are planned along both sides of the streets and walking trails.
- Planning a neighborhood park as an amenity with a covered pavilion and playground.
- Two access points; one off M-59 and the other off Hartland Glen Lane. They are working on obtaining the easement with property owners.
- Traffic study was generated with the assumption that the commercial use would be a fuel station with a drive-through fast food component, but the actual use has not been determined yet.
- Internal streets will be private, 30 feet wide, within a 66-foot right-of-way and were planned with potential future connections to neighboring developments.
- Stormwater basins are planned for the western portion of the site along with some rear yard swales as required by the Livingston County Drain Commission.
- Avoiding 95 percent of the wetlands found on the property, two areas will have a permanent impact and a temporary impact that will require approval from the Michigan Department of Environment, Great Lakes and Energy (EGLE).
- Reiterated some of the recognizable benefits such as walkability, open space, neighborhood park, and quality housing.
- In most areas, single-family home starts are down but they have built more homes than ever before, indicating they have a product that is in demand now.

#### Call to the Public

Dave Nona, manager of Hartland Glen LLC, which owns the Hartland Glen Golf Course, expressed concerns about the new development connecting to the sanitary sewer lift station that will serve the

Redwood Development. Hartland Glen paid to expand the lift station to accommodate the Redwood development and future developments. Mr. Nona stated he is not opposed to the Highland Reserve development but is concerned that they have not been approached by the developer regarding the use of this lift station. He also stated there are other issues regarding Hartland Glen Lane that need to be addressed. He requested the matter be tabled until these issues are resolved.

**Chair Fox closed the Public Hearing at 7:27 PM.**

Mr. West stated they are aware they need to secure easements for access as well as water and sewer but believes those items will be addressed during the Final PD review.

Chair Fox referred to the staff memorandum dated September 21, 2023

**Use of Public Services**

Chair Fox suggested the Applicant add the extension of the municipal water and sanitary sewer services as a community benefit as it could benefit the adjacent properties to the east and south when they develop.

Commissioner Mitchell asked about the location of the existing sanitary sewer lift station. Director Langer indicated it is in the southern portion of the Redwood development. He also stated this topic is something that is never discussed at this stage in the approval process; that is typically worked out in the construction phase. Typically, an Applicant would not spend money on that level of detailed plans before they received approval for the project.

**Planned Development Design Standards (Section 3.1.18.C.)**

**Residential Density**

Director Langer stated the following:

- Applicant indicated 2.7 dwelling units per acre.
- Township calculations used the whole site for a density of 2.6 dwelling units per acre.
- Proposing 101 units. Maximum density would allow 156 units and 218 with the bonus density.

**Design Details**

Chair Fox commented the Applicant has provided a Pattern Book. He asked about the commercial portion and if it would generally follow the ordinance. Director Langer stated in the future, the commercial component will be owned by another entity and those plans are not far enough along to list a specific use so the Applicant is voluntarily proposing to comply with the normal commercial standards, zoning standards, parking requirements, all the normal zoning provisions that would apply to a commercial site.

**Minimum Yard Requirements**

Director Langer stated the following:

- Front setback is normally 50 feet; they are proposing 25 feet.
- Rear setback is normally 40 feet; they are proposing 20 feet.
- Driveways are 25 feet which complies with the normal requirements.

### **Distances Between Buildings**

Director Langer stated in the owner-occupied units, the proposed minimum distance between building envelopes is five feet or ten feet between structures. The Applicant has explained that will not be the norm; all the units will not be ten feet apart, but some could be. Director Langer continued the same would be true for the rental properties. This is certainly tighter than CA allows but similar to some other developments such as Newberry, the proposed development to the east.

Commissioner Mitchell stated he has concerns about a five-foot setback where homes could potentially be spaced ten feet apart. He stated the following:

- He understands the explanation that this would be rare.
- He sits on the Zoning Board of Appeals (ZBA) and very few side yard setback requests are granted.
- He does not feel comfortable giving a developer the discretion for such a severe infringement on our ordinance with this setback.
- He would not feel comfortable making the next resident that comes to the ZBA for a variance for a side yard setback jump through all the hoops to prove their case while this developer has been given carte blanche.

Director Langer explained the Zoning Board of Appeals does not establish any of the zoning, that is a legislative function performed by the Planning Commission and the Township Board. The role of the ZBA is to grant relief from those regulations due to unique circumstances where there is a practical difficulty meeting the ordinance standards. The regulations apply generally but there will always be a unique property with some kind of physical feature where those regulations do not work. The ZBA's job is to hear those cases and grant relief. What is being presented here is almost a legislative function; through the Planned Development process itself, the property will be rezoned with new standards. It is not truly a variance being granted; it is as if the ordinance has been rewritten to permit five-foot setbacks for this property. In the end, when the Township Board finally approves a PD, it is a rezoning to PD subject to the approved standards for that particular Planned Development. He also stated the criteria are different, but those comments are fair and something to consider.

Chair Fox added affordable housing typically exists on smaller lots with smaller setbacks; it is a concept we have to realize comes with that product. You see it in the Special Planning Area to the east as well. It has been decided that this portion of the Township is going to be that way. There is a lot of open space around this development, the actual property and distance between homes is different than some are used to seeing. Millpointe is an example of an existing development with smaller lots and side setbacks. He stated he is alright with it as it is part of this type of development.

The Applicant concurred also stating in a Planning Development clustered housing is common but in order to get the required open space, the structures are planned closer together. More importantly, they are not in violation of any Building Code or Fire Code. His understanding of the code is that if the structures are ten feet apart, a one-hour fire rated wall or fire rated materials are required. Their process is to put those fire rated walls in if the structures are closer than twelve feet apart, exceeding the code requirements. If a house is five or six feet from the property line, they will install those materials even if they do not know how far away the neighboring structure will be just to be safe. They have done them in other communities such as Waterford Township with 50-foot-wide lots and five-foot setbacks as a tradeoff for open space, pathways and a park.

Commissioner Mayer mentioned that the Fire Department's comments or recommendations do not support the requested setbacks. Chair Fox interjected their comments are not code. Commissioner Mayer continued their recommendations should be considered. The Applicant stated they are following the Building Code if there is a standard from the Fire Code, it has not been provided. He understands the Fire Department must consider the worst-case scenario, but his company has built all over the state and the Fire and Building Code is the same.

Commissioner Mayer expressed concern about the distances between the rental property dwellings. The Applicant directed his attention to sheet five of the preliminary plan set where there is a rental portion envelope dimension listed for each home; no less than ten feet apart and twenty-five feet from the road. All structures would be included inside those envelopes with no outbuildings permitted.

### **Sidewalks and Pedestrian Access**

Commissioner Murphy stated he appreciates the walkability and the few miles of sidewalk. He asked about where Lockerbie Lane intersects with M-59. The Applicant stated they stopped a bit short as that portion will be filled in with the commercial development happens in the northwest corner. Commissioner Murphy also inquired about Abernathy Street and Hartland Glen. The Applicant stated they intend to provide a crosswalk but is unclear if a sidewalk is planned as part of the Redwood project along Hartland Glen. Commissioner Murphy stated he would like to see some investigation into that connection otherwise it is a sidewalk that ends at a road and people will usually end up in the road.

### **Requirements for Preliminary Review (Section 3.1.18.E.ii)**

#### **Traffic Impacts**

Director Langer stated the following:

- Applicant hired a traffic consultant who prepared a detailed report.
- Report has been sent to the Michigan Department of Transportation (MDOT) who is still reviewing the project but there is an email stating the location of Lockerbie Lane Drive is acceptable.
- MDOT is continuing to work on what other improvements may need to be made to M-59 such as a deceleration/acceleration lane, or U-turn type turnaround crossing.
- If the location is approved, any details about how that access will function can be worked out later with MDOT.

#### **Vehicular Circulation**

Director Langer stated the following:

- Proposed road width is 30 feet back of curb to back of curb which does not meet the standard.
- If there are more than 25 units or parcels, the road width defaults to the Livingston County Road Commission standard of 30 feet face of curb to face of curb.
- Difference is approximately one foot on each side.
- Space for landscaping and street trees will be compromised if the road width is wider.
- Consistent with what has been permitted for Fiddler Grove, Courtyards, Villas, many recent developments.
- Using a rolled or mountable curb which allows greater flexibility for driveway locations.

Chair Fox mentioned the mountable curb is something the fire department likes for emergency access.

**Landscaping (Section 5.11)**

**Canopy trees along Internal Roadways**

Commissioner Grissim commented the Plan is to be revised to state White Oak tree is a three-inch caliper tree, on the Construction Plan set and called out the 35 feet distance between trees is part of the Street Trees section and will meet the requirement.

**Buffering or Screening (Sec. 5.11.2.G.i.)**

Commissioner Grissim asked about the south side where the golf course is located. If a lower density development is approved, then they will owe a screen but we do not know what will be there at this time. Director Langer stated the Future Land Use Map permits four units per acre on the property to the south; the density of this development is 2.6. It may remain a golf course use; there are many uncertainties. That is why it is up to the Planning Commission to determine if what is proposed meets the requirements.

The Planning Commission briefly discussed the history of this site and neighboring sites.

The Planning Commission had no other issues with the proposed screening.

**Detention/Retention Area Landscaping (Sec. 5.11.2.H.)**

Commissioner Grissim commented they are missing a couple of trees, and the intent of the ordinance is that they be planted in a more natural random way around the pond as opposed to equally spaced as shown.

**Architecture/Building Materials (Sec. 5.24)**

The Applicant shared a visual display of the proposed building materials also stating they offer options for stone on the exterior, but it is up to the customer as it does increase the cost. The Applicant also displayed a sample board of siding materials. For a spec home or the rental options, they intend to use a variety to add visual interest and avoid each home looking the same. For the owner-occupied homes, it is up to the customer to choose.

Director Langer commented for a commercial project, exterior building materials are looked at very carefully. For single-family residential projects the Township does not typically get involved much but our standards encourage earth tones. There are some reds and other colors proposed; if there are any concerns with the proposed color option, now would be the time to voice them. The Planning Commission had no concerns.

Commissioner Mitchell asked about lot coverage. Director Langer stated in other parts of the Township there are residential lot coverage limits anywhere from 15 percent to nearly 60 percent. This development is similar to Walnut Ridge where there are no lot coverage percentages but rather there are building envelopes, and all structures must be contained within that building envelope.

The Planning Commission briefly discussed other developments that have had lot coverage issues.

Chair Fox asked about the 1.9-acre commercial portion of the project. A list of uses was put forth. Typically, a fuel station requires a Special Use Permit, but it is listed here as a Permitted Use. Does the Planning Commission want to waive the regulations and process for approval of a fuel station at this location, if one is proposed? He is not against a fuel station here, but he does think it should not be listed as a Permitted Use but rather a use by Special Use Permit. If this project is going to follow the GC General Commercial guidelines for that corner of the project, why not make the Permitted Use and Special Use lists the same. If it is a Permitted Use, the review process and legal notice process would not occur as it does now for other GC sites. Commissioner Eckhart asked is it going to be a commercial use inside this PD?

Director Langer stated the following:

- Approximately two acres.
- Instead of stating all uses in the GC category would be allowed, the Applicant chose ten uses and listed them as Permitted Uses.
- They do not know exactly what they want to do with that portion at this time, so they intend to follow the normal GC commercial standards.
- Those uses are written as “subject to a Site Plan” so they when they decided on a use, they would have to come back to the Planning Commission for Site Plan approval but there would be no noticing, no Public Hearing, just the standard Site Plan process.
- Chair Fox is advocating if they intend to mostly follow the GC standards, why not have them follow all the standards for the different uses.
- Limiting the uses is fine but some would still require the Special Use Permit process like a fuel station or drive- through.
- If the Planning Commission desires, they can build in those additional standards or others if they so desire.

Chair Fox reiterated his point stating that all others have had to go through that process, why would we exempt this project from going through the same process.

The Planning Commission agreed.

Commissioner Mayer inquired as to the ownership of the lift station.

Director Langer stated the following:

- The lift station is currently under construction.
- Livingston County Drain Commissioner’s Office is not interested in having jurisdiction over the lift station until it is completed to their specifications.
- Located on the Hartland Glen Golf Course property with an easement that was part of the Redwood Development.
- He is uncertain of the answer to the ownership question at this time, but it could be determined

Commissioner Mayer stated typically once completed, lift stations are turned over to Livingston County and it is up to them as to who can tap into it and the capacity. Director Langer confirmed also stating the Planning Commission is typically not involved in those issues.

**Commissioner Grissim offered the following Motion:**

**Move to recommend approval of Site Plan/PD #23-008, the Preliminary Planned Development Site Plan for Highland Reserve Planned Development as outlined in the staff memorandum dated September 21, 2023.**

**Approval is subject to the following conditions:**

- 1. The Preliminary Planned Development Site Plan for Highland Reserve Planned Development, SP/PD #23-008, is subject to the approval of the Township Board.**
- 2. Waiver request for the substitution of evergreen trees for 50% of the required canopy trees in the greenbelt area of the residential section of the planned development along Highland Road, is approved.**
- 3. Waiver request to deviate from the Livingston County Road Commission design standards regarding the roadway surface width for a private road, is approved.**
- 4. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated September 21, 2023, on the Construction Plan set, subject to an administrative review by Planning staff prior to the issuance of a land use permit.**
- 5. As part of the Final Plan Review, the applicant shall provide a Planned Development (PD) Agreement that includes any access and maintenance agreements. Access and maintenance agreements will be required for the use of the Hartland Glen Lane and future road connections to the east (via Melsetter Street) and south (via Ardmore Avenue). The documents shall be in a recordable format and shall comply with the requirements of the Township Attorney.**
- 6. Applicant complies with any requirements of the Township Engineering Consultant, Department of Public Works Director, the Fire Code requirements, and all other government agencies, as applicable.**
- 7. The applicant shall install additional trees, as outlined in the staff memorandum, dated October 10, 2023; and the applicant shall make the storm detention/retention basin landscaping more random and natural in its appearance.**
- 8. Any of the permitted commercial uses that are proposed in this PD, which would require a Special Land Use Permit in the GC (General Commercial), shall only be permitted by Special Land Use Permit.**

**Seconded by Commissioner Murphy. Motion carried 6-1.**

**Voting Yea: Commissioners Eckman, Fox, Grissim, Mayer, McMullen, Murphy**

**Voting Nay: Mitchell**

**Absent: None**



**8. Call to the Public:**

David Nona, of Hartland Glen Golf Course, offered comments regarding the lift station, who paid for the increase in capacity, and who he believes will be able to have access in the future.

**9. Planner Report:**

None

**10. Committee Reports:**

The Planning Commission discussed some private commercial parking lot areas that are missing internal stop signs and what can and cannot be done.


The Planning Commission discussed a rumor regarding speed limit changes.

Commissioner Murphy asked Director Langer for information regarding a study several years ago that included Pleasant Valley and if there are plans to pave the unpaved portion of that road.

**11. Adjournment:**

**A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner Eckman. Motion carried unanimously. The meeting was adjourned at approximately 8:46 PM.**

Submitted by.



Tom Murphy  
Planning Commission Secretary