



Planning Commission

Larry Fox, Chairperson	Summer L. McMullen, Trustee
Michael Mitchell, Vice-Chairperson	Keith Voight, Secretary
Michelle LaRose, Commissioner	Sue Grissim, Commissioner
	Tom Murphy, Commissioner

Planning Commission Regular Meeting Agenda
Hartland Township Hall
Thursday, December 02, 2021
7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Approval of Meeting Minutes
 - a. [Planning Commission Minutes of August 12, 2021](#)
6. Call to Public
7. Public Hearing
 - a. [Ordinance Amendment to Section 4.6 \(Ponds\)](#)
8. Old and New Business
 - a. [2022 Planning Commission Meeting Calendar](#)
9. Call to Public
10. Planner's Report
11. Committee Reports
12. Adjournment

HARTLAND TOWNSHIP PLANNING COMMISSION **DRAFT** REGULAR MEETING MINUTES

August 12, 2021 – 7:00 p.m.

1. **Call to Order:** Chair Fox called the meeting to order at approximately 7:00 p.m.
2. **Pledge of Allegiance:**
3. **Roll Call and Recognition of Visitors:**
Present – Commissioners Fox, Grissim, McMullen, Mitchell, Murphy
Absent – Commissioners LaRose, Voight
4. **Approval of the Agenda:**
A Motion to approve the August 12, 2021 Planning Commission Regular Meeting Agenda was made by Commissioner Grissim and seconded by Commissioner Mitchell. Motion carried unanimously.
5. **Approval of Meeting Minutes:**
 - a. **Planning Commission Special Meeting Minutes of June 17, 2021**
A Motion to approve the June 17, 2021 Planning Commission Special Meeting Minutes was made by Commissioner Grissim and seconded by Commissioner Murphy. Motion carried unanimously.
6. **Call to Public:**
None
7. **Old and New Business:**
 - a. **Site Plan #21-012 Hartland Crossing Planned Development (PD) Concept Plan**
Director Langer summarized the location and scope of the request stating the following:
 - SW corner of M-59 and Old US 23.
 - Commercial zoning category.
 - Proposing a Mixed Use Planned Development with commercial and residential uses.
 - Conceptual Review before both the Planning Commission and later the Township Board seeking comments, no decision at this level.
 - Five (5) outlots for commercial users with the remaining portion multi-family residential units.
 - Elevations are from the Lyon Township project for an example.

The Applicants, Christopher Kojaian and Tony Antone of K.I. Properties Holdings, LLC and Mark Szerlag of Thomas A. Duke Company introduced themselves and stated the following:

 - They are a Michigan Company.
 - Ten (10) acres along M-59 are for commercial uses.
 - Retail and commercial needs are currently shifting away from big box retail.
 - Intend to have walking paths connecting the residential to the commercial area.
 - Intentional design that will serve the entire development.
 - Access drive added which helps define the commercial area as well as provide access, but also provides much needed second access to the school on the western side of the property that would alleviate traffic backing up onto M-59.

August 12, 2021 – 7:00 p.m.

- Intention is for a high-end product with amenities for the residents.
- Southernmost portion of the property separated by the wetland area could be used for a day care or additional commercial use to serve the community.
- Will include beautiful architecture, intentional landscaping, walkability throughout, be a positive addition to the community and a benchmark for future development.
- Asking for 15 units per acre needed to get the high quality architecture and design developers need to achieve that sort of design.

Chair Fox referred to the staff report dated July 29, 2021.

Director Langer explained the following:

- Designation for this property was recently amended on the 2020-2021 Comprehensive Plan Future Land Use Map to Special Planning Area. Previously, designated as Commercial which does not allow any residential uses.
- Retail Market Analysis revealed the demand for walkability and this area was called out as a location that could support a walkable Mixed Use Development.
- Density from an existing Special Planning Area was used as a base for this area.
- Density is four (4) units per acre for 120 units with a 40% Bonus Density option for 168 units.
- Applicants indicated they need 15 units per acre which is a significant difference in total number of units.

Commissioner Grissim offered the following comments:

- Site Plan not to scale.
- Total number of units requested is unknown.
- Hard to get a visual of what 15 units per acre would be like as there is nothing in Hartland to compare it to.
- Hard to discuss without more information or a visual representation.

Chair Fox asked if the 15 units per acre includes the front 10 acres. The Applicant replied, it does not include the front 10 acres of commercial, so the request is approximately 15 units on 20 acres or 300 units.

The Applicant also stated they have not done the civil engineering drawing as they need to know Hartland is interested in having this type of project. At that point they will get with the engineers and see what how such a development would fit on this property.

Commissioner Grissim asked about the ongoing project in Lyon Township.

The Applicant stated Watermark, out of Indiana, is developing 20 acres in Lyon Township at 15 to 16 units per acre, which are two-story and still have room for many amenities such as a pool and walkability. The project should be completed by spring of 2023. He continued it is difficult as the developers want to know that their project will move forward before they commit to coming to a new area, but local governments will not commit until they see more information, so it is a Catch 22. The Applicants are looking for feedback to determine if a project of this kind is doable in Hartland Township.

The Planning Commission discussed the following:

- Details of other similar developments.
- Number of units in each building.
- Developer is unknown at this time.

- Trying to get a visual understanding of this level of density.
- Apartment portion of a Special Planning Area is greater than four (4) units per acre; four (4) is an overall unit per acre figure.
- Does this Concept Plan represent 15 units per acre.
- Apartment zoning in Hartland is typically eight (8) units per acre.

The Applicant stated they are commercial/retail developers; they intend to secure a high-end residential developer to provide the detailed plans for that portion of the project as that is their area of expertise. They hope to provide a level of comfort for this product and gain approval, but the actual developer may not be known until later. Developers are not interested in going through the process unless they know the outcome will be positive.

The Planning Commission discussed the Planned Development process stating the approval would include a pattern or guidebook with enough detail to lend a clear understanding of what the project would be like for any development company.

Director Langer suggested the Planning Commission meet again on this Conceptual Review after more information on density is provided; it would be risky to progress to the Preliminary Review without having seen examples of the requested density. Chair Fox agreed.

Commissioner Mitchell agreed stating he too is struggling to visualize the requested density without anything to look at to base it upon. He would be interested in seeing video of the Grand Rapids project.

Commissioner Grissim asked to see the Lyon Township site plan.

Commissioner Murphy stated he concurs; he likes the general layout and the walkability aspect but has questions about the density.

Commission McMullen stated she is having the same difficulty as others visualizing the density and would also be interested in seeing other developments.

The Planning Commission requested to see site plans and drone footage, if possible, of some other developments with this kind of density and have the Applicant return for further Conceptual Review. The Applicant agreed.

The Planning Commission continued and discussed the following:

- Traffic study will be required.
- Connection to neighboring property is a great amenity.
- Walkability is important.
- Secondary access for apartment units; the Township would rely on the Fire Department for guidance.
- Wetland issues to the south; the Applicant would have to work with the Michigan Department of Environment, Great Lakes and Energy (EGLE).
- Design Details: A Pattern Book was not submitted but one would be required that would act as the zoning ordinance for that site.
- Open Space: interested to see what would be available after all amenities are added.
- Landscaping: none provided at this time, but it will need to reflect the high-end architecture if the higher density is desired.
- Recognizable Benefits: the access drive to the east is a start, it would be to the advantage of the Applicant to provide as many details on amenities as possible.

Commissioner McMullen asked about the other developers the Applicant has worked with. The Applicant replied, the hot product in demand now is high-end properties for rent. They believe Hartland can support this product as Lyon Township has. Watermark is the type of developer they are hoping to use.

Chair Fox asked what the price point might be. The Applicant stated they will provide a range for the next meeting.

Commissioner Mitchell asked if they are all one and two bedrooms. The Applicant stated they are.

The Planning Commission decided to hold the second Conceptual meeting before the Applicant progresses to the Township Board for Conceptual Review.

8. Call to Public:

None

9. Planner's Report:

Director Langer reported the following:

- The part-time Code Enforcement Officer hired, Steve Brummer, has moved on to other opportunities.
- Anticipates canceling the August 26, 2021 Planning Commission Regular Meeting as there are no cases ready.

10. Committee Reports:

None

11. Adjournment:

A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner Murphy. Motion carried unanimously. The meeting was adjourned at approximately 7:52 p.m.

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director

Subject: Ordinance Amendment to Section 4.6 (Ponds)

Date: November 23, 2021

Recommended Action

Move to Approve the Ordinance Amendment to Section 4.6 and Section 6.1 of the Zoning Ordinance, as presented.

Discussion

The Township Planning Department recently initiated a zoning ordinance amendment to ponds at their September 22, 2021, regular meeting. This amendment was related to a request to install a pond. During that request, the applicant had conversations with the Township Manager and the Township Supervisor on the process. As a result, the Township Manager has asked if the process could be modified so that persons that desire to construct a pond on their property could obtain approval administratively instead of being required to obtain approval from the Planning Commission.

Applicants that desire to install a pond on their property are required to submit a Site Plan Review application to the Planning Commission. This often requires an application fee of \$1,200 and a period of time before the Planning Commission can hear this request and make a determination. Whereas, if the process were reviewed administratively, the costs would be significantly less, and the review period would be approximately a week.

As part of the review of this ordinance, staff examined similar ordinances from the following communities:

Brighton Township
Columbus Township
Fenton Township
Exeter Township
Kochville Township

Lima Township
London Township
Metamore Township
Ray Township
Shiawassee County

Copies of these ordinances were not provided as an attachment to this staff memorandum, but can be made available, if desired.

In addition, staff discussed this potential ordinance with the Michigan Department of Environment Great Lakes and Energy.

The primary purpose of the amendment was to make the ordinance clear that a Site Plan Review approval from the Township Planning Commission was no longer required and instead a Land Use Permit approval from the Township staff would be appropriate.

Pond Requirements Amendment

November 23, 2021

Page 2

In examining the current ordinance there were a few items that were looked at, as follows:

-The original intent was to permit the installation of a pond via a Land Use Permit; however, that was only intended for residential or agricultural purposes. So, the ordinance was drafted in a way to permit ponds for residential or agricultural purposes to be issued via a land use permit; however, ponds associated with commercial or industrial uses would still require Site Plan approval from the Planning Commission.

-The original ordinance outlined a minimum of two (2) acres. This was modified to permit ponds on smaller parcels, if requested. In addition, a requirement that all ponds comply with the County Drain Commissioner's standards and the State of Michigan standards, if applicable.

-The original ordinance required the pond to be setback 100 feet to any property line or dwelling. The standard presented a couple of concerns. The ordinance could be modified by the Planning Commission upon the showing of some evidence. When removing the Planning Commission from the review and having staff review it, it is generally desirable to remove discretionary standards and instead have consistent standards. Also, the current CA (Conservation Agricultural) zoning district has minimum lot width requirements of 200 feet. As a result, it is very possible that a 2 acre or even larger would never be able to meet a 100 foot setback from all property lines. In addition, the ordinance is not clear as to where the setback would apply to the pond. Is it intended to be the "ordinary high water mark" of the pond? Is it the edge of grading for the pond? Is it the edge of the water, which could fluctuate? What about overflow areas? Nonetheless, this setback created lots of questions, and the overall intent was to limit or minimize any impact on surrounding properties. Additional language was added elsewhere to address those concerns.

-Additional language was added to give the Zoning Administrator some additional authority to establish a safe condition during construction by requiring the installation of such barriers, if necessary.

-Additional language was added to address the installation of a pond and to minimize any impact on surrounding properties.

-Language was added to still require ponds for storm water detention/retention basins to require approval from the Planning Commission.

Although the Ordinance Review Committee did not conduct a meeting on this proposed amendment, this matter was distributed to those members for review and to provide comments.

Process

Zoning Ordinance Text Amendments are outlined in Section 7.4.4 of the Zoning Ordinance, as follows:

4. Zoning Ordinance Text Amendment Criteria. The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text.
 - A. The proposed amendment would correct an error in the Ordinance.
 - B. The proposed amendment would clarify the intent of the Ordinance.
 - C. Documentation has been provided from Township staff or the Zoning Board of Appeals indicating problems or conflicts in implementation or interpretation of specific sections of the ordinance.

Pond Requirements Amendment

November 23, 2021

Page 3

- D. The proposed amendment would address changes to state legislation.
- E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
- F. The proposed amendment would promote compliance with changes in other Township ordinances and county, state or federal regulations.
- G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Comprehensive Plan and enhance the overall quality of life in Hartland Township.

Based on Section 7.4.4 of the Zoning Ordinance, either the Planning Commission or the Township Board may initiate a Zoning Ordinance Text Amendment. The Planning Commission initiated the amendment, and as part of this process, the proposed amendment was sent to the Ordinance Review Committee (ORC) to review. However, the ORC only makes a recommendation to the Planning Commission regarding an ordinance amendment. The ORC did not meet to discuss this proposed amendment. Instead, they reviewed the proposed amendment, via email and provided their responses, as attached.

Attachments:

1. Commissioner Grissim Comments 11.01.2021
2. Commissioner Murphy Comments 11.02.2021
3. Commissioner Voight Comments 11.01.2021
4. Draft Ordinance Amendment

TOWNSHIP OF HARTLAND

Ponds and Site Plan Review

Section 4.6 PONDS

1. Standards. Ponds excavated, created or altered, except as otherwise provided in this Ordinance, shall be permitted in any **residential or agricultural** zoning district. Subject to ~~site plan~~ **land use permit** approval of the ~~Township Zoning Administrator~~ and the following minimum standards, ponds shall be permitted.
 - ~~A. The pond shall be located on a parcel which is at least two (2) acres in area. The applicant shall secure all necessary permits and approvals from the State of Michigan, Livingston County Drain Commissioner's office.~~
 - ~~B. The pond shall be set back a minimum of one hundred (100) feet from any property line or dwelling. At the discretion of the Planning Commission, such minimum setbacks may be modified based upon evidence that a lesser setback a distance so that the pond will not pose a hazard or detract from the public health, safety and general welfare. In no case shall such setbacks be decreased to less than those specified in Section 3.1, Schedule of Regulations.~~
 - C. All earth excavated during construction of the pond shall be disposed of on the parcel, unless it is determined by the ~~Planning Commission~~ **Zoning Administrator** that the parcel could not adequately accommodate the spoils. The placement, grade and final disposition of any spoils removed from the parcel must be approved by the Zoning Administrator. The spoils from pond construction shall be restored with seed within one year.
 - D. For calculation of the slope of a pond, the vertical distance for each foot of horizontal distance measured from any edge of the pond. Pond slope shall be measured to the lowest point of the pond. Any application for an alteration or creation of a pond which proposes stabilized side slopes steeper than four (4) horizontal to one (1) vertical shall include a written statement by the applicant detailing proposed safety measures to be taken by the applicant in the construction and operation of the pond.
 - E. Written evidence shall be provided from the Livingston County Health Department or a licensed professional engineer that the distance and soil conditions separating the pond from any septic system is sufficient to prevent contamination. In no case shall a pond be located closer than one hundred (100) feet to any septic system.
 - ~~F. For the protection of the general public, appropriate safety measures such as warning signs, rescue equipment, fencing and/or safety ramps may be required to be installed as deemed necessary by the Planning Commission Zoning Administrator upon their review. Where conditions, during construction, or at the completion of the pond, may be deemed to pose a hazard to people and animals, the Zoning Administrator may require the installation of such barriers, fencing, even if on a temporary basis until such safe levels can be achieved.~~
 - G. No pond shall be maintained or operated in any manner which causes it to become a public nuisance.

do we need to add anything about stagnant water + mosquito breeding?

Troy Langer

From: Troy Langer
Sent: Thursday, November 04, 2021 12:27 PM
To: Troy Langer
Subject: FW: Pond Ordinance

Troy,

Thank you for sharing the draft ordinance amendment for ponds.

I have no comments, am in agreement with Commissioner Grissim's 10/27 comments, although i don't feel it is necessary to add language regarding mosquito breeding.

Regards,
Tom Murphy

Troy Langer

From: Troy Langer
Sent: Thursday, November 04, 2021 12:44 PM
To: Troy Langer
Subject: FW: Pond Ordinance

Should there be a property line set back?
Keith

TOWNSHIP OF HARTLAND

Ponds and Site Plan Review

Section 4.6 PONDS

1. Standards. Ponds excavated, created or altered, except as otherwise provided in this Ordinance, shall be permitted in any **residential or agricultural** zoning district. Subject to ~~site plan~~ **land use permit** approval of the ~~Township Zoning Administrator~~ and the following minimum standards, ponds shall be permitted.
 - ~~A. The pond shall be located on a parcel which is at least two (2) acres in area.~~ **The applicant shall secure all necessary permits and approvals from the State of Michigan, Livingston County Drain Commissioner's office.**
 - ~~B. The pond shall be set back a minimum of one hundred (100) feet from any property line or dwelling. At the discretion of the Planning Commission, such minimum setbacks may be modified based upon evidence that a lesser setback a distance so that the pond will not pose a hazard or detract from the public health, safety and general welfare. In no case shall such setbacks be decreased to less than those specified in Section 3.1, Schedule of Regulations.~~
 - C. All earth excavated during construction of the pond shall be disposed of on the parcel, unless it is determined by the ~~Planning Commission~~ **Zoning Administrator** that the parcel could not adequately accommodate the spoils. The placement, grade and final disposition of any spoils removed from the parcel must be approved by the Zoning Administrator. The spoils from pond construction shall be restored with seed within one year.
 - D. For calculation of the slope of a pond, the vertical distance for each foot of horizontal distance measured from any edge of the pond. Pond slope shall be measured to the lowest point of the pond. Any application for an alteration or creation of a pond which proposes stabilized side slopes steeper than four (4) horizontal to one (1) vertical shall include a written statement by the applicant detailing proposed safety measures to be taken by the applicant in the construction and operation of the pond.
 - ~~E. Written evidence shall be provided from the Livingston County Health Department or a licensed professional engineer that the distance and soil conditions separating the pond from any septic system is sufficient to prevent contamination. In no case shall a pond be located closer than one hundred (100) feet to any septic system.~~ **In no case shall a pond negatively impact any septic system.**
 - F. For the protection of the general public, appropriate safety measures such as warning signs, rescue equipment, fencing and/or safety ramps may be required to be installed as deemed necessary by the ~~Planning Commission~~ **Zoning Administrator** upon their review. **Where conditions, during construction, or at the completion of the pond, may be deemed to pose a hazard to people and animals, the Zoning Administrator may require the installation of such barriers, fencing, even if on a temporary basis until such safe levels can be achieved.**
 - G. No pond shall be maintained or operated in any manner which causes it to become a public nuisance.

- ~~H.~~ The creation or alteration of a pond which encompasses parts of more than one parcel shall be approved only if the owners of all properties involved are joint applicants for the land use permit and a written maintenance agreement signed by all property owners establishing financial responsibility is provided for Township approval. ~~Applicable dwelling setback requirements established above must also be met.~~
- I. Construction of a pond shall not cause an increase in runoff or drainage to an any property beyond that which may have occurred prior to the pond's construction. The Zoning Administrator shall require that any plan submitted for a pond depict an adequate method of preventing overflow or water onto adjacent properties. To accomplish this purpose, the Zoning Administrator may require a spillway leading to any approved drainage way or grassed berm along one or more sides of the pond or both.**
2. Exceptions.
- A. Ponds of less than seventy-two (72) square feet in area and no greater than two (2) feet in depth shall not be subject to the requirements of this Section.**
- B. Ponds that are for the purpose of storm water detention/retention or for the purposes of a fire suppression system approved by the Planning Commission as part of Site Plan Review.**

Section 6.1 Site Plan Review

2. Site Plan Not Required. Site plan approval is not required for the following activities:
- A. Construction, moving, relocating or structurally altering a single family dwelling, including any customary accessory structures.**
- B. Development of a principal agricultural use, or the construction, moving, relocation or structural alteration of permitted agricultural structures, including any customary accessory structures.**
- C. Any excavation, filling, soil removal, mining, or creation of ponds ~~that are less than 1,000 square feet in area provided that such activity is~~ that is normally and customarily incidental to single family and agricultural uses as described in this sub-section. Other ponds shall require Site Plan approval.**



Board of Trustees

William J. Fountain, Supervisor
Larry N. Ciofu, Clerk
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Matthew J. Germane, Trustee
Summer L. McMullen, Trustee
Denise M. O'Connell, Trustee
Joseph M. Petrucci, Trustee

2022
HARTLAND TOWNSHIP PLANNING COMMISSION MEETINGS
HARTLAND TOWNSHIP HALL
7:00 P.M.

The regular meetings of the Hartland Township Planning Commission for the year 2022 will be held on the following dates. All meetings are open to the public.

January 13, 2022	January 27, 2022
February 10, 2022	February 24, 2022
March 10, 2022	March 24, 2022
April 14, 2022	April 28, 2022
May 12, 2022	May 26, 2022
June 9, 2022	June 23, 2022
July 14, 2022	July 28, 2022
August 11, 2022	August 25, 2022
September 8, 2022	September 22, 2022
October 13, 2022	October 27, 2022
November 3, 2022	November 17, 2022
December 1, 2022	December 15, 2022

Keith Voight
Hartland Township Planning Commission Secretary