



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 Meeting Agenda
Hartland Township Hall
Thursday, February 10, 2022
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 Meeting Minutes of December 2, 2021](#)
6. Call to Public
7. Public Hearing
 - a. [Rezoning Application #22-001 \(Buti - 2473 Clark Road\)](#)
8. Resolution of Appreciation for Keith Voight
 - a. [Resolution of Appreciation](#)
9. Call to Public
10. Planner's Report
11. Committee Reports
12. Adjournment

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

December 2, 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, LaRose, McMullen, Mitchell, Murphy
Absent – Commissioners Voight.
4. **Approval of the Agenda:**
A Motion to approve the December 2, 2021 Planning Commission Regular Meeting Agenda was made by Commissioner Mitchell and seconded by Commissioner LaRose. Motion carried unanimously.
5. **Approval of Meeting Minutes:**
 - a. **Planning Commission Meeting Minutes of August 12, 2021**
A Motion to approve the August 12, 2021 Planning Commission Meeting Minutes was made by Commissioner Grissim and seconded by Commissioner Murphy. Motion carried unanimously.
6. **Call to Public:**
None
7. **Public Hearing:**
 - a. **Ordinance Amendment to Section 4.6 (Ponds)**

Chair Fox opened the Public Hearing at 7:02 p.m. stating for the record all public notice requirements have been met.

Director Langer described what prompted this amendment; currently, the Planning Commission is required to review and approve a pond. He went on to explain the changes as follows:

- Kinds of ponds: Commercial will still be reviewed by the Planning Commission.
- Setbacks: language broadened to accommodate a common two-acre CA zoned parcel that might be 200 feet wide.
- Removing Planning Commission and replacing with Zoning Administrator.
- Added exception for fire suppression.
- Attempted to clarify the existing language in determining location.

Director Langer shared a sample of a site plan for a pond with the Planning Commission; plans submitted will not be engineered, topographic-type plans as the applicants are typically homeowners.

Chair Fox closed the Public Hearing at 7:11 p.m.

The Planning Commission briefly discussed formatting issues.

Commissioner Grissim asked about a pond in a residential development. Would that still come to the Planning Commission in the Site Plan Review process? Director Langer stated he built in provisions for storm water detention/retention for a single homeowner; the intention is that ponds within a development would still need Planning Commission approval.

Commissioner LaRose commented on the wording of Section 2.B.

Bold is added text. ~~Strikeout~~ is text to be removed.

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.*

Commissioner Mitchell offered the following Motion:

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

Seconded by Commissioner LaRose.

Chair Fox indicated the wording of the motion should be “recommend” approval. All agreed.

Director Langer asked about Commissioner LaRose’s earlier comment about the wording of Section 2.B. No change was made.

Motion carried unanimously.

8. Old and New Business:

a. 2022 Planning Commission Meeting Calendar

Commissioner LaRose offered the following Motion:

Move to approve the 2022 Hartland Township Planning Commission Meeting Calendar as presented.

Seconded by Commissioner Grissim. Motion carried unanimously.

9. Call to Public:

None

10. Planner's Report:

- Director Langer shared the December 14, 2021 Planning Commission meeting will be canceled as the pending cases are not ready. Both cases will be on the first meeting in January 2022.

11. Committee Reports:

None

12. Adjournment:

A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner LaRose. Motion carried unanimously. The meeting was adjourned at approximately 7:20 p.m.

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director

Subject: Rezoning Application #22-001 (Buti - 2473 Clark Road)

Date: February 3, 2022

Recommended Action

The Planning Commission recommends tabling Rezoning Application #22-001 to examine if other properties should be included in a similar rezoning request for the general area and the appropriate zoning.

As an alternative recommendation, the following recommendation is also provided

The Planning Commission Recommends Approval of Rezoning Application #22-001 based on the following findings:

1. The requested rezoning of the subject property to the SR (Suburban Residential) zoning classification is consistent with the Township's Comprehensive Development Plan, which indicates the property should be developed as Multiple Family Residential.
2. Access to the subject property is provided along Clark Road and will bring the property into compliance with the required lot width along Clark Road.
3. The requested rezoning of the subject properties to SR (Suburban Residential) zoning classification is compatible with the surrounding residential uses and zoning and is more appropriate than the current CA (Conservation Agricultural) zoning classification.

Discussion

Applicant: Rob Buti

Rezoning Request

The applicant is requesting to rezone one (1) parcel, addressed as 2473 Clark Road, from CA (Conservation Agricultural) to SR (Suburban Residential).

Site Description

The subject property, addressed as 2473 Clark Road, is an approximate 3.90 acre parcel on the west side of Clark Road in Section 21 of the Township (Parcel ID #47080-21-400-009). The property has approximately 185 feet of frontage on Clark Road, a public road, and approximately 330 feet of frontage along McCartney Lane. McCartney Lane is a private road. Currently the property is occupied by a single-family residential house. The property is served by a private on-site well (water) and private septic system.

Background Information

The single-story house is approximately 1,056 square feet in size and was constructed around 1970, per the Township Assessing database. On May 14, 2002, Land Use Permit #6005 was approved for the construction of a front porch (4 feet by 10 feet).

Approval Procedure

Section 7.4 of the Hartland Township Zoning Ordinance outlines the process for a Zoning Map Amendment, or more commonly a “rezoning” of property. Essentially, the Township Board is the body that makes the final decision regarding a rezoning; however, the Planning Commission shall forward a recommendation to the Township Board. The Township Board may adopt the proposed rezoning, with or without modifications, or refer it back to the Planning Commission for further study and report. As a result, upon a recommendation from the Planning Commission, this request will be forwarded to the Township Board for a determination.

Although the process as noted above states the Planning Commission reviews the amendment request and makes a recommendation to the Township Board and the Township Board makes a decision, past practices for rezoning requests has included an interim step between the Planning Commission’s recommendation and the Township Board’s decision. In the alternate process the Planning Commission holds a public hearing and may recommend approval, disapproval, or approval with conditions. A copy of the Planning Commission minutes, and evidence of the public hearing is then sent to the Livingston County Planning Commission for review and action. After the Livingston County Planning Commission has made a recommendation, the request is then forwarded to the Township Board for a final decision.

Per the Hartland Township Zoning Ordinance (Section 7.4) and the State Enabling Act, a public hearing is required for a rezoning request. Given the requirements for publishing a notice for the rezoning request, the public hearing has been scheduled for the February 10, 2022 Planning Commission meeting.

The rezoning request will be reviewed using the criteria outlined in Section 7.4.3 (Zoning Map Amendment Criteria). A review of the Comprehensive Plan and Future Land Use Map will also be presented in this memorandum as it relates to the rezoning request.

Zoning Districts

Following is a discussion of the current and proposed zoning categories. Currently the subject property is zoned CA (Conservation Agricultural; Section 3.1.1). The request is to rezone the property to SR (Suburban Residential; Section 3.1.6). The 2020-2021 Amendment to the Hartland Township Future Land Use Map designates this property as Medium Suburban Density Residential.

Zoning regulations are provided as attachments for the zoning districts as noted above, specifically regarding the permitted principal and special land uses for each district.

Current Zoning

The subject properties are currently zoned CA (Conservation Agricultural). The Hartland Township Zoning Ordinance under Section 3.1.1, Intent of the CA District, states:

The intent of the “CA” Conservation Agricultural District is broad in scope but specific in purpose: to protect vital natural resources (for example, high water quality supplies, flood-prone areas, stable soils, significant stands of vegetative cover, substantial wetlands) and to protect lands best suited for agricultural use from the encroachment of incompatible uses which would cause such land to be taken out of production prematurely, which designating an area appropriate to low density single family residential development that does not alter the general rural character of the District.

The standards in this district are intended to assure that permitted uses peacefully coexist in a low density setting, while preserving the rural-like features and character of certain portions of the Township. Low density residential development is further intended to protect public health in areas where it is not likely public water and sewer services will be provided.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. This District is intended to correspond to the Estate Residential future land use category of the Comprehensive Plan.

Proposed Zoning

The proposed zoning is SR (Suburban Residential). The Hartland Township Zoning Ordinance under Section 3.1.6, Intent of the SR District, states:

The intent of the “SR” Suburban Residential District is to provide neighborhoods adjacent to lakes or with direct access to collector or arterial roads. Also, this District is intended to serve as a transition between lower density residential land uses and higher intensity land uses. This District provides areas of the Township for the construction and continued use of single family detached dwellings within stable neighborhoods. Generally, it is intended that SR zoned development occur within approved platted subdivisions of similar developments that can be expected to eventually be served by public water and sewer.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple-family, office, business, commercial, industrial, or other uses that would interfere with the quality of residential life in this district. It is intended that development in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wetlands and woodlands, and preservation of other natural features is encouraged. The District is intended to correspond with the Medium Suburban Residential future land use category of the Comprehensive Plan.

The minimum required lot size for a single family detached dwelling in the SR zoning category is a lot width of 120 feet and lot area of 20,000 square feet (with public sewer and water) or 32,670 square feet (without public sewer and water).

Following is a chart listing the lot requirements for CA and SR zoning districts and lot information the subject parcel:

Zoning District	Lot Area	Lot Width
CA	10 acres (farm dwelling)	300 feet
CA	2 acres (Single-family detached dwelling)	200 feet
SR	20,000 sq. ft.* 32,670 sq. ft. **	120 feet
Subject parcel	3.90 acres	185 feet on Clark Road 330 feet on McCartney Lane

* For SR parcels with public sanitary sewer

** For SR parcels without public sanitary sewer

Land uses and zoning districts for properties adjacent to the subject parcel for the rezoning request are as follows:

- North: CA (Conservation Agricultural)
Single-family residential house (2511 Clark Road); & vacant land (Parcel ID #4708-21-200-014)
- South: CA (Conservation Agricultural)
Single-family residential house (2467 Clark Road); & vacant land south of McCartney Lane (Parcel ID #4708-21-400-046)
- East: PDMDR (Planned Development Medium Density Residential) – east of Clark Road
Heritage Meadows PDMDR – single-family detached residential planned development
- West: CA (Conservation Agricultural) – undeveloped parcel with frontage on McCartney Lane
(Parcel ID #4708-21-400-012)

Comprehensive Plan

The 2020-2021 Amendment to the Hartland Township Future Land Use Map shows zoning for this property as Medium Suburban Density Residential. The Comprehensive Development Plan has the following comments regarding this category:

Medium Suburban Density Residential

General Location. This designation is one of the larger land use categories; it has been planned for approximately 2,605.37 acres of the Township. These areas include some of the most recent development in the community. Hartland Estates, San Marino Estates, Meadow View Estates, Autumn Woods and other similar single-family developments are all located within Medium Suburban Density Residential areas. This land use designation has been assigned to the areas adjacent to Tyrone Lake and Dunham Lake, as well as the areas adjacent to the Township wastewater treatment plant. Other areas include the Clark and Dunham Road vicinities, where opportunities exist for somewhat higher densities.

Intended Land Uses. The Medium Suburban Density Residential areas are intended to provide for slightly denser neighborhoods with larger lot homesites. As indicated by the name, these neighborhoods tend to be more suburban, than rural in character.

Characteristic. The Medium Suburban Density Residential designation will permit new housing development on lots with an average density of one-half to one (1) acre in area per dwelling unit.

Future Land Use Map designations for properties adjacent to the subject site for the rezoning request are as follows:

- North: Medium Suburban Density Residential
- South: Medium Suburban Density Residential (2467 Clark Road); & Medium Urban Density Residential (undeveloped land south of McCartney Lane)
- East: Medium Urban Density Residential (east of Clark Road/Heritage Meadows PDMDR)
- West: Medium Suburban Density Residential

Zoning Map Amendment Criteria (Section 7.4.3)

The Hartland Township Zoning Ordinance, under Section 7.4.3. provides the Planning Commission and Township Board with the following criteria to consider in making its findings and recommendation and decision:

Section 7.4.3.A. Consistency with the adopted Comprehensive Plan.

This criterion requires examination of not only the Future Land Use Map, but the language in the Comprehensive Development Plan.

The Future Land Use Map designates the subject property as Medium Suburban Density Residential category. Per the Comprehensive Plan, this zoning designation includes some of the most recent single-family residential developments, as well as areas adjacent to Tyrone Lake and Dunham Lake. Properties adjacent to the site on Clark Road, and properties on the east side of Clark Road (north of Heritage Meadows PDMDR) are also designated as Medium Suburban Density Residential. The intended average density in this category is one-half acre (21,780 square feet in area) to one (1) acre (43,560 square feet in area) per dwelling unit. The required lot size in the SR (Suburban Residential) zoning category ranges from 20,000 square feet to 32,760 square feet, depending on whether the lot is served with private septic or public sanitary sewer. The lot size range for SR is consistent with the lot size range for the Medium Suburban Density Residential category on the FLUM. Per Section 3.1.6 (Intent of SR District), the SR District is intended to correspond with the Medium Suburban Residential future land use category of the Comprehensive Plan. The proposed rezoning request of the subject property appears to be consistent with the FLUM and Comprehensive Plan.

Section 7.4.3.B. Compatibility with the site's physical, geological, hydrological and other environmental features.

Currently the property is occupied by a single-family residential house which was constructed in 1970. The house is surrounded by mowed lawn areas and a tree/shrub border on the north property line. The lot measures 3.9 acres in total area; however, not all of the subject property is developed or used for lawn area. The back portion of the subject property is undeveloped and covered with a mix of trees, shrubs, and other vegetation.

Section 7.4.3.C. Reasonable return on investment with current classification of CA

Properties in the vicinity of the subject site, to the north, south, and west, are also zoned CA (Conservation Agricultural) and used as single-family residential homes, with the exception of two (2) undeveloped lots. Currently this area is residential in nature with homes on lots varying in size from one (1) acre to 3.90 acres. The existing residential use of the property is permitted in the current CA zoning district. The property owner would be permitted to use the subject property in a manner consistent with the CA zoning district regulations. It would seem that the current CA zoning classification can provide a reasonable return on the investment.

Section 7.4.3.D. Compatibility of all potential uses allowed in the proposed SR District with surrounding uses and zoning.

The surrounding properties on the west side of Clark Road are zoned CA as noted previously and are occupied by single-family homes. Two (2) lots are undeveloped, one on Clark Road and one on McCartney Lane. The property south of McCartney Lane is also undeveloped and zoned CA.

Heritage Meadows PDMDR is on the east side of Clark Road, and is a single family residential planned development, with 84 lots. The Heritage Meadows residential development is served with municipal water and sewer.

The Planning Commission will need to determine if the permitted uses in the SR district are compatible with the existing and potential surrounding uses. Several of the principal permitted uses and special land uses are allowed in both the CA and SR districts and thus those uses are compatible. The SR district is intended to serve as a transition between lower density residential land uses and higher intensity land uses. In this case the subject site is situated between CA zoned properties (low intensity uses) and Heritage Meadows, which is a higher intensity use (PDMDR), thus the proposed SR zoning classification appears to be compatible.

Section 7.4.3.E. Capacity of infrastructure and other public services and street system.

Municipal water and sanitary sewer are available along Clark Road however the subject parcel would not be required to connect at this time.

The street system, which consists of Clark Road should adequately support the subject property. The other existing roadway that provides access to the subject property is McCartney Lane and this is a private roadway.

Section 7.4.3.F. Capability of the street system to accommodate the expected traffic generated by uses allowed in the requested zoning district.

Road access to the subject site is currently provided from Clark Road, which is a public road. Access could also be obtained from McCartney Lane which is a private road. A traffic impact study was not submitted nor required as part of this request. Any future connection to this roadway will require all property owners that have an ownership interest in McCartney Lane to grant permission.

Section 7.4.3.G. Apparent demand for uses permitted in the requested zoning district.

Rezoning the property from CA to SR would be consistent with the Comprehensive Plan, as the subject parcel is designated as Medium Suburban Density Residential. The SR zoning designation could assist in meeting future demands for single-family properties in the Township.

Section 7.4.3.H. Ability to comply with zoning regulations.

Any future development of the property will require compliance with the current Zoning Ordinance standards and requirements. The property owner had inquired about a land division to create an additional parcel. Any future divisions would need to comply with the Land Division Ordinance and zoning district requirements for lot area and lot width, as well as accessibility.

Section 7.4.3.I. Appropriateness of the requested zoning district.

The proposed SR zoning classification seems to align with the intent of the Medium Suburban Density Residential designation, which is intended to allow for slightly denser neighborhoods with larger lot homesites. Properties to the north, south, and west are also in the same classification on the FLUM. The SR district's intent is for land that can be eventually served by public water and public sewer since they are within close proximity to the subject property.

This standard requires the Planning Commission, and ultimately, the Township Board, to determine that the proposed zoning classification is considered to be more appropriate than any other zoning classification.

Section 7.4.3.J. Amendment of permitted or special uses versus rezoning.

Generally, it is not advisable for the Township to only consider one of the permitted uses that are permitted in a proposed rezoning request. As a result, the Planning Commission should consider all permitted uses in the proposed rezoning request and determine if the subject properties are appropriate for those uses.

Section 7.4.3.K. Exclusionary and Spot Zoning Issues.

The term exclusionary zoning is generally referred to a zoning ordinance or a zoning decision that would exclude an otherwise lawful use of land. Michigan Compiled Laws (MCL) Section 125.297a of Township Zoning Act (Sec. 27a) states "[a] zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a township in the presence of a demonstrated need for that land use within either the township or surrounding area within the state, unless there is no location within the township where the use may be appropriately located, or the use is unlawful."

The Michigan State University Extension on Land Use Planning (posed on June 17, 2016 by Brad Neumann, MSU Extension) has defined “spot zoning” as: “one illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots.

To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.
- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

The subject property is approximately 3.90 acres in area. The requested zoning, SR (Suburban Residential), is consistent with the Comprehensive Plan and FLUM designation. The land uses allowed in SR are generally consistent with those allowed in the vicinity, in particular, for adjacent properties to the north, south, and west which are zoned CA. However, the rezoning of the subject property would create an island of SR zoning that is otherwise surrounded on all sides by other zoning categories. This proposed rezoning presents concerns of “spot zoning.” It is because of this issue, that the Planning Staff has recommended to further examine the rezoning of other properties in this same area.

Section 7.4.3.L. Submittal of similar request within one year.

A similar rezoning request has not been submitted within one year.

Section 7.4.3.M. Other Factors.

The Planning Commission and/or the Township Board may consider other factors that it deems appropriate.

Hartland Township DPW Review

No comments

Hartland Township’s Engineer’s Review

No comments.

Hartland Deerfield Fire Authority Review

No comments.

Attachments

1. REZ #22-001 Attorney letter dated December 3, 2021 – PDF version only
2. Comprehensive Plan Single Family Residential Categories – PDF version only
3. Survey for 2473 Clark Road – PDF version only
4. Aerial photo of 2473 Clark Road – PDF version only
5. CA Zoning District Standards – PDF version only
6. CA Zoning District Uses – PDF version only
7. SR Zoning District Standards – PDF version only
8. SR Zoning District Uses – PDF version only

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December 3, 2021

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DEC 13 2021

HARTLAND TOWNSHIP

Hartland Township
Planning Director
c/o Troy Langer
2655 Clark Road
Hartland, MI 48353
tlanger@hartlandtwp.com

Via E-mail and US Mail

Re: Application for Zoning Amendment for 2473 Clark Road

Dear Mr. Langer:

As you know, this firm represents applicant Rob Buti with respect to his application for a rezoning ("Application") to his property located at 2473 Clark Road, Hartland, MI 48353 (the "Property"). I want to first thank you again for your time so far in discussing the Property with me. The purpose of this letter is to supplement my client's Application to rezone his Property from CA (Conservation Agricultural) to SR (Suburban Residential). A copy of the Application is attached to this letter.

For starters, the rezoning from CA to SR represents a minimal request that is consistent with the current land uses in the area, as well as the increasing developmental activity within the Township as a whole. Land zoned CA is subject to specific use and building standards. In addition, the Zoning Ordinance specifies the following:

The intent of the "CA" Conservation Agricultural District is broad in scope but specific in purpose: to protect vital natural resources (for example, high quality water supplies, flood-prone areas, stable soils, significant stands of vegetative cover, substantial wetlands) and to protect lands best suited to agricultural use from the encroachment of incompatible uses which would cause such land to be taken out of production prematurely, while designating an area appropriate to low density single family residential development that does not alter the general rural character of the District.

The standards in this district are intended to assure that permitted uses peacefully coexist in a low density setting, while preserving the rural-like features and character of certain portions of the Township. Low density residential development is further intended to protect the public health in areas where it is not likely that public water and sewer services will be provided.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. This District is intended to correspond to the Estate Residential future

land use category of the Comprehensive Plan. (See Section 3.1.1 of the Hartland Township Zoning Ordinance).

Looking at the Property and surrounding parcels, it is clear that the CA zoning designation is not consistent with the characteristics of the area. In particular, each of the properties bordering the Property are residential in nature, consisting primarily of single-family residential structures. In addition, just feet to the south on Clark Road is a large single-family development known as Heritage Meadows of Hartland. Further to the south along Highland Road are several commercial properties. And to the north, more single-family residential structures. Indeed, there is no longer a “general rural character” within this area.

Rezoning the Property to SR in light of the surrounding land use patterns would be consistent with the Michigan Zoning Enabling Act (“MZEA”). In particular, the MZEA, at MCL 125.3203, expressly provides that “[a] zoning ordinance shall be made with reasonable consideration of the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development.”

The consistency and compatibility with general land use patterns in the area is also one of the well-established factors that Michigan courts have determined to be relevant in considering the lawfulness of a rezoning. For example, in *Raabe v Walker*, the Michigan Supreme Court invalidated a rezoning of property from residential to industrial due to the fact the surrounding area had predominantly residential characteristics inconsistent with the industrial zoning classification. 383 Mich 165, 177-78; 174 NW2d 789 (1970). This is a stark contrast to the situation we are faced with here in considering my client’s request to rezone to SR. One need not do more than stand at the Property and look around to conclude that the current CA zoning classification is contrary to the general land use patterns in the area.

Given the relative consistency between the permitted uses of CA and SR property, the rezoning here would also be minimally impactful to any other CA property. For example, the permitted uses for single-family residence for both zoning classifications results in continuity of character to the extent that industrial and commercial properties would be inappropriate. To that end, the intent of the SR district classification is as follows:

[T]o provide neighborhoods adjacent to lakes or with direct access to collector or arterial roads. Also, this District is intended to serve as a transition between lower density residential land uses and higher intensity land uses. This District provides areas of the Township for the construction and continued use of single family detached dwellings within stable neighborhoods. Generally, it is intended that SR zoned development occur within approved platted subdivisions or similar developments that can be expected to eventually be served by public water and sewer services.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial,

industrial and other uses that would interfere with the quality of residential life in this district. It is intended that development in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wetlands and woodlands, and preservation of other natural features is encouraged. This District is intended to correspond with the Medium Suburban Residential future land use category of the Comprehensive Plan. (See Section 3.1.6 of the Hartland Township Zoning Ordinance).

For all of the reasons set forth above, the my client respectfully request that the Township approve and/or recommend approval of his Application for rezoning. Thank you for your attention to this matter. Should you have any questions or need any additional informational please feel free to contact me directly.

Very truly yours,

MYERS & MYERS, PLLC



Alexander R. Reuter, Esq.

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COMPREHENSIVE PLAN SINGLE FAMILY RESIDENTIAL CATEGORIES

<u>CLASSIFICATION</u>	<u>LOT SIZE RANGE IN SQUARE FEET</u>	
Medium Urban Density Residential	8,000	20,000
Medium Suburban Density Residential	21,780	43,560
Low Suburban Density Residential	43,560	87,120
Estate Residential	87,120	
Rural Residential	130,680	
Special Planning Area (M-59/Pleasant Valley)*	10,890	14,520

*Bonus Density can be awarded at the discretion of the Township

ZONING SINGLE FAMILY RESIDENTIAL CATEGORIES

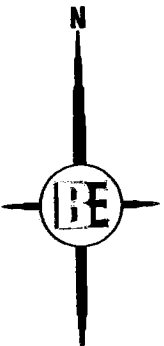
<u>CLASSIFICATION</u>	<u>LOT SIZE RANGE IN SQUARE FEET</u>
HDR (High Density Residential)	8,400
MDR (High Density Residential)	12,000
SR (Suburban Residential)	20,000 to 32,670*
RE (Rural Estate District)	65,000
STR (Settlement Residential)	similar to existing
RR (Rural Recreational)	15,000 to 20,000*
RUR (Rural Residential)	130,680
CA (Conservation Agricultural)	87,120

*Lots served with private septic have a larger lot size

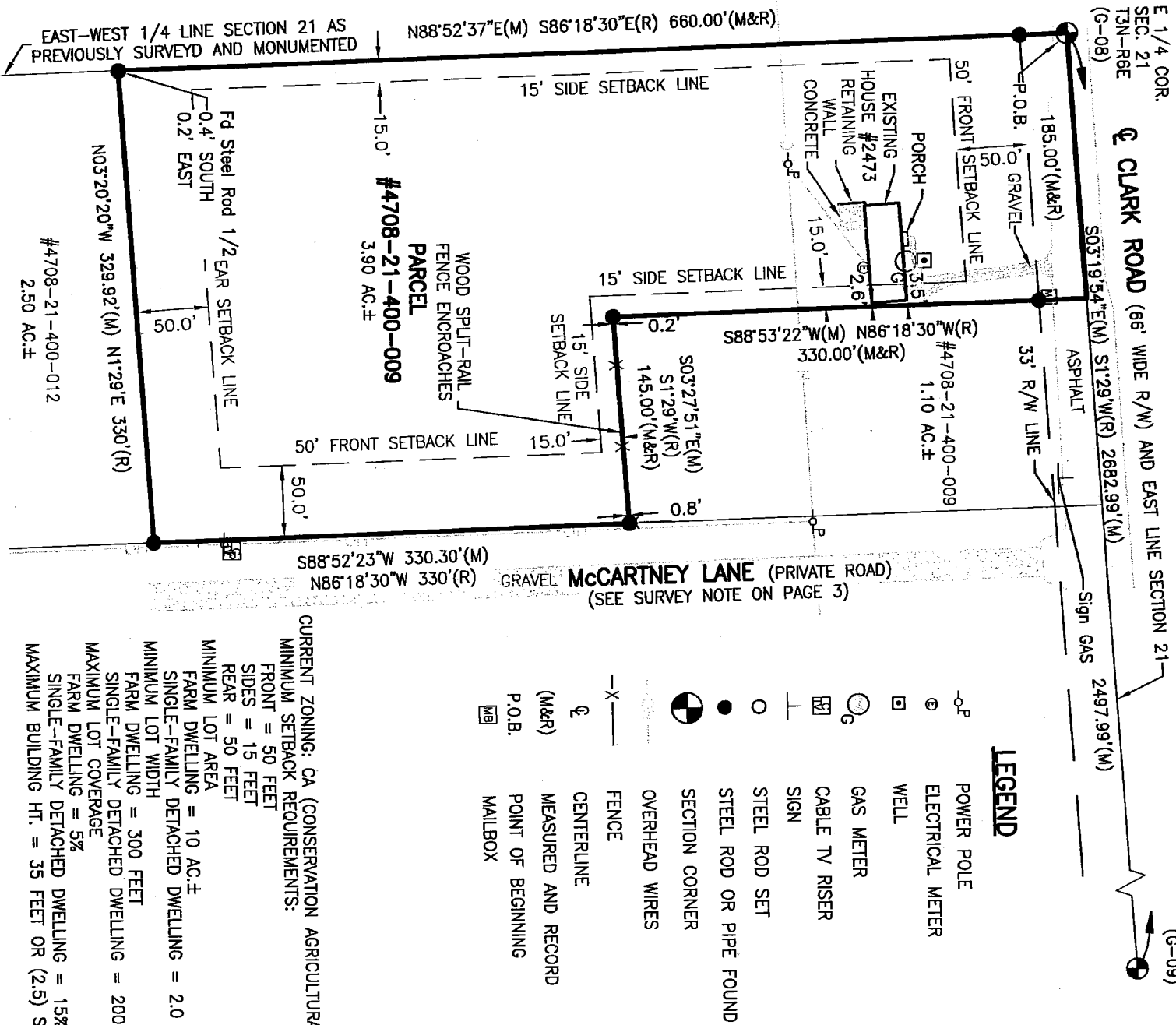
EXISTING CONDITIONS

GENERAL SURVEY NOTES:

1. BEARINGS ARE BASED ON MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE. RECORD BEARINGS ARE FROM BOSS ENGINEERING JOB #2275, DATED FEBRUARY 18, 1972.
2. EASEMENTS OR RESTRICTIONS OF RECORD NOT DEPICTED ON THIS DRAWING MAY EXIST.



SE COR.
SEC. 21
T3N-R6E
(G-09)



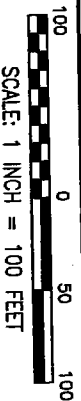
DESCRIPTION:

PART OF THE SOUTHEAST 1/4 OF
SECTION 21, T3N-R6E, HARTLAND
TOWNSHIP, LIVINGSTON COUNTY,
MICHIGAN

BEBOSS
Engineering
Engineers Surveyors Planners Landscape Architects
3121 E. GRAND RIVER AVE.
HOWELL, MI. 48843
517.546.4836 FAX 517.546.1670

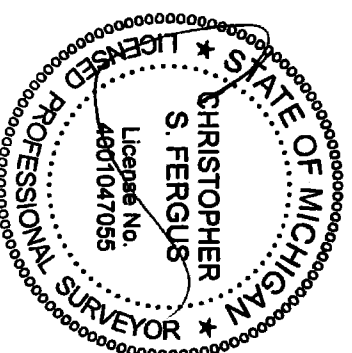
CLIENT:

BUTI



JOB NO.	21-294	DATE	07-16-21	DR.	TCG	CHKD.
SHEET	1 OF 4	FB 632	CREW CE/PB	DR.	TCG	CHKD.

G:\21-294\SURVEY\DWG\21-294.dwg, 7/16/2021 9:36:50 AM, timg



[illegible]

E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]:

Farm dwelling	10 Acres
Single-family detached dwelling	2 Acres

Minimum lot width[☐]:

Farm dwelling	300 ft
Single-family detached dwelling	200 ft

Maximum Lot Coverage[☐]

Farm dwelling	5%
Single-family detached dwelling	15%

Setbacks[☐]

Minimum front yard setback:	50ft
Minimum rear yard setback:	50ft
Minimum side yard setback:	15 ft

Building Height[☐]

Maximum building height:	35 ft or 2.5 stories whichever is less
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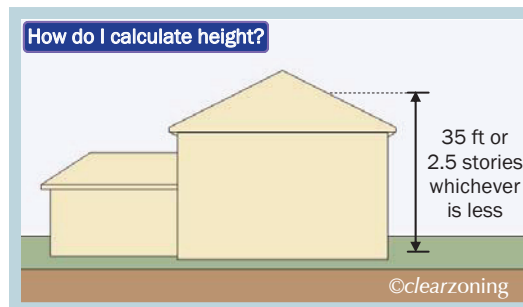
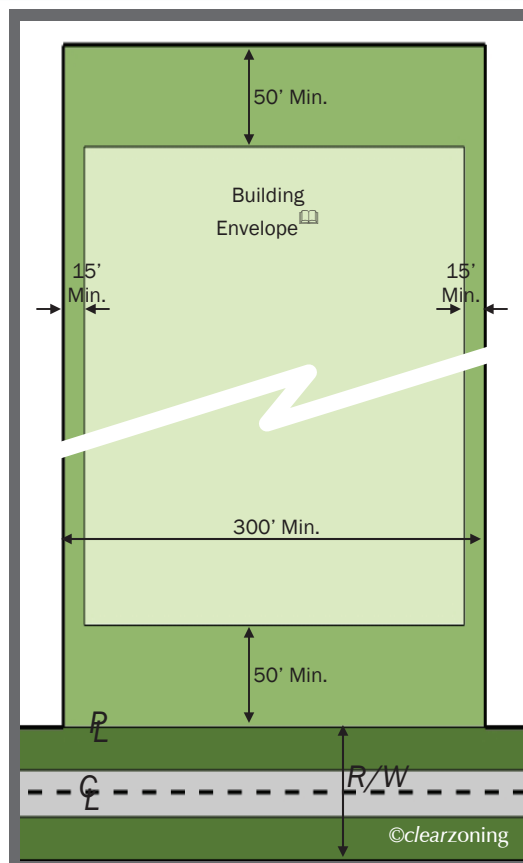
Floor Area[☐]

Minimum floor area per one-family dwelling[☐]:

1 story	1,200 sq ft
1+ stories	960 sq ft (first floor) 1,200 sq ft (total)

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 2, 5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **General Exemptions for Essential Services** §3.8
- **Single Family Lot Coverage Exemption** §3.25

4. Use Standards

- **Farms** §4.27
- **Keeping of Animals** §4.10
- **Residential Open Space Development** §4.48

- **Stables and Riding Arenas** §4.43
- **Residential Design Standards** §4.1

5. Site Standards

- **Sidewalks & Pathways** §5.12
- **Paved Access** §5.22
- **Off-Street Parking and Loading** §5.8
- **Access Management and Driveways** §5.10
- **Landscaping** §5.11
- **Lighting** §5.13
- **Walls and Fences** §5.20

- **Performance Standards** §5.19
- **Architectural Standards** §5.24
- **Accessory Buildings and Uses** §5.14
- **Specific Landscaping Requirements** §5.11.6

6. Development Procedures

- **Site Plan Review** §6.1
- **Traffic Impact** §6.5
- **Special Use Review** §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



3.1.1

CA Conservation Agriculture

A. INTENT

The intent of the "CA" Conservation Agricultural District is broad in scope but specific in purpose: to protect vital natural resources (for example, high quality water supplies, flood-prone areas, stable soils, significant stands of vegetative cover, substantial wetlands) and to protect lands best suited to agricultural use from the encroachment of incompatible uses which would cause such land to be taken out of production prematurely, while designating an area appropriate to low density single family residential development that does not alter the general rural character of the District.

The standards in this district are intended to assure that permitted uses peacefully coexist in a low density setting, while preserving the rural-like features and character of certain portions of the Township. Low density residential development is further intended to protect the public health in areas where it is not likely that public water and sewer services will be provided.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. This District is intended to correspond to the Estate Residential future land use category of the Comprehensive Plan



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Agriculture[■] and farming
- ii. **Essential public services, provided there is no building or outdoor storage yard** §4.26
- iii. **Forests, forestry** §5.17
- iv. **Single family detached dwellings**[■] §4.1
- v. Township owned and operated water, sewer and storm drain systems
- vi. **Public park and recreation areas**[■] §4.40
- vii. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care[■]
- viii. **Private stables**[■] **when located on a site of not less than five (5) acres** §4.43

C. ACCESSORY USES

- i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14
- ii. **Home occupations**[■] §4.2
- iii. Living quarters for persons employed on the premises and not rented or used for some other purpose
- iv. **Temporary or seasonal roadside stand**[■] §4.41
- v. Seed and feed dealership provided there is no showroom or other commercial activities included
- vi. Land extensive recreation activities

D. SPECIAL LAND USES

- i. **Cemeteries** §4.19
- ii. **Adult care**[■] **and child care facilities**[■] **that provide care for seven (7) to twelve (12) individuals** §4.12
- iii. **Churches and religious institutions**[■] §4.20
- iv. **Nursing or convalescent homes,**[■] **or child caring institution** §4.23
- v. Duplex or two dwelling[■] for farm family only, in conjunction with a farm operation.
- vi. **Essential public service buildings, structures and equipment, excluding storage yards** §4.26
- vii. Forestry clearcut operation which encompasses thirty (30) or more acres over a three (3) year period or ten (10) or more acres during one year.
- viii. **Golf courses**[■] **and country clubs**[■] §4.30
- ix. **Kennels**[■] §4.33
- x. **Sand, gravel or mineral extraction** §4.5
- xi. **Public & private elementary, intermediate or high schools** §4.42
- xii. **Specialized animal raising and care**[■], **when located on at least five (5) acres** §4.10
- xiii. **Public stables**[■] **or riding arenas** §4.43
- xiv. **Radio, telephone and television transmitting and receiving towers**[■] §4.39
- xv. **Landscape nursery**[■], **if located on at least ten (10) acres** §4.38
- xvi. **Veterinary offices/clinics (large animal)**[■] §4.45
- xvii. **Private recreation areas**[■] §4.40
- xviii. **Bed and breakfast facilities**[■] §4.18
- xix. Farm markets, cider mills, and you-pick operations on a farm
- xx. Wildlife refuges
- xxi. Game preserves



E. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]:

Single-family detached dwelling	
Public sewer and water	20,000 sq ft
No public sewer and water	32,670 sq ft

Minimum lot width[☐]: 120 ft

Maximum Lot Coverage[☐]

Single-family detached dwelling	
Public sewer and water	20%
No public sewer and water	15%

Setbacks[☐]

Minimum front yard setback:	50 ft
Minimum rear yard setback:	25 ft
Minimum side yard setback:	15 ft

Building Height[☐]

Maximum building height:	
Dwelling unit	35 ft or 2.5 stories whichever is less
Accessory structure	15 ft or 1 story

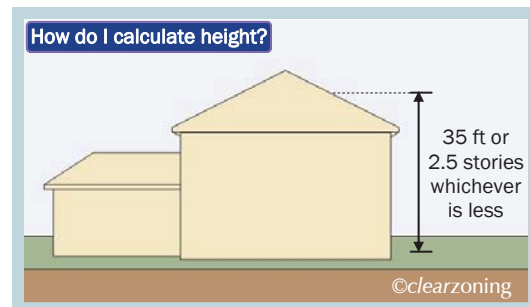
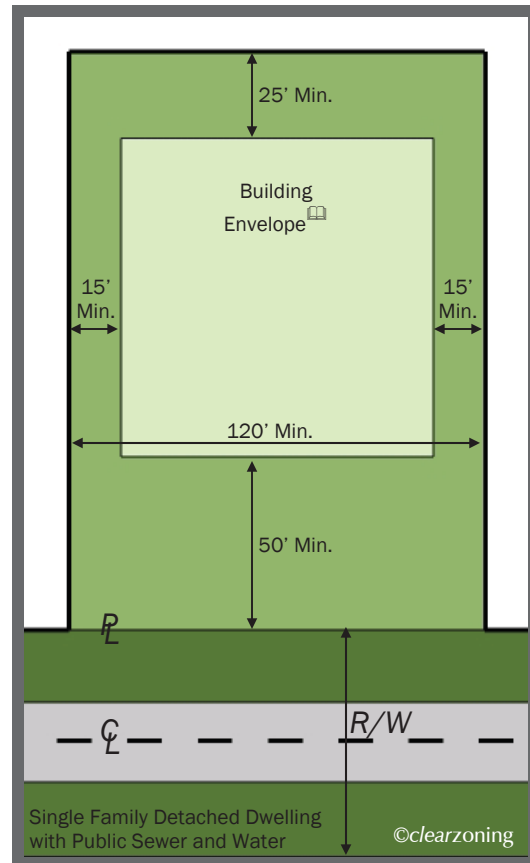
Floor Area[☐]

Minimum floor area per one-family dwelling[☐]:

1 story	1,200 sq ft
1+ stories	960 sq ft (first floor) 1,200 sq ft (total)

NOTES

- For additions to the above requirements, refer to Section 3.24: 1, 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- **Planned Development** §3.1.18
- **Open Space** §3.15.3
- **Single Family Lot Coverage Exemption** §3.25
- **General Exemptions for Essential Services** §3.8

4. Use Standards

- **Residential Design Standards** §4.1

5. Site Standards

- **Sidewalks & Pathways** §5.12
- **Landscaping** §5.11
- **Lighting** §5.13
- **Paved Access** §5.22
- **Off-Street Parking and Loading** §5.8
- **Access Management and Driveways** §5.10
- **Landscaping, Lighting and Sidewalks** §5.11
- **Walls and Fences** §5.20
- **Performance Standards** §5.19
- **Architectural Standards** §5.24

- **Specific Landscaping Requirements** §5.11.6

6. Development Procedures

- **Site Plan Review** §6.1
- **Traffic Impact** §6.5
- **Special Use Review** §6.6

1 Purpose and Introduction

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A. INTENT

The intent of the "SR" Suburban Residential District is to provide neighborhoods adjacent to lakes or with direct access to collector or arterial roads. Also, this District is intended to serve as a transition between lower density residential land uses and higher intensity land uses. This District provides areas of the Township for the construction and continued use of single family detached dwellings within stable neighborhoods. Generally, it is intended that SR zoned development occur within approved platted subdivisions or similar developments that can be expected to eventually be served by public water and sewer services.

It is further the intent of this District to permit a limited range of residentially-related uses, and to prohibit multiple family, office, business, commercial, industrial and other uses that would interfere with the quality of residential life in this district. It is intended that development in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wetlands and woodlands, and preservation of other natural features is encouraged. This District is intended to correspond with the Medium Suburban Residential future land use category of the Comprehensive Plan.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Single family detached dwellings** §4.1
- ii. **Nursing or convalescent homes**, §4.23
- iii. **Public and private parks and recreation areas** §4.40
- iv. **Essential public services, provided there is no building or outdoor storage yard** §4.26
- v. State licensed residential facilities that provide care for up to six (6) individuals, including child day care and adult foster care facilities.

D. SPECIAL LAND USES

- i. **Churches and religious institutions** §4.20
- ii. **Adult care and child care facilities that provide care for seven (7) to twelve (12) individuals, including child care facilities and adult foster care facilities** §4.12
- iii. **Public & private elementary, intermediate or high schools** §4.42
- iv. **Essential public service buildings, excluding storage yards** §4.26

C. ACCESSORY USES

- i. **Accessory uses, buildings and structures customarily incidental to any of the above-named permitted uses** §5.14
- ii. **Home occupations** §4.2



CA (CONSERVATION AGRICULTURE) PARCELS CLARK /McCARTNEY



Parcel	Parcel #	Address	Acres	Width in feet	Road Frontage
A	21-200-020	10627 McCartney Lane (Liv Co Maintenance Bldg.)	2.27	200.50	McCartney
B	21-400-010	10785 McCartney Lane	2.50	339.00	McCartney
C	21-400-012	Vacant	2.50	330.00	McCartney
D	21-400-009	2473 Clark Road	3.90	330.00 185.00	McCartney Clark
E	21-400-013	2467 Clark Road	1.10	330.00 145.00	McCartney Clark
F	21-200-003	2511 Clark Road	2.00	200.00	Clark
G	21-200-014	Vacant	13.65	263.00	Clark
H	21-200-012	2611 Clark Road	2.18	200.00	Clark
I	21-200-013	Barns	2.00	0.00	No frontage*

*has a 66' wide easement on Parcel G for access to Parcel I from Clark Road

BOARD OF TRUSTEES

2655 Clark Road
Hartland, Michigan 48353
(810) 632-7498 Office
(810) 632-6950 Fax



Supervisor
William J. Fountain

Clerk
Larry N. Ciofu

Treasurer
Kathleen A. Horning

Trustees
Matthew J. Germane
Summer McMullen
Denise O'Connell
Joseph M. Petrucci

RESOLUTION NO. 22-

**RESOLUTION OF APPRECIATION FOR DISTINGUISHED SERVICE BY
COMMISSIONER KEITH VOIGHT**

At a regular meeting of the Planning Commission of Hartland Township, Livingston County, Michigan, held at the Township Hall in said Township on February 10, 2022 at 7:00 p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by _____ and seconded by _____.

WHEREAS, Commissioner Keith Voight has served faithfully and demonstrated great leadership on the Planning Commission; and

WHEREAS, Commissioner Keith Voight was appointed on December 20, 2005, and started with the Planning Commission on January 1, 2006, and also served as a member of the Ordinance Review Committee and Site Plan Review Committee; and

WHEREAS, that leadership was instrumental in outcomes such as promoting smart growth and development throughout the Township, including growing and expanding the Township's exceptional parks resources; and

WHEREAS, often Planning Commission decisions and discussion were sometimes difficult, Commissioner Keith Voight helped to navigate through difficult times such as the financial crises of the 2000s, persevering through the challenges of remote and in person meetings during the pandemic, as well as balancing future development with neighbor concerns, and

WHEREAS, Commissioner Keith Voight leadership has always put the health, safety and well-being of the Hartland community first.

NOW, THEREFORE, BE IT RESOLVED, that the Hartland Township Planning Commission extends its deep gratitude to Commissioner Voight for his years of service to the community, wishing him all the best in his future endeavors.

A vote on the foregoing resolution was taken and was as follows:

RESULT:
MOVER:
SECONDER:
AYES:
NAYS:

STATE OF MICHIGAN)
)
COUNTY OF LIVINGSTON)

I, the undersigned, the duly qualified and acting Planning Commission Chair of the Township of Hartland, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Planning Commission of said Township at a regular meeting held on the 10th day of February 2022.

Larry Fox, Planning Commission Chair