



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, July 08, 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 May 13, 2021
 - [b.](#) Planning Commission Minutes of May 27, 2021
6. Call to Public
7. Old and New Business
 - [a.](#) Site Plan #21-010 Private Shared Driveway (Mitchell)
 - [b.](#) Site Plan #21-009 (Heritage Meadows PDMDR– Amendment to SP #225 for lot coverage standard)
 - [c.](#) Site Plan #21-011 – Hartland Senior Living Planned Development/PIRHL (PD) Final Plan
8. Call to Public
9. Planner's Report
10. Committee Reports
11. Adjournment

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

May 13, 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, Voight
Absent – None
4. **Approval of the Agenda:**
A Motion to approve the May 13, 2021 Planning Commission Regular Meeting Agenda was made by Commissioner Mitchell and seconded by Commissioner LaRose. Motion carried unanimously.
5. **Approval of Minutes**
 - a. **Planning Commission Special Meeting Minutes of March 18, 2021**
A Motion to approve the March 18, 2021 Planning Commission Special Meeting Minutes was made by Commissioner Voight and seconded by Commissioner Grissim. Motion carried unanimously.
 - b. **Planning Commission Minutes of March 25, 2021**
A Motion to approve the March 25, 2021 Planning Commission Regular Meeting Minutes was made by Commissioner Mitchell and seconded by Commissioner Murphy. Motion carried unanimously.
6. **Call to Public:**
None
7. **Public Hearing:**
 - a. **Site Plan with Special Land Use Application #21-007 (6043 Linden Road)** request to establish a woodworking business at 6043 Linden Road, as a special land use that is similar in nature and compatible with uses permitted in the LC (Limited Commercial) zoning district but is not specifically listed.

Chair Fox explained the Public Hearing process.

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

Director Langer summarized the request, location and process stating the following:

- Located in the Parshallville area.
- Previously received a Special Use Permit and was used as a woodworking studio.
- Prospective owner hopes to establish a business repairing pinball machines.
- Will use the building as it is with the possibility of adding an accessory building in the future.

- Planning Commission will make a recommendation and the Township Board will have the final approval.

The property owner stated they feel this use is well suited for the building and the location.

Call to Public

The Applicant, Kevin Dabrowski, stated the following:

- Low impact.
- Possibly one employee.
- More of a hobby to start out with hopes it may develop into something in the future.

Chair Fox closed the Public Hearing at 7:10 PM.

Chair Fox referred to the staff memorandum dated May 6, 2021.

SPECIAL LAND USE REVIEW – General Standards

Chair Fox stated the Planning Department believes the proposed use can and will meet the criteria listed above for the special land use request. The Planning Commission concurred.

SITE PLAN REVIEW – Applicable Site Standards

Off-street parking

Director Langer stated the following:

- Even when no changes are planned for a use, parking regulations must be examined for each new use.
- Seven spaces required, five are provided.
- A reduction by 50 percent may be granted by the Planning Commission.
- Staff is recommending the Applicant be granted this reduction in required parking.

Commissioner Grissim asked if the surface is paved or gravel with landscaping as the site plan did not seem to reflect what is present on the site. Director Langer replied the site plan is the same site plan previously approved as the potential new owner does not intend to change the existing site, a new site plan was not created. Commissioner Grissim stated she was concerned it was going to be asphalt all around the building, but it is not, it is nicely landscaped and would like it noted in the record. The Planning Commission agreed.

Commissioner Voight also commented he would prefer no additional paving be done and approves of the five existing spaces.

Commissioner LaRose asked if the Applicant could provide some indication of business hours if the business were to progress being open to the public at specified times and how that might affect the parking. The Applicant replied it could progress to possible on-line orders, but he does not anticipate having regular business hours.

Commissioner LaRose offered the following Motion:

Move to recommend approval of Site Plan with Special Land Use Application #21-007, a request to establish a woodworking business at 6043 Linden Road, as a special land use that is similar in nature and compatible with uses permitted in the LC (Limited

Commercial) zoning district but is not specifically listed. The recommendation for approval is based on the following findings:

- 1. The proposed special land use, woodworking business, meets the intent and purposes of the Ordinance as well as the specific Special Use standards outlined in Section 6.6 (Special Uses). The Planning Commission has determined the proposed use is similar in nature and compatible with uses permitted in the LC (limited Commercial) zoning district.**
- 2. The proposed use is compatible with the existing and future land uses in the vicinity.**
- 3. The proposed use is served by private well and septic. The proposed use will be adequately served by existing essential facilities and public services, and the Fire Department has no objection.**
- 4. The proposed use will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, or the public welfare.**
- 5. The proposed use will not create additional requirements at public cost for public facilities as such improvements are not proposed.**

Approval is subject to the following conditions:

- 1. The proposed Special Land Use, woodworking business, is subject to approval by the Township Board.**
- 2. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated May 6, 2021. Revised plans, if necessary, shall be subject to an administrative review by the Planning staff prior to the issuance of a land use permit.**
- 3. The Planning Commission determined that adequate parking exists for the proposed use.**
- 4. A land use permit is required after approval of the Site Plan and Special Use Permit.**
- 5. Applicant complies with any requirements of the Department of Public Works Director, Township Engineering Consultant (HRC), Hartland Deerfield Fire Authority, and all other government agencies, as applicable.**

Seconded by Commissioner Murphy.

Commissioner Mitchell offered a friendly amendment to add Condition 6. The existing landscaped area along the frontage of the site on Linden Road, between the road and the building, shall remain landscaped.

The Planning Commission briefly discussed the site plan.

The Maker and Seconder agreed. Motion carried unanimously.

b. 2020-2021 Amendment to Future Land Use Map and Comprehensive Development Plan

Chair Fox explained the Public Hearing process.

Chair Fox opened the Public Hearing at 7:21 PM stating all noticing requirements have been met.

Director Langer gave an overview of the request and stated the following:

- Some requests came to the Township that led to concerns of too much land designated on the Future Land Use Map (FLUM) as Commercial or Multiple Family.
- Retail Market Analysis performed.
- Residential study revisited.
- Six areas being amended.

Area #1 – South of Clyde Road, East of US-23 – Multiple Family Residential to Estate Residential

This area consists of 137.95 acres on the south side of Clyde Road and is currently designated in the multi-family residential category. The following parcels are part of this area:

4708-09-100-001	43.000 acres	South side of Clyde Road
4708-09-100-009	24.500 acres	South side of Clyde Road
4708-09-300-001	70.445 acres	South side of Clyde Road

Area #2 – Southwest Corner of M-59 and Old US 23 – Commercial to Special Planning Area

4708-28-100-014	29.850 acres	South of M-59, West of Old US 23
4708-28-100-018	40.560 acres	South of M-59, West of Old US 23
4708-28-100-019	4.990 acres	South of M-59, West of Old US 23
4708-28-100-011	2.000 acres	South of M-59-West of Old US 23

Area #3 – East of Hartland Road, South of Dunham Road – Multiple Family Residential to Medium Suburban Density Residential

This area consists of approximately 59.62 acres at the southeast corner of Hartland Road and Dunham Road. The Future Land Use Map designates these properties in the multi-family category. The following parcels are part of this area:

4708-21-100-001	0.770 acres	East Side of Hartland Road
4708-21-100-002	0.360 acres	East Side of Hartland Road
4708-21-100-012	1.540 acres	East Side of Hartland Road
4708-21-100-017	4.280 acres	East Side of Hartland Road
4708-21-100-019	1.700 acres	East Side of Hartland Road
4708-21-100-020	1.700 acres	East Side of Hartland Road
4708-21-100-027	5.000 acres	East Side of Hartland Road
4708-21-100-028	5.030 acres	East Side of Hartland Road
4708-21-100-029	2.360 acres	East Side of Hartland Road
4708-21-100-030	1.970 acres	East Side of Hartland Road
4708-21-100-031	2.540 acres	East Side of Hartland Road
4708-21-100-032	3.140 acres	East Side of Hartland Road
4708-21-100-033	1.940 acres	East Side of Hartland Road
4708-21-100-034	1.940 acres	East Side of Hartland Road
4708-21-200-005	10.320 acres	East Side of Hartland Road
4708-21-200-009	10.020 acres	East Side of Hartland Road
4708-21-200-010	5.010 acres	East Side of Hartland Road

Area #4 – North of M-59, West of Clark Road – Multiple Family Residential to Medium Urban Density Residential

This area consists of 23.330 acres on the west side of Clark Road, north of the intersection with M-59 and is currently designated in the multi-family residential category. The following parcels are part of this area:

4708-21-400-046	23.330 acres	North of M-59
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Area #5 – Hartland Glen Golf Course – Medium Suburban Density to Special Planning Area

This area consists of 385.09 acres on the south side of Cundy Road and north of Lone Tree Road. The following parcels are part of this area:

4708-26-100-019	383.150 acres	South of Cundy/M-59
4708-26-100-012	0.870 acres	South of Cundy
4708-26-100-001	1.070 acres	South of Cundy

Area #6 – South of M-59 – Multiple Family Residential to Low Suburban Density Residential

This area consists of approximately 79.89 acres on the south side of M-59, east of Pleasant Valley Road and is currently designated in the multi-family residential category. The following parcels are part of this area:

4708-25-100-002	5.000 acres	South of M-59
4708-25-100-003	0.400 acres	South of M-59
4708-25-100-004	29.00 acres	South of M-59
4708-25-100-008	3.600 acres	South of M-59
4708-25-100-013	28.00 acres	South of M-59
4708-25-100-016	5.100 acres	South of M-59
4708-25-100-017	2.500 acres	South of M-59
4708-25-100-018	2.000 acres	South of M-59
4708-25-100-019	2.000 acres	South of M-59
4708-25-100-020	2.290 acres	South of M-59

Director Langer stated this amendment has been discussed for some time, has been to Livingston County, the Planning Commission will make a recommendation, and the Township Board have final approval.

Call to Public

John Luke of John Luke Realty asked about Area #4 and the prior proposed development. Director Langer stated this amendment sets the density.

Randall Haas, Hartland; asked about an area not related to the FLUM Amendment.

Chair Fox closed the Public Hearing at 7:38 PM.

The Planning Commission discussed the six proposed areas.

Commissioner Voight offered the following Motion.

Move to recommend approval of the Resolution as attached in the memorandum dated April 29, 2021, with the revisions as outlined.

Seconded by Commissioner Mitchell.

RESOLUTION NO. 21-01

**PLANNING COMMISSION RESOLUTION NO 21-01
RECOMMENDING APPROVAL OF THE 2020-2021 HARTLAND TOWNSHIP
COMPREHENSIVE PLAN UPDATE AND FUTURE LAND USE MAP**

At a regular meeting of the Hartland Township Planning Commission, Hartland Township, Livingston County, Michigan, held at the Township Hall in said Township on May 13, 2021 at 7:00 pm.

PRESENT: Commissioner Fox, Commissioner Grissim, Commissioner LaRose, Trustee McMullen, Commissioner Mitchell, Commissioner Murphy, Commissioner Voight

ABSENT: None

The following preamble and resolution were offered by Commissioner Voight and seconded by Commissioner Mitchell.

WHEREAS, the Hartland Township adopted a Comprehensive Development Plan on August 11, 2004, an Amendment to that Comprehensive Development Plan on April 19, 2011, and another Amendment to that Comprehensive Development Plan on September 1, 2015; and

WHEREAS, the Hartland Township Planning Commission and Township Board held joint meetings in 2018 and 2019 to discuss potential amendments to the Comprehensive Plan; and

WHEREAS, the Hartland Township Board authorized a Retail Market Analysis to be conducted by Gibbs Planning Group, which was completed in April of 2019; and

WHEREAS, the Hartland Township Planning Commission examined the Retail Market Analysis; along with a Residential Market Analysis conducted by Zimmerman/Volk Associates, Inc., completed in August of 2014; and

WHEREAS, the Hartland Township Planning Commission made the determination to develop an updated Future Land Use Plan and Comprehensive Development Plan Amendment that would replace the 2015 Amendment to the Comprehensive Development Plan; and

WHEREAS, the Hartland Township Planning Commission notified each municipality located contiguous to the Township, the Livingston County Planning Commission, each public utility company and railroad company owning or operating a public utility company and railroad company owning or operating a public utility or railroad within the Township, and every governmental entity that had registered its name and mailing address with the Township for purposes of notification, for review and comment; and

WHEREAS, the Hartland Township Planning Commission, at its January 28, 2021 meeting, held a public hearing to receive comments and recommended to approve the proposed Amendment to the Comprehensive Development Plan; and

WHEREAS, the Hartland Township Planning Commission received and considered comments in reference to the proposed 2020-2021 Amendment to the Comprehensive Development Plan; and

WHEREAS, on February 18, 2021 the Livingston County Planning Commission voted to endorse the proposed Amendment to the Township's Comprehensive Development Plan; and

WHEREAS, on March 2, 2021, the Township Board of Trustees reviewed the Draft 2020-2021 Comprehensive Plan Update and formally authorized the Secretary of the Hartland Township Planning Commission to distribute it in accordance with the provisions of the Michigan Planning Enabling Act; and

WHEREAS, on May 13, 2021, the Hartland Township Planning Commission held a public hearing on the proposed amendment to the Comprehensive Development Plan, following proper public notice procedures; and the public was given the opportunity to comment on the proposed amendments; and

WHEREAS, the Hartland Township Planning Commission has determined that the proposed 2020-2021 Amendment to the Township's Comprehensive Development Plan, comprised of an update to the Future Land Use Plan and Future Land Use Map, and Comprehensive Plan, accurately reflects the Planning Commission's recommendation for the future development of Hartland Township.

NOW THEREFORE, BE IT RESOLVED that the Hartland Township Planning Commission hereby recommends the Hartland Township Board of Trustees approve the 2020-2021 Amendment to the Hartland Township Comprehensive Development Plan.

A vote on the foregoing resolution was taken on May 13, 2021 and was as follows:

ADOPTED:

YEAS: Commissioner Fox, Commissioner Grissim, Commissioner LaRose, Trustee McMullen, Commissioner Mitchell, Commissioner Murphy, Commissioner Voight

NAYS: None

Motion carried unanimously.

8. Old and New Business

- a.** Rezoning Application #21-001 (Arena Drive) request to rezone two (2) parcels on Arena Drive. The parcels are north of Highland Road and south of Hartland Sports Center (2755 Arena Drive). One parcel is on the east side of Arena Drive and the other parcel is on the west side of Arena Drive. The request is to rezone each parcel from GC (General Commercial) to MR (Multiple Family Residential).

Director Langer summarized the location and request stating the following:

- Parking lot of the Sports Center was recently expanded during the addition.
- Planning Commission requested the parking area be removed from the Rezoning request.
- Applicant has submitted a survey for the parcel excluding the parking lot from the Rezoning request.
- Applicant intends to adjust the boundary line if the Rezoning is approved.
- Postponed to allow more of the Planning Commission to hear the request.

Commissioner Voight commented it seems like the Applicant intends to connect the existing parking area to the new development parking; if so, it will be difficult to meet the screening requirements between residential and commercial uses. He can see a driveway connecting the two, but it seems as if he is connecting the two parking areas. Also on the western parcel, if he were a resident abutting this development, he would feel more comfortable with a residential development rather than a commercial development in his backyard.

The Planning Commission discussed the parking area. The Applicant stated there is a parking isle between the two.

Director Langer stated the level of detail on the plans does not allow for a specific review of the planned parking area. When the parcel to the south is developed a connection could certainly be an option but parking spaces would be lost; however, that is a discussion for a future time. Commissioner Grissim asked about the screening required between the two uses. The Applicant stated that is what is anticipated.

Commissioner Mitchell offered the following Motion.

The Planning Commission recommends approval of Rezoning Application #21-001 based on the following findings:

- 1. The requested rezoning of the subject property to the MR (Multiple Family 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 properties provided along Arena Drive and each property has the minimum required frontage along Arena Drive for the MR zoning classification.**
- 3. The requested rezoning of the subject properties to MR (Multiple Family Residential) zoning classification is compatible with the surrounding uses and zoning and is more appropriate than the current GC (General Commercial) zoning classification.**

Seconded by Commissioner LaRose.

Commissioner McMullen asked about emergency access as there is only one road to enter the sports complex and these properties.

Director Langer stated that is a valid comment with the residential use and the ice arena if there were a situation where Arena Drive became blocked during an event. In some residential developments over a certain number of units a second access is required. That issue is one that will be evaluated when the development is proposed. It is difficult at the Rezoning stage because there is no set plan.

Chair Fox stated it might be possible to add an emergency access to the Bella Vita site if necessary. There are other uses in Multiple Family that are less dense such as day care centers. It depends on the use.

Commissioner Murphy pointed out the access added by Mr. Yaldo a few years ago stating there are other options.

Motion carried unanimously.

9. Call to Public:
None

10. Planner's Report:
None

11. Committee Reports:

12. Adjournment:
A Motion to adjourn was made by Commissioner Grissim and seconded by Commissioner Mitchell. Motion carried unanimously. The meeting was adjourned at approximately 7:58 p.m.

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

May 27, 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, Voight
Absent – Commissioners LaRose, Murphy
4. **Approval of the Agenda:**
A Motion to approve the May 27, 2021 Planning Commission Regular Meeting Agenda was made by Commissioner Grissim and seconded by Commissioner Mitchell. Motion carried unanimously.
5. **Call to Public:**
None
6. **Old and New Business:**
 - a. **Site Plan Application #21-008 (Amendment to Conceptual Master Plan for Shops at Waldenwoods PD)**, a request to amend the previously approved Conceptual Master Plan (Sheet B-1) for the Shops at Waldenwoods Planned Development (PD), as outlined in the staff memorandum dated May 20, 2021.

Director Langer gave an overview of the request and location stating the following:
 - Outlots in front of Target and vacant land to the west.
 - Goal is to amend the original Planned Development Site Plan.
 - Reconfigure the front portion of the property to add more outlots along M-59.
 - Proposed Concept Plan but not specific building designs at this stage. As each project comes forward, they will go through the Site Plan Review process before the Planning Commission.
 - Amending the Planned Development requires Planning Commission approval.
The Applicant, Brian Crouse, stated the following:
 - Developed twenty years ago.
 - West property has been vacant all that time.
 - Solving two problems: MDOT's changes to M-59 will require additional detention basins and this change will allow for more logical outlots along M-59 instead of parking lot.
 - Potential project in mind for part of that space but it is theoretical at this time.

Commissioner Grissim stated she is very positive toward the concept but would like to see the sidewalk connection from the Fox Ridge Condominiums to M-59 shown in the earlier concept plan remain as part of the new concept plan to continue the Township goal of being a walkable community.

The Applicant expressed some concern about the sidewalk in relation to the entrance drive and detention pond but stated they can put the sidewalks wherever they are desired.

Commissioner Grissim offered the following Motion:

Move to approve Site Plan Application #21-008, a request to amend the previously approved Conceptual Master Plan (Sheet B-1) for the Shops at Waldenwoods Planned Development (PD), as outlined in the staff memorandum dated May 20, 2021. Approval is subject to the following conditions:

- 1. Future development projects within the Planned Development shall require a site plan application, which is subject to review and approval by the Planning Commission and the Township Board, as applicable.**
- 2. Applicant complies with any requirements of the Township Engineering Consultant and Hartland Deerfield Fire Authority and all other government agencies, as applicable.**

Seconded by Commissioner Mitchell. Motion carried unanimously.

- b. Site Plan Application #21-004 (Amendment to Hartland Marketplace Planned Development)** a request to amend the Hartland Marketplace Planned Development Agreement, hereby known as the Fifth Amendment, to permit up to three (3) drive-up and service windows, with dedicated drive-in lanes, in the Hartland Marketplace Planned Development

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

- Two areas: Dairy Queen building will be demolished and replaced with two structures each with a drive-through window, the other portion is the former Food Town store which will be renovated to update and match the rest of the development.
- Hope to have in the future another building next to the former Food Town space.
- Amend the Fifth Amendment to the Planned Development Agreement for the number of drive-throughs. Staff has recommended removing the limit from the Agreement entirely to avoid future amendments.

The Applicant, Frank Jarbo, Symmetry Management, stated the following:

- Acquired the site five to six years ago.
- Been through a roller coaster of events recently.
- COVID taught them they need more drive-through options.
- Have tenants lined up for the front spaces.
- Back building needs some attention; new façade, new roof, new HVAC and fire suppression.
- Working hard to fill the space and these improvements will help.

Chair Fox stated the limit on the drive-throughs was proposed by the original developers. As has happened across M-59, the trend seems to be favoring having an option for a drive-through. Removing the limit from the Agreement would help expedite a project that requires a drive-through. The Applicant supported eliminating the limit. The Planning Commission agreed.

Director Langer clarified there would still need to be a Site Plan Approval from the Planning Commission but there would be no limit on the number of drive-throughs.

PROJECT A- Construct two (2) commercial buildings with one drive-through service window for each building (Unit 1 and Unit 2)

Parking Lot / Driveway / Internal Roads Setbacks (Per Final Plan- Sheet 9.1)

Director Langer stated currently the existing structures do not meet the side setbacks. The front setback to the north along M-59 is a 20-foot setback but 11 feet 6 inches is being request.

Commissioner Grissim expressed concern about the amount of concrete and the safety of the proposed layout.

The Planning Commission compared the current site with the proposed plan.

Commissioner Grissim stated there are over 50 parking spaces on the proposed plan, but it only requires 26; maybe a few could be removed, and some additional landscaping added. She does not feel it is safe for patrons to cross the drive-through lanes to access the store.

Chair Fox asked the Applicant about the number of parking spaces requested.

The Applicant stated the national retailers they work with view this as an outlot to a bigger development. Their concern is for people to be able to park as they come and go. He would ask that the Planning Commission not view this change as an increase in concrete but rather as an updated site with fresh, new landscaping. What is going on now is just greenbelt. The Landscape Plan sent was pretty extensive and they appreciated the comments from staff as to areas where landscaping could be enhanced but they are trying to balance what the tenants want and what the municipality wants. It is a hard balance. They are trying to refresh the whole site.

Chair Fox stated he feels the parking in the front is the parking the customer wants the most and would be the most critical. He supports the parking in the front. They will look at the Landscaping and determine how enhanced it is. If the parking is overdone, it is possible the 12 spaces in the second row of parking in the rear could be eliminated or shown as banked parking depicted with hash marks and added later if it is needed.

The Applicant asked about reducing the square footage of Unit 1 and adding landscaping in the rear.

Commissioner Grissim suggested the buildings be moved back a few feet to allow for additional landscaping and keep the parking in the front with the possibility of eliminating some parking in the rear. The proposed internal access road is very wide, 34.5 feet, which is wider than desired by the Township and will encourage faster speeds. Having parking along that edge could be helpful, narrow the width and slow traffic.

The Applicant stated his retail clients expressed concern about altering the parking in the front and the visibility from M-59 if the full Greenbelt is required. They are dealing with a hardship as it is due to the gas station canopy and McDonald's.

Chair Fox stated on the gas station site, much of the drive coming in is farther out than the nine feet that would be taken away, there is a ton of concrete in front of the gas canopy now, and they are asking for nine feet of the 20-foot Greenbelt. Will some enhanced Landscaping there offset some of that?

Commissioner Grissim stated the Landscaping being proposed in the front is good, much better than what is there today, but the amount of concrete and the circulation is disturbing.

Chair Fox stated he is looking at the site as it is today and there are sidewalks coming from the rear parking to the sides of the building so people would be out of the parking lot.

The Applicant stated they added sidewalks elsewhere on the site to encourage pedestrian access to and from the other businesses.

Commissioner Mitchell stated he also had concerns and does not feel comfortable having pedestrians cross a double entrance lane for two established businesses. With the stacking lanes anyone with children crossing would need to be very careful. The biggest question in his mind is not knowing who the tenant will be for Unit 1 and how much foot traffic it might generate.

The Applicant stated he has a potential user, the cell phone store that currently is in the rear suite of the existing building. That use would not generate much foot traffic. He understands the Planning Commission must consider a worst case scenario where both stacking lanes are full, but he believes with the parking on the side, customers will have safe access. The rear parking will be mostly for employees as discussed earlier.

Commissioner Mitchell stated in his experience he has always seen a least a couple of cars in the stacking lane at Dairy Queen. With Unit 2 being the new Dairy Queen store, at peak periods such as after dinner, it could be very busy.

Chair Fox said he appreciates the comment, but he feels the pedestrians who park on the side will have to walk through the parking lot but those who have parked in the rear will encounter the slower or stopped cars approaching the drive-through which may be safer. Every fast food restaurant in the community has parking on the side of the drive-through. Everyone walks through the parking lot. Typically, the drivers are cautious, and the walkers are cautious.

The Planning Commission briefly discussed parking, safety and uses.

Commissioner McMullen stated she likes the plan, it is an improvement over the current site, and feels it is better to have a space renovated, occupied and maintained rather than empty which is more detrimental than a couple of parking spaces.

Commissioner Mitchell stated he prefers the previous proposal where the building was rotated and contained two units; it was a much cleaner idea. He does not feel comfortable with this plan.

The Applicant stated they were never able to lease out the middle units. The end was Dairy Queen and other a small fast casual restaurant, but they could not lease the middle spots; they tried for a year and a half then COVID hit.

Commissioner Mitchell replied he agrees, COVID has changed the way we approach stores; there is a greater desire for drive-throughs or pick-up windows to avoid going into a building.

Chair Fox referred back to the staff memo.

Loading (Section 5.9 Township Zoning Ordinance)

Director Langer stated the following:

- Loading is planned for the rear of Unit 1

- Topic has been discussed many times with many developments.
- Common to waive the requirement for a dedicated loading space as delivery vehicles tend to unload where it is convenient to do so often before or after peak hours.
- Staff suggests the loading space be eliminated and the area recaptured for landscaping.

Chair Fox suggested they eliminate the loading space, use the area for grass/landscaping, push the building back five feet, move the sidewalk accordingly, and pick up five feet of landscaping bed across the front of the building to add some greenspace that seems to be lacking and call it good.

Commissioner Grissim stated that would help soften all of the concrete in front of the building, but she knows the Applicant had concerns about site visibility desiring to keep the buildings up close to M-59.

The Applicant stated five feet is fine. He agrees with the Planning Commission and feels it is clever of the Planning Commission to eliminate the loading areas in certain instances such as this.

Chair Fox stated, it eliminates some asphalt, moves the building back five feet, adds some landscaping across the front, and solves ninety-percent of all the issues. The Planning Commission agreed.

Lighting

Director Langer stated they need to submit a revised Photometric Plan that shows the average footcandles for each building entrance, and the maximum illumination level south of Unit 2, on the construction set of plans. The Applicant agreed.

Fixture Type

Chair Fox commented that projects here and elsewhere have been allowed to use more energy efficient designs that were not in existence when the PD was created. Director Langer concurred.

Landscaping (Per Final Plan – Sheet LS-3)

Chair Fox asked Commissioner Grissim if, ignoring the nine feet, the Landscape Plan is a good plan.

Commissioner Grissim stated the following:

- It is a good plan.
- Screens the parking lot with the addition of evergreen shrubs.
- Has shade and trees in the front.

Landscaping - Adjacent to Roads

Commissioner Voight stated compared to BP and McDonald's which both have a concrete heavy entrance to M-59 with a very small, landscaped area, even without the nine feet, we are getting a much better look with this strip of landscaping than either of those sites. Commissioner Grissim agreed.

Commissioner Grissim referring to the parking lot landscaping, asked that the trees in the end cap area be shade trees to provide shade for the parking lot. The Applicant agreed.

Landscaping - Façade

Commissioner Grissim stated the required square footage for façade landscaping complies; however, façade landscaping areas are not located along the main entrance of either building. The earlier suggestion of eliminating of the loading area and trying to get some landscaping added to the front where there is currently only sidewalk shown, will go a long way to soften the façade of the building. The Applicant concurred.

Commissioner McMullen commented she has worked in restaurant businesses for a very long time, 30 years. She feels landscaping around a building produces cover for rodents and pests. She would prefer less especially with a restaurant use for health and safety.

Chair Fox asked if Commissioner McMullen would be comfortable with landscaping on the front but none on the sides as drawn. Commissioner McMullen stated yes, she did not see any negatives as it is now.

Director Langer asked for clarification. It was discussed to move Unit 1 back five feet and add five feet of landscaping along the front. Does the Planning Commission desire the same for Unit 2? Chair Fox replied he was thinking both as they are parallel on the site, but they did only reference Unit 1. Director Langer stated the core of the discussion was only for Unit 1 and he wanted it to be clear to avoid confusion later. The Planning Commission agreed it would apply to both units, as did the Applicant.

Building Materials (Section 6.1.1-PD Agreement)

Chair Fox stated they intend to match the other building existing in the development, which he finds very attractive. The Planning Commission agreed.

Reconfiguration of ramp/sidewalk layout

Commissioner Grissim asked to return to the Landscape discussion briefly to address the location of the ramps. Referring to the hand-drawn sketch in the packet she stated revising the configuration of the ramps in this manner would eliminate some concrete and improve the sidewalk connection. The Applicant stated as long as it meets the ADA requirements, he agrees.

Chair Fox returned to the Parking and reduced Greenbelt discussion.

Commissioner Grissim stated with the compromises made, she is fine now.

Commissioner Mitchell stated he is satisfied. That was his top concern.

The Planning Commission agreed.

Commissioner Voight asked Commissioner Grissim to address Commissioner McMullen's concern. Are there certain planting varieties that can be used to mitigate those issues?

Commissioner Grissim stated there are. She too has seen the rodent issue around shopping centers and businesses where there is food. There are pest control measures and certain plantings higher off the ground that can help discourage that.

Commissioner McMullen expressed concern about poison traps as they can get into the food chain with undesired, unintended results.

PROJECT B- Exterior renovations to an existing commercial building (former Food Town)

Landscaping (Per Final Plan – Sheet LS-3, dated July 11, 2008)

Director Langer stated currently there are pockets of landscaping that were part of the original PD; there is no landscaping proposed so the question is should they continue here consistent with the original PD plan?

Chair Fox asked the Applicant if it was an oversight. The Applicant replied it was. They are willing to continue with the existing landscape theme. The Planning Commission agreed.

Building Materials (Section 6.1.1-PD Agreement)

Chair Fox asked about the west wall; would the Applicant be opposed to painting it the same color as the brick, rather than white. The Applicant agreed. Director Langer stated it is unknown how long the wall will be exposed until another building is built, until that time it could be painted to match the brick for a better presentation. Chair Fox continued when the development was approved, the back brick wall was existing, and the Planning Commission asked them to paint the wall to match the brick.

Dumpster Enclosure (Per PD Agreement Section 6.1.6. & Township Zoning Ordinance Section 5.7)

Chair Fox stated it is a unique set up and they are proposing to continue what was already previously approved. He asked if the Planning Commission was comfortable continuing that plan. The Planning Commission agreed.

Commissioner Voight offered the following Motion:

Move to approve Site Plan Application #21-004, a request to amend the previously approved plans for Hartland Marketplace Planned Development (PD), as outlined in the staff memorandum dated May 20, 2021. Approval is subject to the following conditions:

- 1. The request to amend the Hartland Marketplace Planned Development Agreement (Fifth Amendment to the PD Agreement), to eliminate the limitation on drive-through windows, is subject to approval by the Township Board. The Fifth Amendment is subject to the requirements of the Township Attorney.**
- 2. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated May 20, 2021, on the Construction Plan set, subject to an administrative review by the Planning staff prior to the issuance of a land use permit.**
- 3. Applicant complies with any requirements of the Department of Public Works Director, Township Engineering Consultant, and Hartland Deerfield Fire Authority.**

Seconded by Commissioner McMullen.

Chair Fox offered a Friendly Amendment to include the following:

- 4. The plans shall be revised to eliminate the loading zone as shown on the south side of Unit 1 and replaced with a curbed, landscaped area.**

5. The plans shall be revised to move Unit 1 and Unit 2, five (5) feet to the south and a five (5) foot wide landscape area shall be established along the frontage of Unit 1 and Unit 2 (north/front side of each building).

The Maker and Secunder agreed. Motion carried unanimously.

Commissioner Grissim offered the following Motion:

Move to recommend approval of the proposed amendment to the Planned Development Agreement, a request to amend the Hartland Marketplace Planned Development Agreement, hereby known as the Fifth Amendment, to eliminate the limitation on drive-up and service windows, with dedicated drive-in lanes, in the Hartland Marketplace Planned Development based on the following findings:

1. The Planning Commission recommends to remove the limitation on drive-up and service windows, with dedicated drive-in lanes, within the Hartland Marketplace Planned Development (PD), would still be consistent with the original intent to remove the limitation of the number of drive-through businesses within this development.
2. The Planning Commission has determined that the proposed amendment will permit an additional restaurant business with a drive-through service window that will be a good fit for the community and will add to the overall appeal of the Planned Development.
3. The proposed Fifth Amendment document shall be revised to address the comments provided by the Township Attorney, including revisions to signature page, to list all current property owners.

Seconded by Commissioner Mitchell. Motion carried unanimously.

7. **Call to Public:**

None

8. **Planner's Report:**

Director Langer stated there is a meeting scheduled for June 10, 2021, but please keep available June 17, 2021 for a Special Planning Commission Meeting to further discuss Newberry, if needed.

9. **Committee Reports:**

10. **Adjournment:**

A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner Voight. Motion carried unanimously. The meeting was adjourned at approximately 8:25 p.m.

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director

Subject: Site Plan #21-010 Private Shared Driveway (Mitchell)

Date: July 1, 2021

Recommended Action

Move to approve Site Plan Application #20-010, a request to construct a private shared driveway which is intended to provide access to two (2) single-family residential lots, which will be created under a separate land division application.

Approval is subject to the following conditions:

1. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated July 1, 2021.
2. Applicant complies with any requirements of the Department of Public Works Director, Township Engineering Consultant, Hartland Deerfield Fire Authority, and any other governmental agency.
3. Approval of the proposed shared driveway does not include approval of any future land divisions.
4. The proposed easement maintenance agreement shall comply with the requirements of the Township Attorney.
5. (Any other conditions the Planning Commission deems necessary).

Discussion

Applicant: Pierre Mitchell

Site Description

The applicant is intending to submit a land division application to divide the parcel addressed as 12102 Dunham Road (Tax ID #4708-23-100-007) into four (4) parcels, in Section 23 of the Township. The parent parcel (12102 Dunham Road), approximately 15.03 acres, is zoned CA (Conservation Agricultural) and located at the southeast corner of Bullard Road and Dunham Road. Currently said parcel is occupied with a single-family residence. The submitted survey shows the four (4) proposed parcels, labeled as Parcel A, B, C, and D, with the proposed lot size stated for each parcel.

The CA zoning district requires a minimum lot area for single-family detached dwellings, of two (2) acres and a minimum lot width/frontage of 200 feet.

Each proposed parcel is designated as Low Suburban Density Residential on the Township's 2015 Future Land Use Map (FLUM). The Low Suburban Density Residential designation is intended to accommodate a low density, traditional neighborhood form of residential use, and to function as a transition from the Estate Residential designation and other higher intensity residential and nonresidential land uses.

The Low Suburban Density Residential land use designation is intended for new residential development on lots with an average density of one (1) to two (2) acres per dwelling unit.

The property north of 12102 Dunham Road (parent parcel) is zoned CA (Conservation Agricultural) and designated as Low Suburban Density Residential Township's 2015 Future Land Use Map (FLUM).

Adjacent properties to the south are either zoned CA or SR (Suburban Residential), and all properties are designated as Medium Suburban Density Residential on the FLUM. Properties on the west side of Bullard Road are zoned SR and also designated as Medium Suburban Density Residential on the FLUM.

Project Summary

The applicant is requesting approval for the construction of a private shared driveway which is intended to serve two (2) single-family residential lots, which are to be created under a separate land division application. Per the submitted survey, the land division request is to create a total of four (4) parcels; however, the shared driveway request is to construct a private shared driveway to provide access to Parcel C and Parcel D on the submitted survey.

Based on the submitted survey, each resultant parcel will meet the CA-Conservation Agricultural minimum standards for lot area (2 acres minimum) and frontage on a public or private road (200 feet of frontage/lot width).

Per the applicant the Livingston County Road Commission (LCRC) will not approve, or issue separate driveway permits for Parcel C and Parcel D due to site distance issues on Dunham Road. As a result, the applicant is proposing a shared driveway to provide access to each parcel.

A 22-foot wide, gravel, shared driveway is proposed with an associated 66-foot wide ingress/egress easement. The shared driveway access from Dunham Road is found on Parcel D, essentially where the existing driveway is located for 12102 Dunham Road. The shared driveway travels south for approximately 40 feet (within Parcel D), turns east, then travels east for approximately 212 feet, to the center of the turnaround, which is located within Parcel C (total measurement equates to 252 feet). The stated measurements are taken along the centerline of the proposed shared driveway within Parcel D, and to the center of the turnaround that is located in Parcel C.

Per the Township's Zoning Ordinance, the Township's Land Division Ordinance, and the State's Land Division Act, a new property cannot be created that does not have frontage on a public road, private road, or shared driveway. The applicant is seeking approval for a shared driveway. A shared driveway requires approval from the Planning Commission.

Review Procedure for a Shared Driveway

The applicant is requesting approval for the construction of a private shared driveway which is intended to serve two (2) single-family residential lots, to be created under a separate land division application. Section 5.23 of the Zoning Ordinance provides review and approval standards and procedures for shared driveways. Shared driveways require approval from the Planning Commission. This memorandum will outline the requirements for a shared driveway and discuss the proposed plan and its compliance with the ordinance standards.

Section 5.23 of the Zoning Ordinance outlines that a land division cannot be approved prior to approval of a shared driveway or private road application. As a note, the Planning Commission will not approve the actual land division; however, the Planning Commission has the authority to approve a shared driveway. The shared driveway will provide the legal access and the required lot width for the proposed land division/boundary line adjustment. The land division request and application will be reviewed and approved administratively at a later date if and when the shared driveway is approved, constructed, and accepted.

Shared Driveway Standards

A private shared driveway is proposed, with access from Dunham Road. The shared driveway is gravel and is 22 feet in width, to be constructed within a 66-foot wide driveway easement. The cross section drawing of the shared driveway shows a 22-foot wide, gravel road surface. The shared driveway is shown within a 66-foot wide easement. The shared driveway ends in a T-turnaround within Parcel C.

Following is an overview of the standards for a shared driveway as they exist in the Zoning Ordinance. Staff has provided comments on various sections, outlined in italics.

- Section 2 of the Township's Zoning Ordinance defines the term "Driveway, Shared" with the key element being that a shared driveway can only serve two single-family dwelling units. *The shared driveway provides access to two (2) single-family parcels.*
- Section 5.2 of the Township's Zoning Ordinance requires all lots that are created shall have frontage on an improved public or private road, or shared driveway. The frontage shall be maintained for the full required width of the lot or parcel in accordance with the minimum width specifications established in Section 3.1, Districts Established of this Ordinance. *Each of the resultant parcels appears to comply with the zoning district (CA-Conservation Agricultural) requirements with regard to the minimum lot width requirement (minimum 200 feet lot width), based on the submitted plan.*

The following chart summarizes the proposed lot area and lot width for the two (2) resultant parcels (Parcel C and Parcel D):

Parcel #	Lot Area (2 AC min.)	Lot width/frontage Dunham Road (200 FT min.)	Lot width/frontage Shared driveway (200 FT min.)
<i>Parcel C</i>	<i>2.37 acres</i>	<i>254.0 feet</i>	<i>213 feet*</i>
<i>Parcel D</i>	<i>7.84 acres</i>	<i>513.58 feet</i>	<i>285 feet **</i>

**As measured at the 50-foot setback from the shared driveway easement w/i Parcel C*

*** As measured along the shared driveway easement that is located w/i Parcel D*

- Section 5.23 outlines the standards for a private road or shared driveway. A complete application is required and includes the application; construction plans for the private road or shared driveway; private road or share driveway easement; easement maintenance agreement; and proof of ownership. *The applicant has provided all of the above with the exception of several items as noted in the body of this report.*
- Section 5.23.4. outlines the construction plan requirements for a private road or shared driveway. Section 5.23.4.B.x. requires a proposed cross section drawing showing the type and depth of base and surface materials of the proposed private road. *The applicant has provided a cross section for the shared driveway.*
- Section 5.23.4.B.xi. requires a proposed method of surface drainage and design calculations including storm water detention or retention systems or facilities. *The applicant has provided a cross section for the shared driveway. The Township's Engineer will review the construction plans.*

- Section 5.23.4.B.xii. requires proposed public and private utility locations. *The applicant has not provided this information.*
- Section 5.23.4.C. requires a construction cost estimate. *The applicant has not provided this information.*
- Section 5.23.6. outlines the minimum shared driveway standards.
 - A. A shared driveway is intended to serve as access for two (2) single-family dwelling units or parcels. *The proposed shared driveway will only serve two (2) single-family parcels.*

- B. Shared Driveway Construction standards. At a minimum, shared driveway construction shall consist of the removal of all unsuitable soil and placement of six (6) inches of suitable gravel and shall withstand single axle weights of not less than twenty-two (22) tons. Shared driveway easements shall have an unobstructed (except for approved security gates) travel width of not less than twenty-two (22) feet. Maximum length of a shared driveway is six hundred (600) feet. Any additional length will require meeting standards in this Article requiring an approved cul-de-sac or T-turnaround. *The proposed shared driveway complies with the standards for driveway width (22 feet). The shared driveway providing access to Parcel C and Parcel D is approximately 252 feet in length and a T-turnaround is provided. The stated length is the sum of the measurements taken along the centerline of the proposed shared driveway, from the entry point on Dunham Road in Parcel D to the center of the turnaround in Parcel C.*

The standards for a cul-de-sac or T- turn-around are outlined in Section 5.23.5.C. Similar to the requirements for a shared driveway, being twenty-two (22) feet in width, the T-turnaround is also required to be twenty-two (22) feet in width, with a sixty-six (66) foot wide right-of-way. The proposed T-turnaround complies with those requirements.

The Township's Engineer will review the construction plans for compliance with the required standards. The Hartland Deerfield Fire Authority has provided comments in the letter dated June 22, 2021.

- C. A shared driveway easement agreement in recordable form shall be required. It shall meet the following requirements:
 - i. A detailed legal description. *The applicant has provided a legal description of the proposed shared driveway easement.*
 - ii. Emergency and public vehicle access. *The Fire Marshal has accepted the proposed shared driveways subject to the conditions outlined in the letter dated June 25, 2021.*
 - iii. Non-interference. The terms of the easement shall prohibit any property owner served by the shared driveway from the restricting or interfering with the normal ingress and egress of other property owners, their families, guests, invitees, licensees, or others traveling to or leaving any of the properties served by the shared driveway. *The applicant has provided an easement agreement for the shared driveway.*
 - iv. Initial Costs of construction. *The applicant has not provided an estimate.*
 - v. Setback from existing structures. *The existing house in Parcel D is approximately 158 feet from the closest edge of the shared driveway. Parcel C is undeveloped.*
 - D. Easement Maintenance Agreements. *The applicant has provided easement maintenance agreement for the shared driveway.*

Other Requirements-Zoning Ordinance Standards

Nothing at this time.

Township Engineer's Review

The Township Engineering Consultant (Hubble, Roth and Clark, HRC) recommends approval subject to items being addressed in the letter dated June 22, 2021.

Hartland Deerfield Fire Authority Review

Please see the review letter from the Hartland Deerfield Fire Authority dated June 25, 2021. The Fire Authority recommends approval subject to the contingencies noted in the review letter.

Hartland Township DPW Review

No comments at this time.

Attachments

1. Township Engineer (HRC) letter dated June 22, 2021 – *PDF version only*
2. Hartland Deerfield Fire Authority letter dated June 25, 2021 – *PDF version only*
3. Draft version of Ingress and Egress Easement Maintenance Agreement – *PDF version only*
4. Survey and Shared Driveway Plan dated March 10, 2021 – *PDF version only*

CC:

HRC, Twp Engineer (via email)

Mike Luce, Twp DPW Director (via email)

A. Carroll, Hartland FD Fire Chief (via email)

T:\PLANNING DEPARTMENT\PLANNING COMMISSION\2021 Planning Commission Activity\Site Plan Applications\SP #21-010 Mitchell Shared Driveway\Staff reports\SP #21-010 Mitchell staff report 07.01.2021.docx

June 22, 2021

Hartland Township
2655 Clark Road
Hartland, MI 48353

Attn: Mr. Troy Langer, Planning Director

Re: Shared Driveway Review
Mitchell Shared Driveway

HRC Job No. 20210606.02

Dear Mr. Langer:

As requested, this office has reviewed the proposed parcel division document for the above project as prepared by Desine, Inc. (dated June 8, 2021). The proposed shared driveway will service two (2) parcels and connect to an existing approach on Dunham Road. The following items will need to be addressed:

1. The proposed gravel road section will need to be 7 inches of 21AA aggregate.
2. Per the Township Zoning Ordinance, the minimum unobstructed travel width of 22 feet and 13.5 vertical clearance will need to be provided. Please note on the plans that the 13.5 vertical clearance will need to be maintained.
3. The location and orientation of the turnaround will need to be reviewed and approved by the Fire Marshal.
4. A cross culvert may be needed at the southern portion of the tee turnaround.

We have no objections to the approval of the proposed shared driveway subject to the above items being addressed in the construction plans. One (1) set of construction plans should be submitted to this office for review and approval.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Michael P. Darga, P.E.

MPD/mpd

pc: Hartland Township; R. West
HDFA; J. Whitbeck
HRC; R. Alix, File



HARTLAND DEERFIELD FIRE AUTHORITY

FIRE MARSHALS OFFICE

Hartland Area Fire Dept.
3205 Hartland Road
Hartland, MI. 48353-1825

Voice: (810) 632-7676

E-Mail: jwhitbeck@hartlandareafire.com

June 25, 2021

To: Hartland Township Planning Commission
2655 Clark Road
Hartland Rd, Hartland MI 48353

Re: Mitchell Shared Driveway Plan dated June 8, 2021

Upon review and consideration for the Township Ordinance, this project meets the fire departments accessibility needs with the following parameters:

- Private drive width to be established and continuously maintained at or beyond 22'.
- Height to be established and continuously maintained at or above 13'6".
- Surface to be established and continuously support an axel weight of 33,000 lbs.
- All addresses serviced off of the drive to be posted and be clearly visible from the centerline of the main private drive for each driveway and from the centerline of Dunham Road at the connection to the private drive.
- Turning radius to follow the needs of current apparatus. See attached document.

While not addressing any other Hartland Township Ordinance/Zoning requirements or actions of the Township, with these contingencies, the fire department recommends approval.
Please contact us with any questions or changes to the application.

Yours In Fire Safety,

Jenn Whitbeck
Fire Inspector

DECLARATION OF EASEMENT

THIS DECLARATION OF EASEMENT (the “**Declaration**”), is made this day of 4-6, 2021, by Pierre Mitchell and Cynthia Pride, whose address is 420 Stratford, Ferndale, Michigan 48220 (the “**Declarants**”);

WHEREAS, the Declarants are the title holders of certain real property located in the Township of Hartland, County of Livingston, State of Michigan, more particularly described in **Exhibit A** (the “**Benefitted Parcels**”), attached to and made a part of this Declaration, and as set forth in a certain survey performed by Desine Inc. dated 5-11, 2021; and

WHEREAS, it is the desire of the Declarants to establish a permanent easement for the construction, keeping and maintenance of a shared private residential driveway over, upon and across certain property situated in the Township of Hartland, Livingston County, Michigan, and is specifically described in **Exhibit B** (the “**Easement**”), attached to and incorporated in this Declaration; and

WHEREAS, the Declarants desire to create an easement to run with the land for the purpose of establishing a shared driveway easement and maintenance agreement required for construction of a single-family residential driveway providing access to the Benefitted Parcels.

NOW, THEREFORE, in consideration of the covenants and benefits contained in this Declaration,

IT IS HEREBY COVENANTED as follows:

EASEMENT DECLARATION

1. The Declarants establish and declare a non-exclusive, perpetual easement for ingress and egress, improved or unimproved, until such time when the LCRC (through the evolution of policy) enables direct public egress and ingress to Parcel C, and for location of

public and private utilities, over, under and across and for the benefit of the parcels described in the attached **EXHIBIT A** said easement being more particularly described in **EXHIBIT B** attached hereto and made a part hereof. The easement is hereby established as an easement for the public for purposes of emergency and other public vehicles.

2. The Grantors herein specifically reserve unto themselves, their respective heirs, executors, administrators, personal representatives, successors and assigns, the easement and the easement rights set forth herein in the described easement, for the benefit of the properties more particularly described in the attached **EXHIBIT A** and for any further divisions thereof, including the rights to use said easement and to subsequently convey said easement and easement rights with said properties and any divisions thereof.

3. The easement described in the attached **EXHIBIT B** shall run with the land and title, and shall be appurtenant thereto, until such time when the LCRC (through the evolution of policy) enables direct public egress and ingress to Parcel C.

4. The property described in the attached **EXHIBIT A** is provided access over, across and through a shared private drive easement and said easement is not maintained by the Board of County Road Commissioners.

EASEMENT MAINTENANCE

5. The owner or owners of each parcel shall share with and in the cost of maintaining and/or improving the shared portion of the private drive easement located on Parcel C. Such share of the cost shall be based upon the respective number of Maintenance Units assigned to each parcel. Each Maintenance Unit shall have one (1) vote and shall constitute a separate share or unit for the purpose of distributing the cost of maintenance of the shared portion of the private drive easement. Each parcel provided access by the shared private drive shall be assigned a minimum of one (1) Maintenance Unit, subject to the conditions and definitions hereinafter set forth.

6. The minimum number of Maintenance Units for the shared private drive easement shall be two (2). Maintenance Units for each parcel described in **EXHIBIT A**, are initially assigned are as follows:

Parcel C	One (1) Maintenance Unit
Parcel D	Three (3) Maintenance Units

7. At the time of approval of a land division or sub-division of any parcel described in **EXHIBIT A**, the Owner shall designate the number of Maintenance Units

assigned to each resulting parcel, provided each resulting parcel shall be assigned not less than one (1) Maintenance Unit. Assignment of Maintenance Units as a part of the division, sub-division or combination of any parcel(s) shall not result in a reduction in the total number of assigned Maintenance Units.

8. Prior to any costs being incurred for normal maintenance of the shared portion of said easement located on Parcel C, a simple majority of Maintenance Units from improved parcels shall agree to such normal maintenance being performed and the cost thereof. "Normal maintenance" shall include, but not be limited to snow removal, grading, re-graveling, and repair as necessary, the cost of which shall not exceed ONE THOUSAND (\$1,000.00) DOLLARS per occurrence. "Simple majority" shall be determined by the total number of Maintenance Units for improved parcels, each Maintenance Unit having One (1) vote. "Improved parcel" or "improved property" shall include any parcel on which construction of any building, house or other improvement has commenced, and access to such "improved parcel" or "improved property" is gained from said easement.

9. Prior to any costs being incurred for major capital improvements for said easement, a minimum of seventy percent (70%) of the total Maintenance Units, improved or unimproved, shall agree to such capital improvement and the cost thereof. "Major capital improvement" shall include, but not be limited to, grading, re-grading, graveling, re-graveling, paving repaving and repair the cost of which is in excess of ONE THOUSAND (\$1,000.00) DOLLARS per occurrence. Each Maintenance Unit shall be liable for one (1) equal share of the total cost of such improvement, such share being based on the total number of Maintenance Units having rights in said easement.

10. Any costs incurred for normal maintenance or major capital improvements of said easement as described herein shall be a burden upon the land with a lien therefore against any parcel for which such costs have to be paid by the owner or owners of any such parcel. Any such lien shall attach upon the filing and recording of an affidavit by the owners of any two or more of the remaining parcels which are subject to and liable for such cost. Such affidavit shall set forth the description of the parcel or property against which the lien is claimed, whether the expenditure is for normal maintenance or for major capital improvement, the total amount of the expenditure, the portion attributable to such parcel or property, and the date or dates of such expenditures. A copy of such affidavit shall be sent to the owner or owners of such parcel against which the lien is claimed by regular mail, with postage prepaid, at the last known address of such owner or owners.

11. The owner or owners of each parcel shall be separately responsible to repair and for the costs thereof, of any damage caused to the easement due to extraordinary use.

"Extraordinary use" shall include, but not be limited to, movement of construction equipment, moving vans, commercial trucks, or other heavy loads, movement of recreational vehicles or increased usage not ordinarily consistent with normal traffic. The owner or owners of such parcel or parcels, whether improved or unimproved, shall not be responsible for such repair or costs until such time as said easement is used by them or construction is commenced on such parcel. In the event that any owner or owners or their agents, employees or invitees cause the type of damage described herein shall fail to make the necessary repairs, the remaining parcel owners may do so after notice to such owner or owners, and any costs so expended shall be a burden upon the land of such owner or owners with a lien enforceable as set forth herein.

EASEMENT USE AND CONDITIONS

12. The owner or owners of each parcel shall not interfere with any usage of the easement for ingress, egress and public utilities, and said owner or owners of each parcel shall not limit the usage of said easement area in any manner, shape or form without the written consent and permission of Hartland Township and the owners of each parcels herein described.

13. Any division, subdivision or combination of parcels, and/or modification to the shared private drive easement description shall be subject to Hartland Township Board approval.

14. This agreement shall be in addition to any and all governmental restrictions or requirements that may be applicable to the maintenance and repair of said easement. The owner or owners of each parcel state and acknowledge that maintenance of the easement is a private not public responsibility.

15. The owner or owners of each parcel shall exclusively be entitled to and obligated equally to maintain repair and improve the described shared private driveway and easement area. In the event that the parties, their successors, and assigns, hereto are unable to agree as to the type of maintenance work to be performed, the regularity of the work to be performed, the costs thereof or the participation in the payment of costs thereof by the parties, their successors, or assigns, the parties shall submit their differences, claims, or objections to binding arbitration. Arbitration fees for resolution of differences, claims, or objections shall be divided equally, between all parties and paid directly by each party involved in the claim or dispute.

16. The parties further acknowledge that the aforesaid covenants are deed

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EXHIBIT A

PARCEL C – 2.37± Acres

Commencing at the Northwest Corner of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan, said corner being distant 2662.08 feet N03°25'51"W (SPCS) (*recorded as South*) from the West 1/4 Corner of said Section 23; thence N86°12'00"E (SPCS) (*recorded as N89°48'E*) 757.96 feet along the North line of said Section 23 to the **PLACE OF BEGINNING**; thence S03°27'40"E (SPCS) 406.00 feet; thence N86°23'06"E (SPCS) 254.00 feet; thence N03°27'40"W (SPCS) (*recorded as North*) 406.82 feet along the East line of the West 1013.00 feet of the Northwest 1/4 of said Section 23 (as monumented by previous surveys); thence S86°12'00"W (SPCS) (*recorded as S89°48'*) 254.00 feet along said North line of Section 23, same being the nominal centerline Dunham Road (33 foot wide 1/2 Right-of-way) to the Place of Beginning. Being a part of the Northwest 1/4 of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan. Containing 2.37 acres, more or less. Subject to the rights of the public over that portion thereof occupied by Dunham Road (33-foot wide 1/2 Right-of-way), also subject to and together with a 66-foot wide easement for shared driveway, as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

PARCEL D – 7.84± Acres

Commencing at the Northwest Corner of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan, said corner being distant 2662.08 feet N03°25'51"W (SPCS) (*recorded as South*) from the West 1/4 Corner of said Section 23; thence N86°12'00"E (SPCS) (*recorded as N89°48'E*) 244.38 feet along the North line of said Section 23 to the **PLACE OF BEGINNING**; thence S03°27'40"E (SPCS) 445.91 feet; thence N86°23'06"E (SPCS) 261.41 feet; thence S03°27'40"E (SPCS) 200.00 feet; thence N86°23'06"E (SPCS) 506.15 feet (*recorded as N89°48'E*) along the South line of the North 645.00 feet of the Northwest 1/4 of said Section 23 (as monumented by previous surveys); thence N03°27'40"W (SPCS) (*recorded as North*) 241.57 feet along the East line of the West 1013.00 feet of the Northwest 1/4 of said Section 23 (as monumented by previous surveys); thence S86°23'06"W (SPCS) 254.00 feet; thence N03°27'40"W (SPCS) 406.00 feet; thence S86°12'00"W (SPCS) (*recorded as S89°48'*) 513.58 feet along said North line of Section 23, same being the nominal centerline Dunham Road (33 foot wide 1/2 Right-of-way) to the Place of Beginning. Being a part of the Northwest 1/4 of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan. Containing 7.84 acres, more or less. Subject to the rights of the public over that portion thereof occupied by Dunham Road (33 foot wide 1/2 Right-of-way), also subject to and together with a 66-foot wide easement for shared driveway, as described below, also subject to and together with all easements and restrictions affecting title to the above described premises.

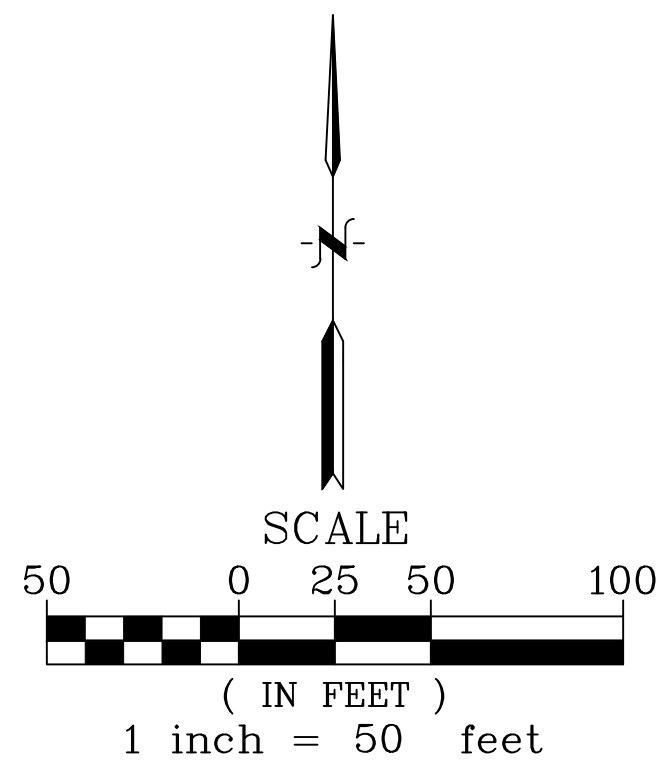
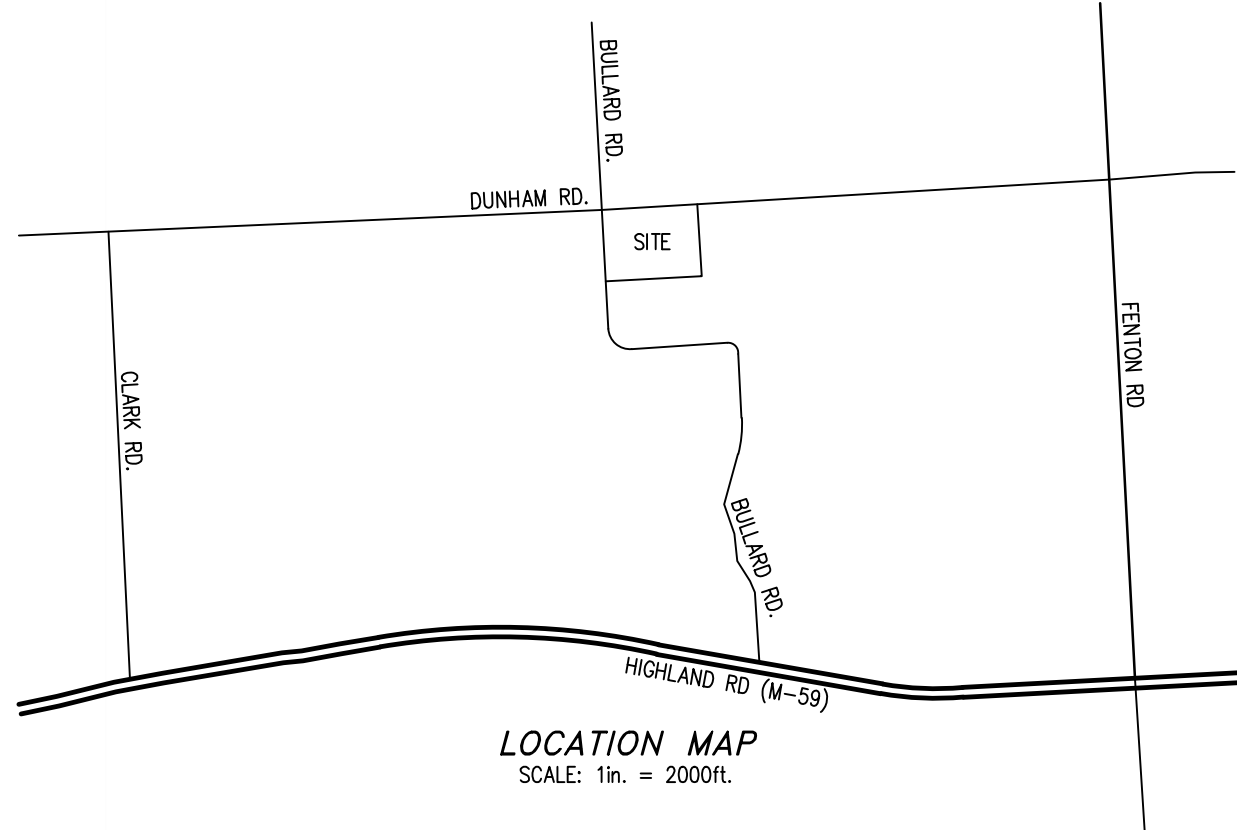
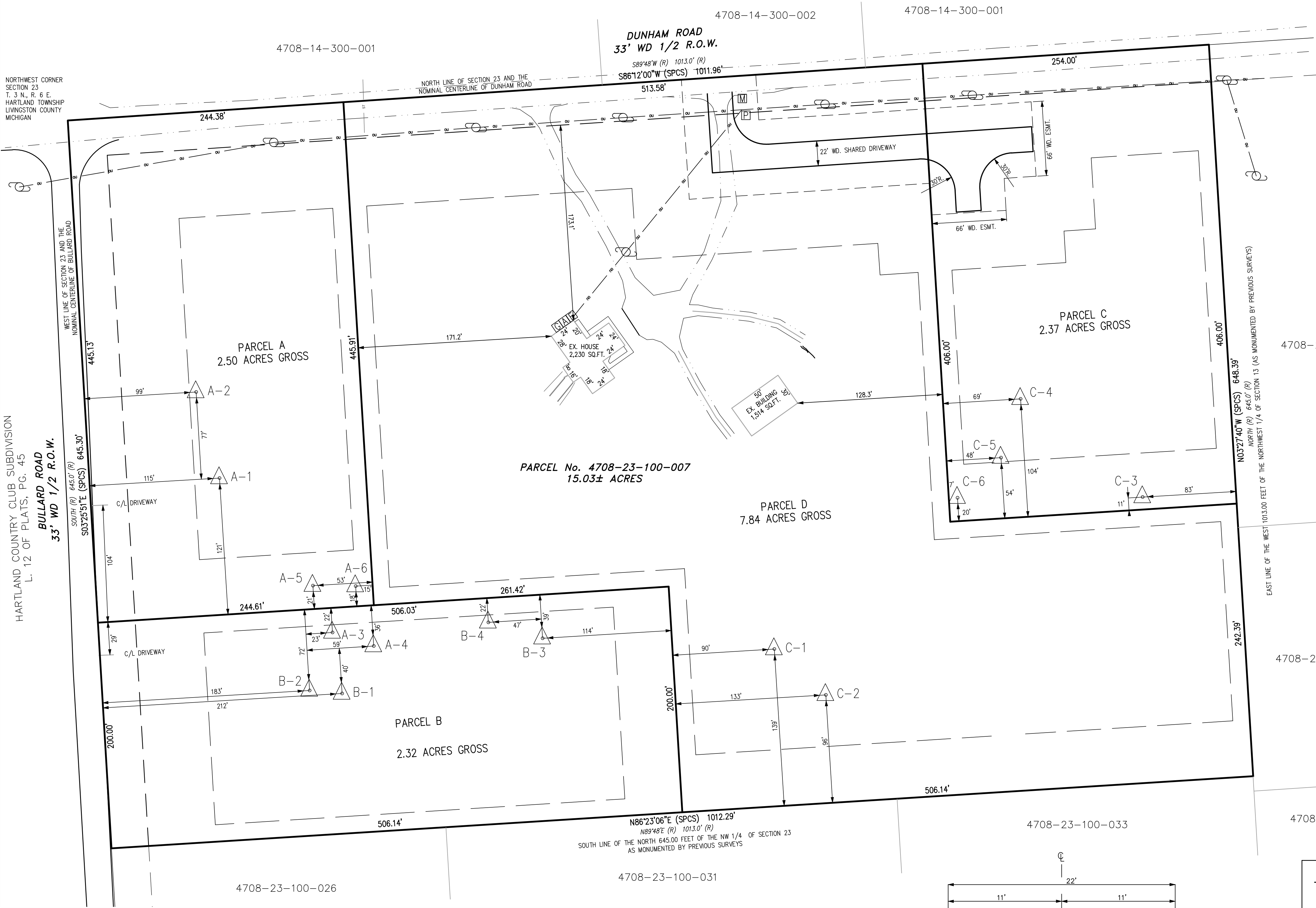
EXHIBIT B

66 FOOT WIDE SHARED DRIVEWAY EASEMENT FOR PARCELS C AND D

Commencing at the Northwest Corner of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan, said corner being distant 2662.08 feet N03°25'51"W (SPCS) *(recorded as South)* from the West 1/4 Corner of said Section 23; thence N86°12'00"E (SPCS) *(recorded as N89°48'E)* 544.14 feet along the North line of said Section 23 to the **PLACE OF BEGINNING**; thence S03°48'00"E (SPCS) 106.00 feet; thence N86°12'00"E (SPCS) 213.20 feet; thence S03°27'40"E (SPCS) 28.00 feet; thence N86°32'20"E (SPCS) 66.00 feet; thence N03°27'40"W (SPCS) 28.39 feet; thence N86°12'00"E (SPCS) 28.33 feet; thence N03°48'00"E (SPCS) 66.00 feet; thence S86°12'00"W (SPCS) 241.53 feet; thence N03°48'00"W (SPCS) 40.00 feet; thence S86°12'00"W (SPCS) *(recorded as S89°48')* 66.00 feet along said North line of Section 23, same being the nominal centerline Dunham Road (33 foot wide 1/2 Right-of-way) to the Place of Beginning. Being a part of the Northwest 1/4 of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan.

NORTHWEST CORNER
SECTION 23
T. 3 N., R. 6 E.
HARTLAND TOWNSHIP
LIVINGSTON COUNTY
MICHIGAN

HARTLAND COUNTRY CLUB SUBDIVISION
L. 12 OF PLATS, PG. 45
BULLARD ROAD
33' WD 1/2 R.O.W.



- LEGEND**
- MISC. STRUCTURE (AS LABELED)
 - SURVEYOR'S MONUMENTATION (AS LABELED)
 - PARCEL LINE
 - BUILDING SETBACKS
 - EASEMENT LINE
 - SUBSURFACE SOIL EVALUATION
 - WELL
 - UTILITY METERS & BOXES (ELECTRIC METER, GAS METER, WATER METER, PHONE BOX, CATV BOX, MAIL BOX, UTIL. BOX)
 - AIR CONDITIONER UNIT
 - UTILITY POLE W/GUY WIRE
 - OVERHEAD UTILITY LINES (ELECTRIC/PHONE/CABLE)
 - U/G UTILITY LINES (PHONE/FIBER OPTIC/ELECTRIC/CABLE TV/MISC UTILITIES)
 - EDGE OF GRAVEL
 - CONCRETE CURB (UNLESS OTHERWISE STATED)
 - U/G GAS

LEGAL DESCRIPTION

LEGAL DESCRIPTION OF RECORD
Reference: Quitclaim Deed as recorded in Document No. 2013R-046138,
Livingston County Records

Situated in the Township of Hartland, County of Livingston and State of Michigan, and described as follows:

A part of the Northwest 1/4 of Section 23, Township 3 North, Range 6 East, Michigan, described as follows:
Commencing at the Northwest Corner of Section 23, Township 3 North, Range 6 East, Michigan;
thence South 645.0 feet;
thence North 89 degrees 48 minutes East 1013.0 feet;
thence North 645.0 feet;
thence South 89 degrees 48 minutes West 1013.0 feet to the Place of Beginning.
Subject to the rights of the public and of any government unit in any part thereof taken, used or deeded for street, road or highway purposes.
Parcel ID No.: 4708_23_100_007
#12102 Dunham Road, Hartland, MI 48353

Also described as related to the Grid North of State Plane Coordinated System as defined in Michigan Coordinate System Act 9 of 1964, Section 5a(c) as follows:

BEGINNING at the Northwest Corner of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan;
thence S03°25'51"E (SPCS) 645.13 feet (recorded as South 645.0 feet) along the West line of said Section 23, also being the nominal centerline of Bullard Road (33-foot wide 1/2 Right-of-Way);
thence N89°48'E (SPCS) 1012.29 feet (recorded as N89°48'E 1013.0 feet) along the South line of the North 645.00 feet of the Northwest 1/4 of said Section 23 (as monumented by previous surveys);
thence N03°27'40"W (SPCS) 648.39 feet (recorded as North 645.0 feet) along the East line of the West 1013.00 feet of said Northwest 1/4 of Section 13 (as monumented by previous surveys);
thence S86°12'00"W (SPCS) 1011.96 feet (recorded as S89°48'W 1013.0 feet) along the North line of said Section 23, also being the nominal centerline of Dunham Road (33-foot wide 1/2 Right-of-Way) to the Place of Beginning. Being a part of the Northwest 1/4 of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan. Containing 15.03 acres of land, more or less.
Subject to the rights of the public over that portion thereof occupied by Bullard Road (33-foot wide 1/2 Right-of-Way), also subject to the rights of the public over that portion thereof occupied by Dunham Road (33-foot wide 1/2 Right-of-Way), also subject to and together with all easements and restrictions affecting title to the above described premises.

ZONING INFORMATION:

ACCORDING TO THE HARTLAND TOWNSHIP ZONING ORDINANCE THIS PROPERTY IS CURRENTLY ZONED CA (CONSERVATION AGRICULTURE) & IS SUBJECT TO THE FOLLOWING CONDITIONS (RESIDENTIAL USES):

- 1) MINIMUM LOT AREA = 2 ACRES
- 2) MINIMUM LOT WIDTH = 200 FEET
- 3) FRONT SETBACK = 50 FEET
- 4) SIDE SETBACK = 15 FEET
- 5) REAR SETBACK = 50 FEET
- 6) MAXIMUM BUILDING HEIGHT = 2.5 STORIES/35 FEET
- 7) MAXIMUM LOT COVERAGE = 15%

SEPTIC & WATER NOTES:

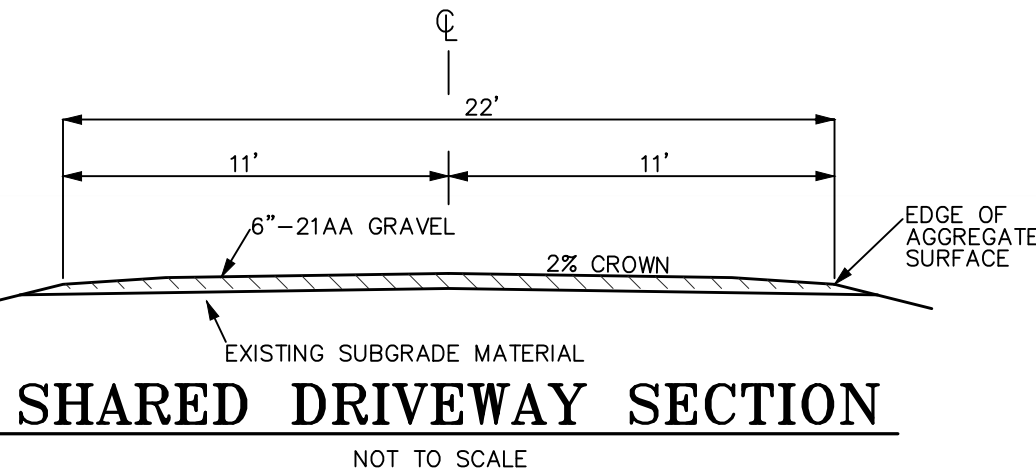
THE EXISTING BUILDING IS CURRENTLY SERVICED BY A WELL AND A SEPTIC SYSTEM.

FLOOD PLAIN NOTE:

THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26093002380 & 26093002390 IS NOT A PRINTED PANEL, THEREFORE IT IS NOT IN A SPECIAL FLOOD HAZARD AREA.

WETLAND NOTE:

ACCORDING TO THE U.S. FISH AND WILDLIFE SERVICE, AND THE FINAL WETLAND INVENTORY MAPS OF MICHIGAN, THERE ARE NO WETLAND AREAS ON THIS PROPERTY.



STANDARD NOTES FOR SITE PLANS:

1. THE DEVELOPER SHALL SUBMIT A DETAILED SOIL EROSION AND SEDIMENTATION CONTROL PLAN AND OBTAIN AN ACT 451 PART 01, SOIL EROSION AND SEDIMENTATION CONTROL PERMIT. THIS INCLUDES THE PAYMENT OF FEES AND THE PROVIDING OF NECESSARY BONDS. NO EARTH CHANGES OR EXCAVATION SHALL BE STARTED PRIOR TO THE ISSUANCE OF THIS PERMIT. THE DEVELOPER SHALL PROTECT ALL EXISTING AND PROPOSED UTILITIES ON AND ADJACENT TO THE SITE DURING EXCAVATION AND CONSTRUCTION. ALL SEDIMENT SHALL BE CONTAINED ON SITE. ANY SILT IN COUNTY DRAINS, STORM SEWERS, CULVERTS, ETC. AS A RESULT OF THIS PROJECT, SHALL BE REMOVED BY THE DEVELOPER AT THE COST OF THE CONTRACTOR.
2. AFTER THE APPROVAL OF THIS SHARED DRIVEWAY SITE PLAN, THE DEVELOPER SHALL FILL OUT ANY FORMS AND/OR PERMITS, AND SPAY ALL FEES ASSOCIATED, FOR HARTLAND TOWNSHIP AND LIVINGSTON COUNTY ROAD COMMISSION PRIOR TO CONSTRUCTION.
3. THE DEVELOPER SHALL OBTAIN A PERMIT FROM THE LIVINGSTON COUNTY ROAD COMMISSION TO PERFORM WORK WITHIN THE PUBLIC RIGHT-OF-WAY. ALL FEES FOR THE PERMIT, BONDS AND INSURANCES ARE THE RESPONSIBILITY OF THE CONTRACTOR.
4. THE SEPTIC AND WELL CONSTRUCTION PERMITS FROM THE LIVINGSTON COUNTY HEALTH DEPARTMENT AND/OR MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL BE SUBMITTED TO AGENCIES PRIOR TO CONSTRUCTION. CONSTRUCTION SHALL NOT BEGIN UNTIL THESE PERMITS ARE ISSUED.

SITE DATA

BUILDING SETBACKS:
FRONT 60'
SIDE 15'
REAR 50'
MINIMUM LOT AREA 2 ACRES
MINIMUM LOT WIDTH 200'

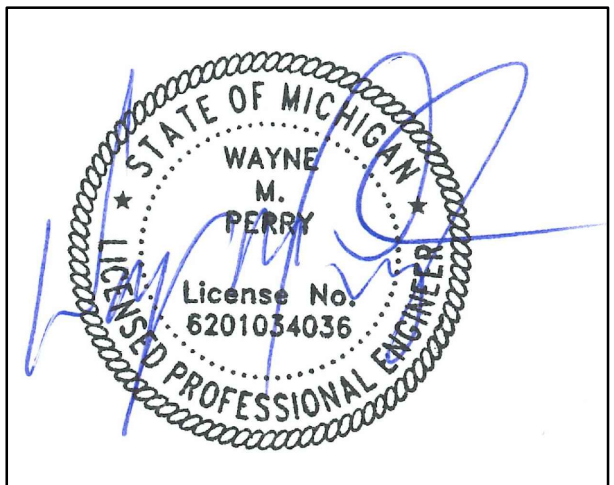
PARENT TRACT INFORMATION:

SITE DATA

PARCEL: 4708-23-100-007
PARCEL AREA: 15.00 ac.
PARCEL ZONING: CA

CALCULATION OF ALLOWABLE LAND DIVISIONS

	POTENTIAL DIVISIONS
SECTION 108(2)a: 1st 10 ACRES	4
SECTION 108(2)b: (15.00 - 10)/10	0
SECTION 108(2)c: (15.00 - 120)/40	0
SECTION 108(3): BONUS DIVISIONS	0
ALLOWABLE LAND DIVISIONS	4



DESIGN INC.
(810) 227-9533
CIVIL ENGINEERS
LAND SURVEYORS
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

DESIGN:WMP	REVISION #	DATE	REVISION-DESCRIPTION	REVISION #	DATE	REVISION-DESCRIPTION
DRAFT: JHG		06-08-21	PROVIDED ADDITION INFORMATION FOR SUBMITTAL			
CHECK: WMP						

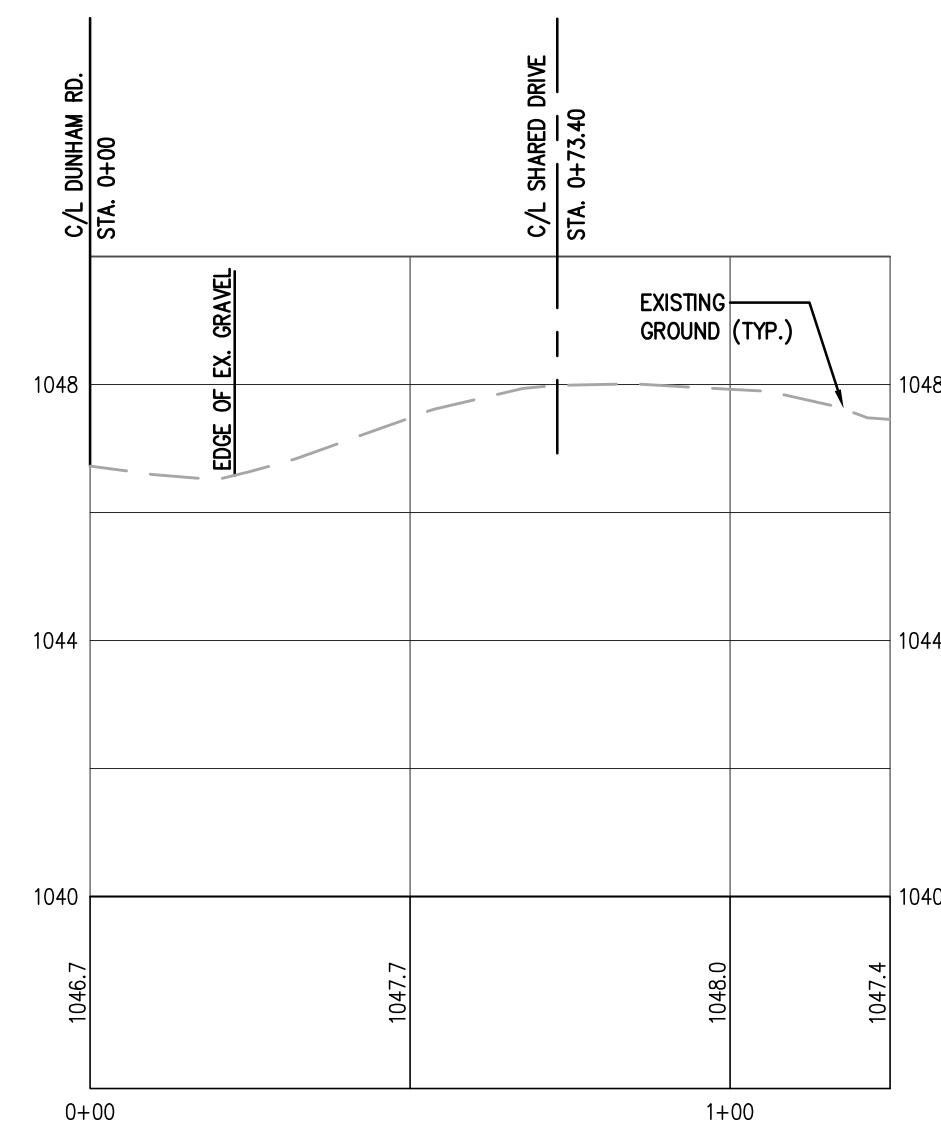
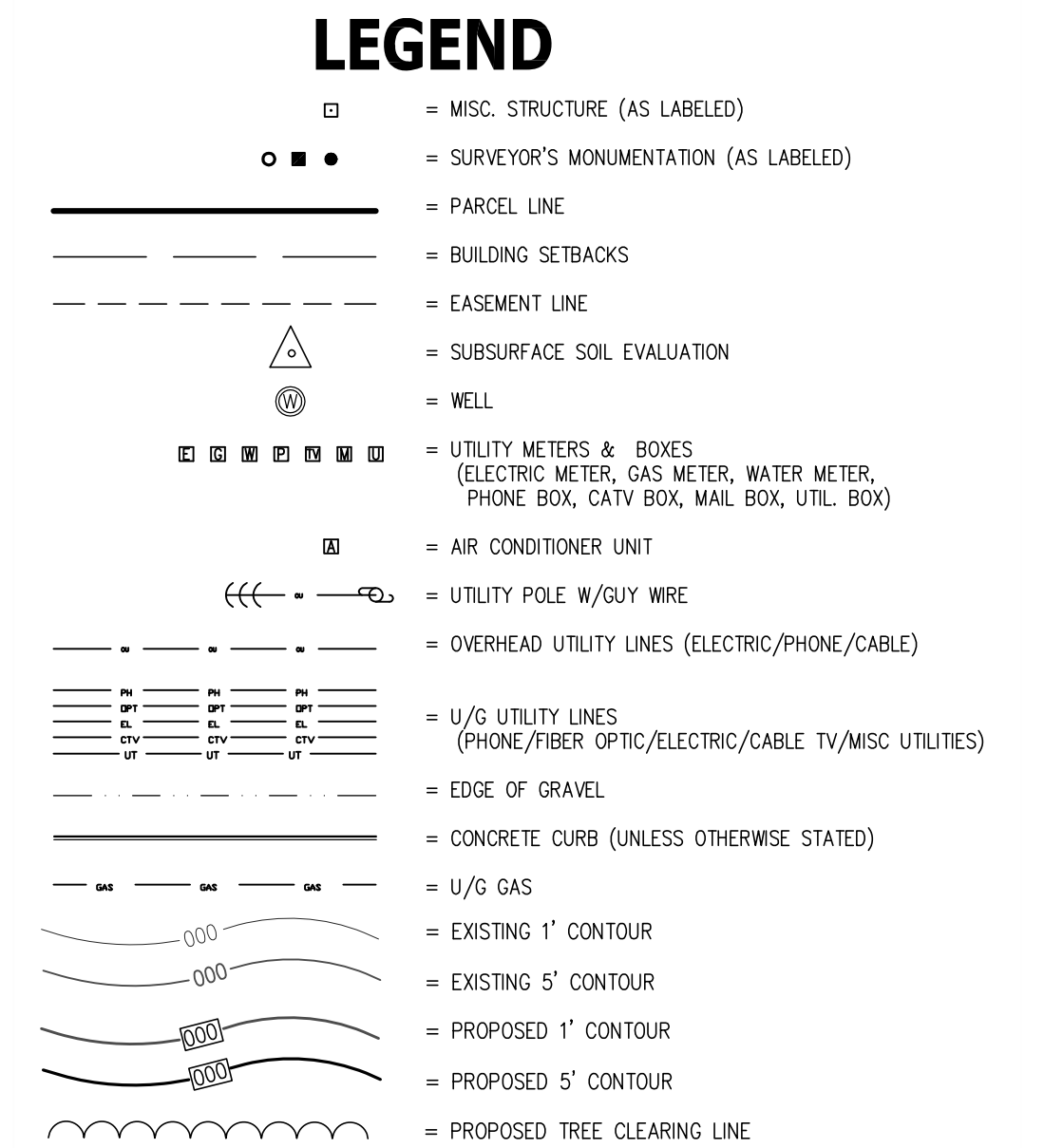
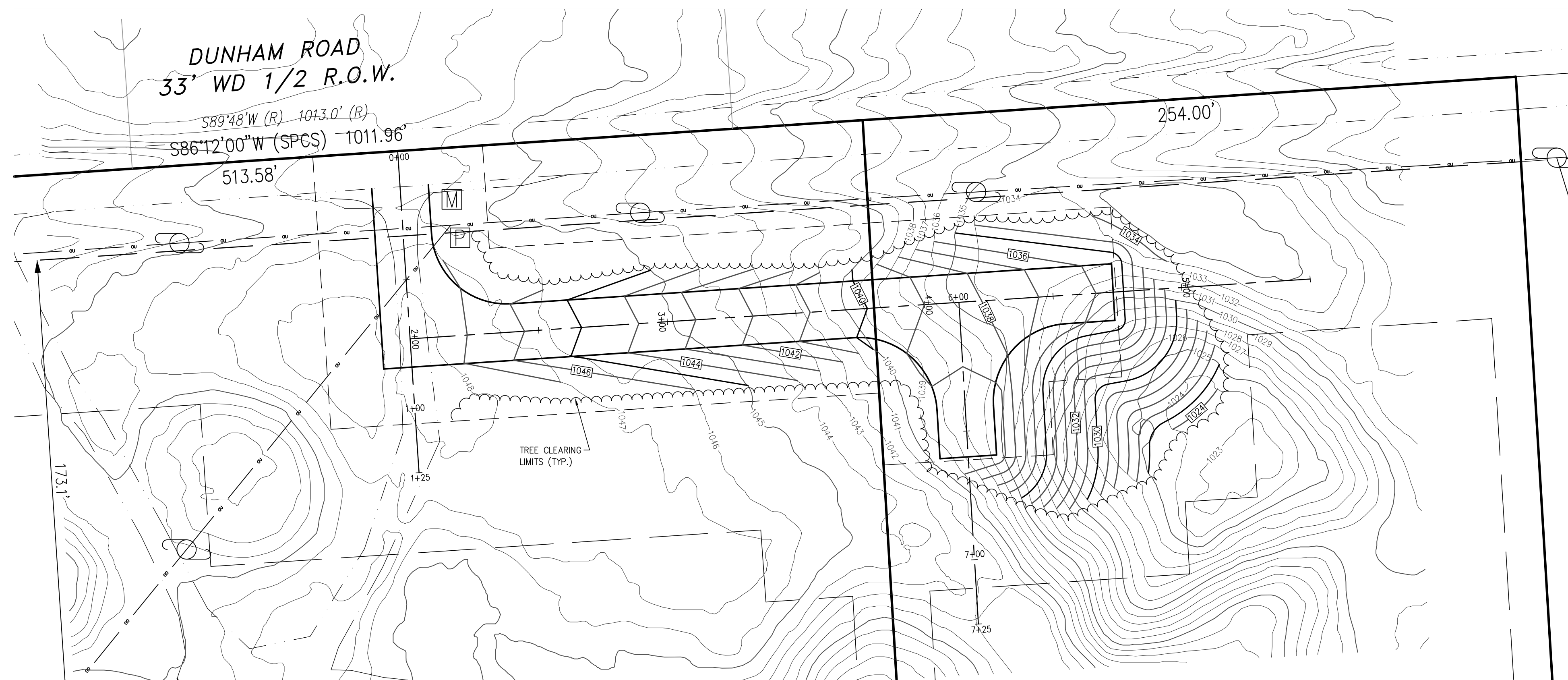
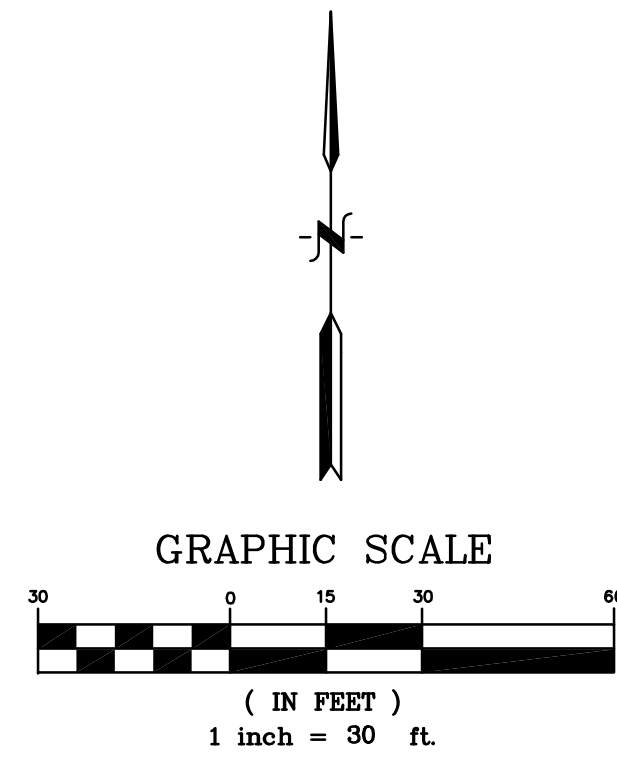
08-23-100-007
LAND DIVISION

PROPOSED
LAND DIVISION

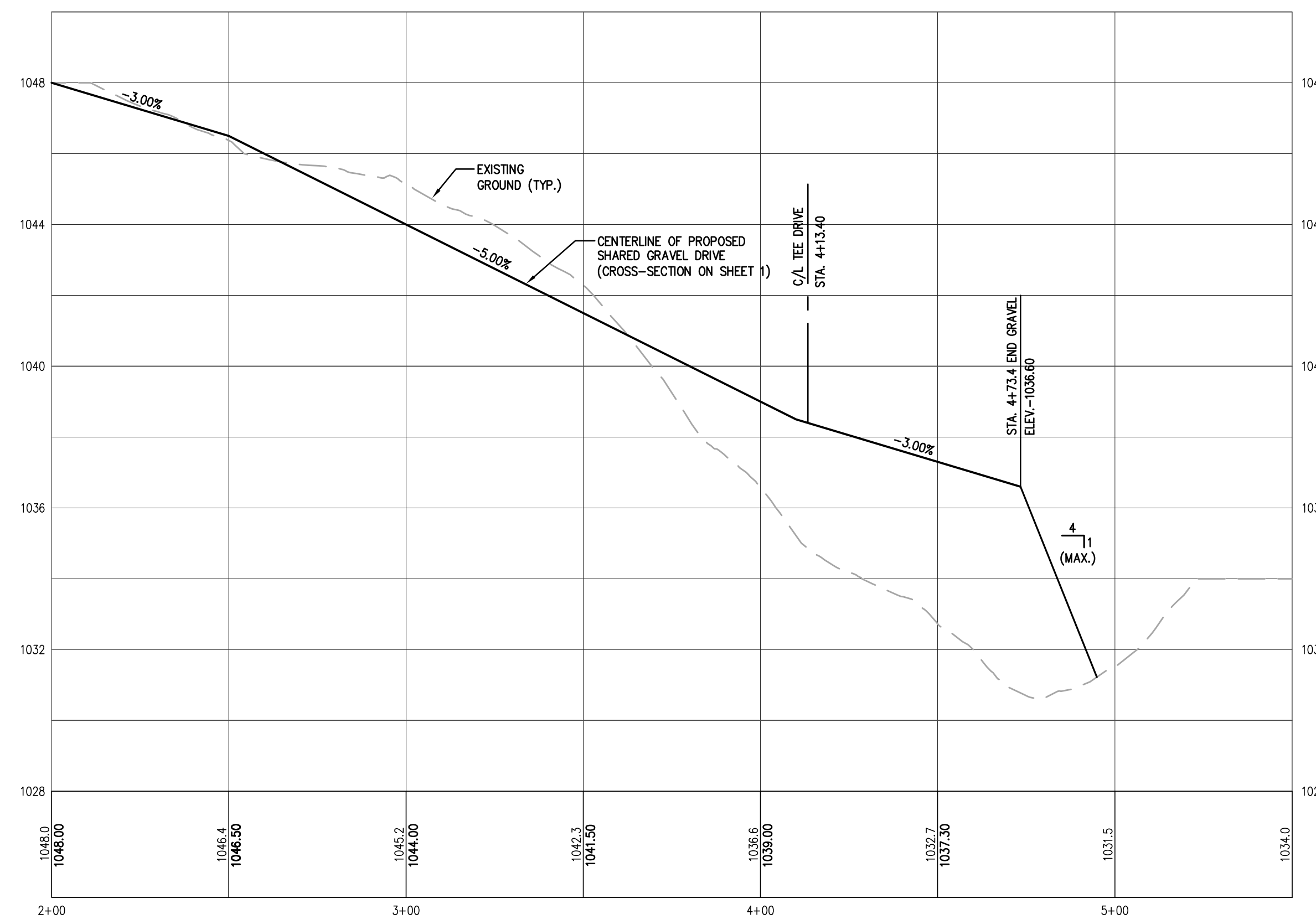
CLIENT:
PIERRE MITCHELL &
CYNTHIA PRYDE
420 STRATFORD
FERNDALE, MICHIGAN 48220

SCALE: 1 in. = 50 ft.
PROJECT No.: 204025
DWG NAME: 4025 ALX
ISSUED: JUNE 08, 2021

1



EXISTING DRIVEWAY PROFILE
SCALE: HOR. 1"=30' / VERT. 1"=3'



Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director

Subject: Site Plan Application #21-009 (Heritage Meadows PDMDR– Amendment to SP #225 for lot coverage standard)

Date: July 1, 2021

Recommended Action

Move to approve Site Plan Application #21-009, a request to amend the approved site plan for Heritage Meadows PDMDR (SP #225) to amend the maximum lot coverage from twenty percent (20%) to thirty percent (30%). Approval is subject to the following conditions:

1. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated July 1, 2021.
2. Applicant complies with any requirements of the Department of Public Works Director and Hartland Deerfield Fire Authority and all other government agencies, as applicable.
3. (Any other conditions the Planning Commission deems necessary)

Discussion

Applicant: Heritage Meadows of Hartland Condominium Association

Site Description

Heritage Meadows Planned Development is a single family residential planned development situated north of Highland Road and east Clark Road in Section 22 of the Township. The approximate 58-acre site has 84 site condominium units. The residential development is zoned PDMDR (Planned Development Medium Density Residential).

Overview and Background Information

Recently the Township Planning Department has received land use permit applications for construction of swimming pools, decks, paver patios, and other site improvements on condominium units within the Heritage Meadows subdivision. In reviewing the requests, it was discovered that many of the land use permits are not in compliance with the lot coverage requirements; and therefore, could not be approved by the Planning Department. Heritage Meadows was approved as a planned development (PDMDR) in 1997 under Site Plan #225, and in conjunction with REZ #256. The zoning standards for the PD were established as stated on the approved site plan dated July 31, 1997. It appears the MDR (Medium Density Residential) zoning standards were applied for this development. Per the approved site plan the maximum allowed lot coverage was established for the PD as twenty percent (20%). As a result, that is the standard that applies to this development.

The Township's position to require compliance with the lot coverage standards has caused some frustration for the applicants as they are seeking to construct additions, pools, decks, patios, and other site amenities that they deem to be similar to what has been approved for other units in the subdivision. Based on staff's research it appeared that a number of land use permits were improperly issued and did not

comply with the required lot coverage standards. Around the same time the Heritage Meadows of Hartland Condominium Association contacted staff to discuss possible options for revising the lot coverage allowance. Staff discussed the option of using the recently amended lot coverage standard for the MDR zoning district, which revised lot coverage from twenty percent (20%) to thirty percent (30%), under Zoning Amendment #19-002 (approved in 2020). The required setbacks in MDR were not amended under ZA #19-002. Using the recently amended MDR lot coverage standard would be a reasonable approach as Heritage Meadows PD was originally designed using the MDR zoning standards in place at that time.

Staff presented this information to the HOA for its consideration and explained that the HOA would have to submit a site plan application, to amend the approved site plan for Heritage Meadows PDMDR (Site Plan Application #225), specifically to amend the lot coverage standard.

Following is a history of the Heritage Meadows Planned Development:

Site Plan #225 and Rezoning #256

In 1997 the Township reviewed Site Plan Application #225, a request to establish a single family, residential planned development commonly known as Heritage Meadows, with 84 site condominiums. Concurrent with that application, Rezoning Application #256 was reviewed which was a request to rezone approximately 58 acres from CA (Conservation Agricultural) to PDMDR (Planned Development Medium Density Residential), for the Heritage Meadows PD.

The PD option for a residential development allows for flexibility and permits the Township to waive some of the zoning standards of the underlying zoning district to achieve a recognizable benefit associated with the development. Also, the allowed flexibility is intended to encourage innovation in land use planning and design to achieve a higher quality of development than might otherwise be possible. Standards that could be waived as part of a PD include setbacks, lot coverage, lot width, and lot size. Recognizable benefits associated with the development could be open space, common areas, and recreational facilities within the development for the common use by the residents.

Heritage Meadows PDMDR was intended to be developed in manner consistent with the MDR (Medium Density Residential) zoning classification at that time (Zoning Ordinance No.22). The MDR district requires a minimum lot width of 80 feet and minimum lot size of 12,000 square feet. The approved site plan complies with these standards. The required setbacks for MDR are as follows: front yard, 30 feet; side yard, 10 feet; and rear yard, 25 feet. The maximum lot coverage is stated as 20% for single family detached dwellings, per the Zoning Ordinance from 1996 (Zoning Ordinance No.22).

The Planning Commission recommended approval of SP #225 and REZ #256 on August 14, 1997. Both applications were approved by the Township Board on October 7, 1997. The approved site plan for SP #225 and REZ #256, dated July 31, 1997, states the maximum lot coverage as 20%. The required setbacks are the same as required in the MDR zoning district. The total open space is 21.5 acres, or approximately 36.9% of the PD area (25% minimum open space was required for the PD). This is the site plan that will serve as the document to be amended regarding the maximum allowed lot coverage.

Heritage Meadows PDMDR was to be constructed in two (2) phases, with Phase I comprised of units 1-64, and Phase II, comprised of units 65-84. All 84 lots have been developed with residential structures.

Although Heritage Meadows was approved as a PD, a Planned Development Agreement was not provided. Instead, a Master Deed was employed as the PD document, having been reviewed and approved by the Township as part of the PD documents in 1997 for Heritage Meadows PDMDR (SP #225). The

original Master Deed was recorded on September 22, 1998. The master deed was amended between 1999 and 2003 as outlined below.

1st Amendment to the Master Deed (1999)

In 1999 the Master Deed was amended to correct the legal description of the PD, and Exhibit B was modified as well (Condominium Subdivision Plan).

2nd Amendment to the Master Deed (2001)

This amendment was related to the establishment of a community well for the PD and required the abandonment of individual water wells for each unit, upon the installation of a community or public water system for the condominium project.

3rd Amendment to the Master Deed (2003)

This was an amendment to the by-laws to modify the restrictions pertaining to air conditioning units and allowed locations.

4th Amendment to the Master Deed (2003)

The 4th Amendment pertained to the expansion of the number of condominium units, allowing up to 84 units, for Phase II of the planned development (units #65-84).

Request

The applicant, Heritage Meadows of Hartland Condominium Association, is requesting is to modify the final approved site plans for Heritage Meadows PDMDR, under SP #225, to increase the maximum lot coverage from 20% to a maximum of 30%. The approved site plan from SP #225 is dated July 31, 1997.

The intent of the request to increase the lot coverage allowance is to provide allowance for improvements to existing homes, some of which do not meet the current lot coverage standard of 20% maximum. This was discovered during the review of recent land use permit applications, for requests such as new decks, patio, or driveway expansions. Due to the current lot coverage standard in place for this PD, staff was unable to approve land use permits if lot coverage exceeded 20%. It is possible the proposed lot coverage of 30% may not provide relief for every lot in the planned development; however, staff feel this standard is reasonable and is consistent with the current lot coverage standard for the MDR zoning district.

The applicant had inquired with the Planning Staff about requesting a lot coverage standard that would exceed the current request of 30%. Staff had informed the applicant that lot coverage directly relates to storm water run-off and the subdivision storm water management system was designed to accommodate the existing 20% within a reasonable amount. Staff felt that going to 30% would be sufficient, but any further would require an evaluation by a professional engineer to re-examine the storm water system and have our engineer confirm the existing system could support that much of an increase.

Approval Procedure

The proposed request to adjust the lot coverage standard is considered an amendment to the approved site plans for Heritage Meadows PDMDR (SP #225). A site plan application is required, to be reviewed by the Planning Commission, who will make a final decision on the site plan, specifically to amend the allowed lot coverage standard.

Other Requirements-Zoning Ordinance Standards

Nothing additional at this time.

Hartland Township DPW Review

No comments at this time.

Hartland Township Engineer's Review (HRC)

The request does not require review by the Township's Engineer (Hubbell, Roth, and Clark).

Hartland Deerfield Fire Authority Review

No comments at this time.

Attachments:

1. Heritage Meadows HOA letter dated April 16, 2021 – PDF version
2. SP #225 Site Data Chart – PDF version
3. SP #225 Site Plan, Sheet SP-1, dated July 31, 1997 – PDF version

CC:

HRC, Twp Engineer (via email)

Mike Luce, Twp DPW Director (via email)

A. Carroll, Hartland FD Fire Chief (via email)

T:\PLANNING DEPARTMENT\PLANNING COMMISSION\2021 Planning Commission Activity\Site Plan Applications\SP #21-009 Heritage Meadows AMD PD\Staff reports\SP #21-009 staff report 07.01.2021.docx



Heritage Meadows of Hartland Condominium Association
P.O. Box 2148
Howell, MI 48844

April 26, 2021

Troy Langer
Office of the Planning Director
Hartland Township
2655 Clark Road
Hartland, Michigan 48353

Re: Request to Amend the Approved Final Site Plan (SP #225) of the Heritage Meadows PDMDR

Dear Mr. Langer:

We are requesting to amend the approved site plan for Heritage Meadows of Hartland Condominium Association (SP #225) to increase the lot coverage standard from 20% to 30%.

Many members of our community are submitting modification requests which raise their lot usage percentage above 20% but are still aesthetically pleasing and fit well within our community. We would like to offer these residents the option to pursue their modifications. Also, although Heritage Meadows is a planned development and the zoning standards for Medium Density Residential ("MDR") do not apply, it appears that the zoning standards for MDR that were in effect in 1997 were used to establish setbacks and the 20% lot coverage for Heritage Meadows. The lot coverage standard for MDR has since been amended and increased to 30%. Approving this request would again align Heritage Meadows with the amended lot coverage standard for MDR.

Please feel free to contact Stacey Maura, our Property Manager at Your Peace of Mind, Inc., with any questions or concerns regarding this request. She can be reached at 517-545-3900 or smaura@ypminc.com.

Respectfully,

Danielle Langenbruch

Danielle Langenbruch
President
On Behalf of the Board of Directors
Heritage Meadows of Hartland Condominium Association

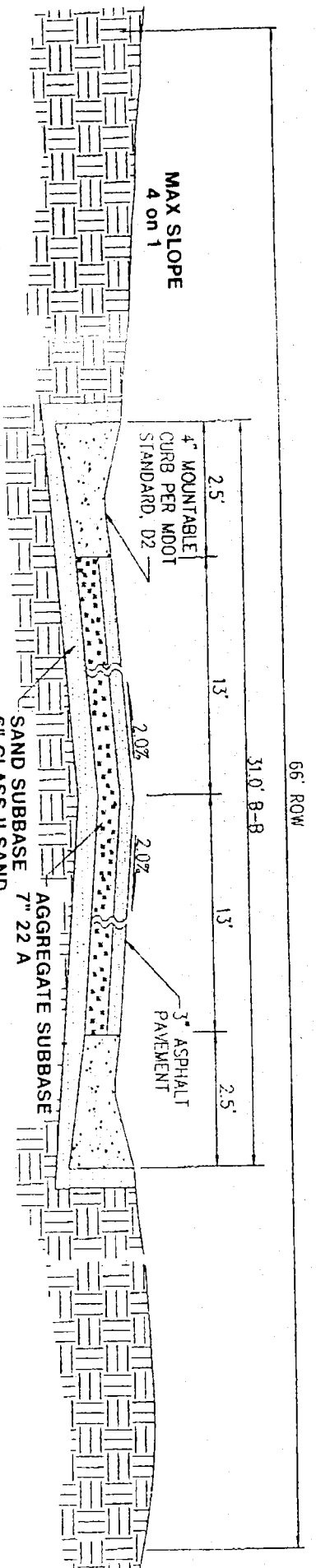
A parcel of land being located in the Southwest 1/4 of Section 22, T.3N, R.6E, Hartland Township, Livingston County, Michigan described as:

Beginning at the West 1/4 corner of Section 22, T.3N, R.6E, Hartland Township, Livingston County, Michigan, thence S. 88° 13' 14" E., 19,095 feet along the East-West 1/4 line of said Section 22, thence S. 01° 37' 30" W., 1086.28 feet to a point on the Northernly right-of-way line of M-59 Highway, thence along said right-of-way line of M-59 Highway S. 84° 26' 10" W., 674.00 feet; thence N. 01° 48' 33" E., 443.17 feet; thence N. 88° 55' 50" W., 347.58 feet; thence S. 01° 26' 10" W., 483.23 feet to a point on the Northernly right-of-way line of M-59 Highway; thence along said right-of-way line of M-59 Highway S. 84° 26' 10" W., 799.78 feet; thence S. 01° 26' 10" W., 182.15 feet to a point on the West line of said Section 22, thence continuing along said West line of Section 22 N. 01° 25' 00" E., 1020.37 feet; thence S. 88° 31' 00" E., 330.00 feet; thence N. 01° 29' 00" E., 1320.6 feet parallel with the West line of said Section 22, thence N. 88° 31' 00" W., 330.00 feet to a point on the West line of said Section 22, thence continuing along said section line N. 01° 29' 00" E., 659.94 feet to the POINT OF BEGINNING.

Containing 331,753.2 square feet or 76.16 acres of land. Subject to restrictions and assessments of record.

SITE DATA:

- * Total Site Area: 76.16 acres
- * Proposed Zoning: PDMDR: 58.18 acres
- * Current Zoning: CA and PDPC
- * Proposed Master Plan: HDR and C
- * Phase I: 41.8 acres
- * RESIDENTIAL PHASE I
- * Allowed Density: 3.1
- * Proposed Density: 1.76
- * PDMDR Requirements
 - Minimum lot area - 12,000 sq. ft.
 - Minimum lot width - 30 ft.
- * PDMDR Requirements
 - Maximum lot coverage - 20%
 - Setbacks
 - Front yard setback - 30 ft.
 - Rear yard setback - 25 ft.
 - Side yard setback - 10 ft. (one) 20 ft. (total)
 - * Open Space (See sheet SP-2)
 - Upland open space provided: 7.1 acres
 - Natural area & Detention Basins: 14.4 acres
 - Total open space: 21.5 acres
 - * Site Condominium



ROAD CROSS SECTION

not to scale

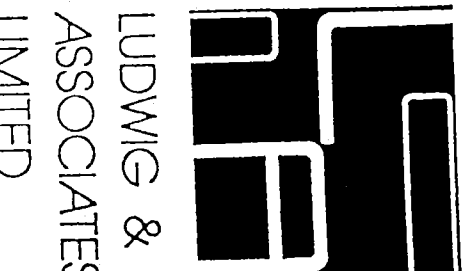
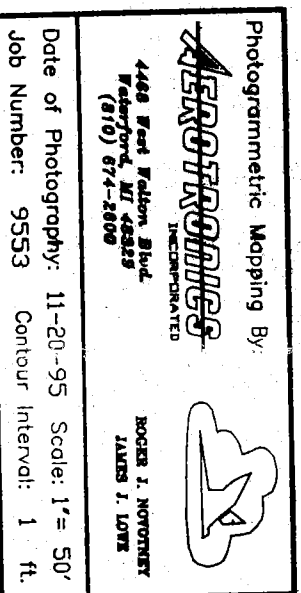
NOTES:

- * Verbal confirmation with the Michigan Department of Environmental Quality (MDEQ) stated that this parcel is not affected by the 100-year flood plain.

- * The elevations in the road are centerline grades

- * All lots to be served by individual wells and subject to the approval of the Livingston County Health Department.

AERIAL SURVEY PROVIDED BY



LANDSCAPE ARCHITECTS
SITE PLANNERS
GOLF COURSE DESIGN
38955 hills tech drive
suite 207
farmington hills mi 48331
(810) 553-3730
fax (810) 553-7130

PROJECT #: 96-05-07
DATE: 4-16-97
DRAWN BY: BAS
CHECKED BY: BD
REVISED:
7-10-97 comments from lwp.
7-24-97 rev. ltr. July 18, 1997
7-31-97 rev. acc. pub. mtg. 7-24

WETLANDS IDENTIFIED AND
FLAGGED BY BROOKS WILLIAMSON
AND ASSOC.



MICKALICH and ASSOCIATES, INC.
CIVIL ENGINEERING SURVEYING PLANNING

20 WEST HURON ST.

PONTIAC, MICHIGAN 48342

PHONE: (810) 253-0555

FAX: (810) 253-0550

PROJECT

HERITAGE MEADOWS

DRAWN BY: JOHN

DATE: 2-16-96

CHECKED BY: CL

PROJECT No.

APPROVED BY: AM

95128

ENGINEER'S SEAL

3/13/96

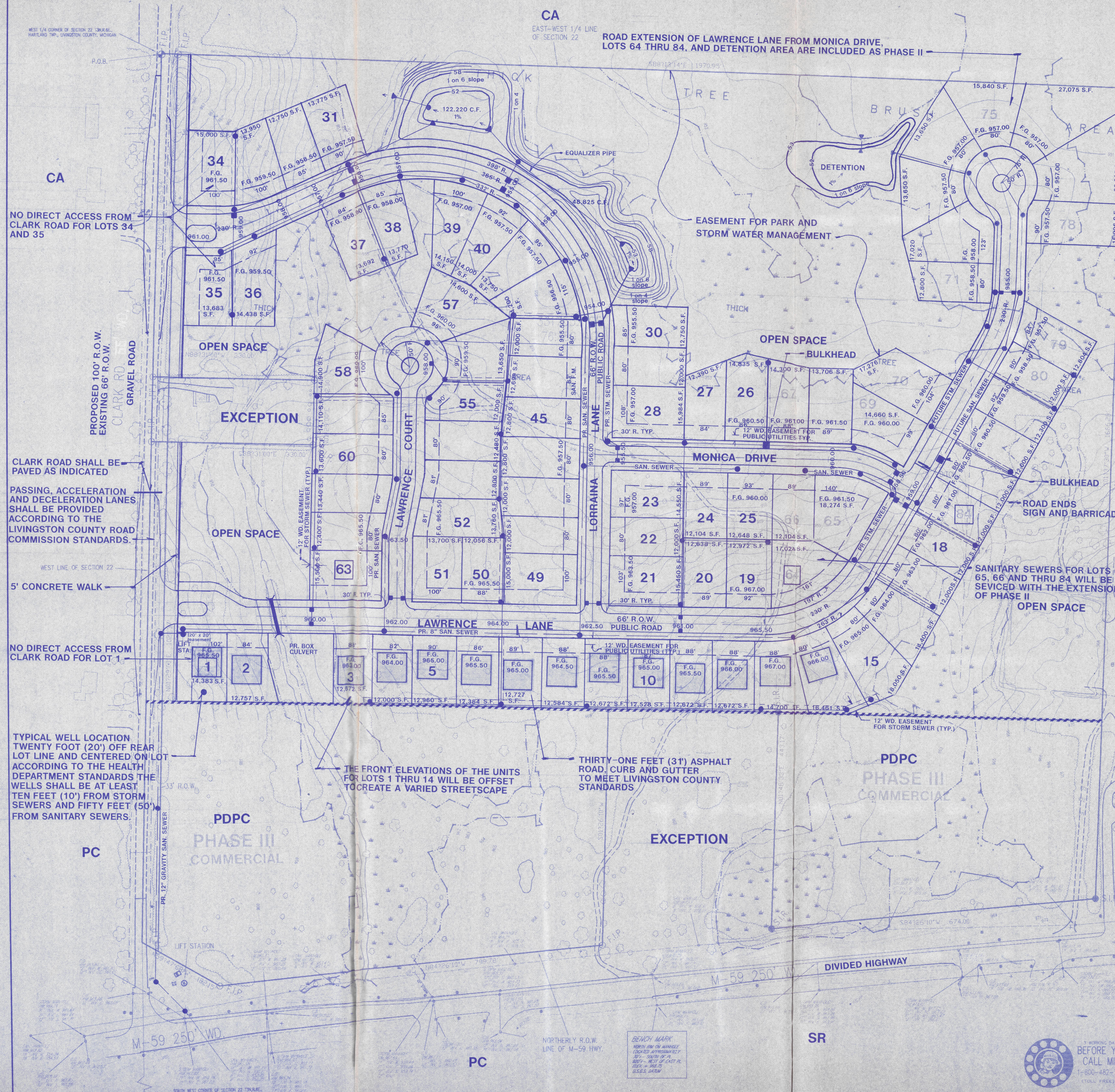
TITLE

BOUNDARY AND
TOPOGRAPHIC SURVEY

SCALE

SHEET No

6. PROJECT 95128/95128/101



NOTE:
THE LOCATION OF THE EXISTING UTILITIES AS SHOWN
WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES
RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE
COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION.
IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY IN THE
FIELD THE LOCATION OF ALL UTILITIES.
ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER
PRIOR TO CONSTRUCTION.
THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING
DAYS PRIOR TO CONSTRUCTION.

LEGAL DESCRIPTION
(As furnished by client)
T.B.N. R.B.C. Hartland Township
Section 22, West 1/2 of the Southwest 1/4 except the East 1/2 of the Northeast 1/4 of the
Southwest 1/4 and except beginning 40 rods South of the West 1/4 corner of
Section 22, thence East 20 rods, thence South 8 rods, thence East 10 rods, thence
North 8 rods to the point of beginning, 4,330.21227' commencing at a point
N.01° 28'10" E. 558.15 feet from the Southwest corner of Section 22, thence
N.01° 28'10" E. 81.00 feet, thence S.01° 31'00" E. 202.30 feet, thence S.01° 29'00" W.
76.50 feet, thence S.88° 49'21" W. 203.61 feet to the point of beginning. ALSO
EXCEPT beginning at the Southwest corner of Section 22, thence N.01° 28'10" E. 501.55
feet, thence N.04° 28'10" E. 421.00 feet, thence S.01° 29'00" W. 55.20 feet, thence
N.89° 47'00" W. 430.00 feet to the point of beginning, 4,330.21227' the South 140.00
feet, measured at right angles to M-59 ALSO EXCEPT that part acquired by the State
of Michigan for C.E. cart, being North of M-59.

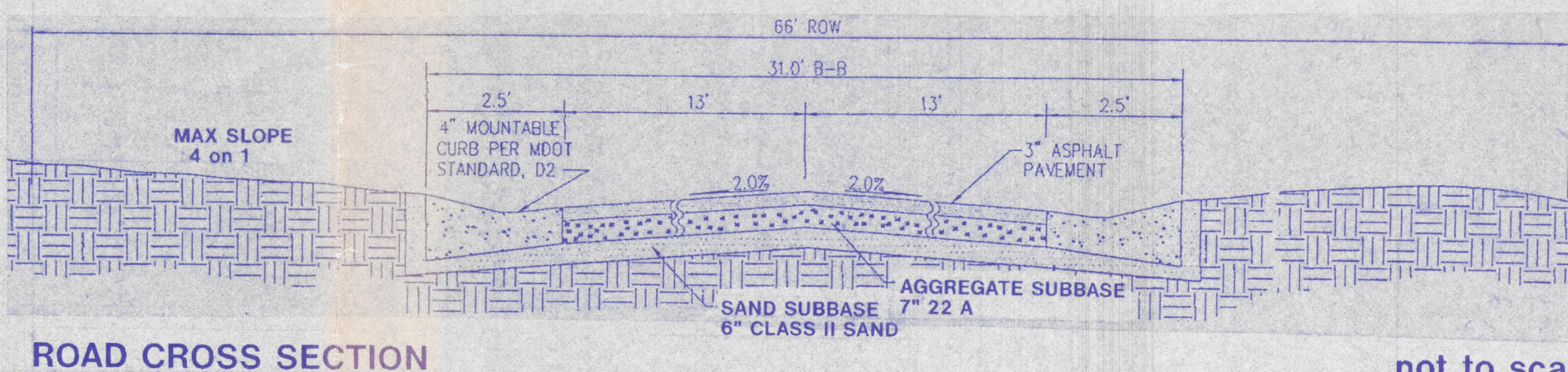
Section 22, West 1/2 of the East 1/2 of the Southwest 1/4 except the East 1/2 of the
Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4. ALSO EXCEPT the South
140.00 feet, measured at right angles to the North right-of-way of M-59.

TOTAL PARCEL DESCRIPTION
A parcel of land being located in the Southwest 1/4 of Section 22, T.B.N. R.B.C. Hartland Township,
Livingston County, Michigan described as:
Beginning at the West 1/4 corner of Section 22 T.B.N. R.B.C. Hartland Township, Livingston County,
Michigan, thence S. 88° 13' 14" E. 1570.95 feet along the East-West 1/4 line of said Section 22,
thence S. 01° 37' 30" W. 1668.28 feet to a point on the Northerly right-of-way line of M-59
Highway, thence along said right-of-way line of M-59 Highway S. 04° 26' 10" W. 874.00 feet;
thence N. 01° 45' 13" E. 463.17 feet, thence N. 88° 15' 20" W. 347.30 feet, thence
S. 01° 28' 10" W. 483.23 feet to a point on the Northerly right-of-way line of M-59 Highway, thence
along said right-of-way line of M-59 Highway S. 04° 26' 10" W. 795.78 feet, thence
N. 59° 47' 00" W. 162.15 feet to a point on the West line of said Section 22, thence continuing along
said West line of Section 22 N. 01° 28' 10" E. 1020.37 feet, thence S. 88° 13' 14" E. 330.00
feet, thence N. 01° 29' 00" E. 132.00 feet parallel with the West line of said Section 22, thence
N. 89° 21' 00" W. 133.00 feet to a point on the West line of said Section 22, thence continuing along
said section line N. 01° 28' 10" E. 631.64 feet to the POINT OF BEGINNING.

Containing 331,753.2 square feet or 7.6103 acres of land. Subject to restrictions and easements of record.

SITE DATA:

- * Total Site Area: 76.16 acres
- * Proposed Zoning: PDMDR: 58.18 acres
- * Current Zoning: CA and PDPC
- * Proposed Master Plan: HDR and C
- * Phase I: 41.8 acres
- * Allowed Density: 3.1
- * Proposed Density: 1.76
- * PDMDR Requirements
 - ° Minimum lot area - 12,000 sq. ft.
 - ° Minimum lot width - 80 ft.
- * PDMDR Requirements
 - ° Maximum lot coverage - 20%
 - ° Setbacks
 - Front yard setback - 30 ft.
 - Rear yard setback - 25 ft.
 - Side yard setback - 10 ft. (one)
 - 20 ft. (total)
 - * Open Space (See sheet SP-2)
 - ° Upland open space provided: 7.1 acres
 - ° Natural area & Detention Basins: 14.4 acres
 - * Total open space: 21.5 acres
 - * Site Condominium



NOTES:
* Verbal confirmation with the Michigan Department of Environmental Quality (MDEQ) stated that this parcel is not affected by the 100-year flood plain.

* The elevations in the road are centerline grades.

* All lots to be served by individual wells and subject to the approval of the Livingston County Health Department.

AERIAL SURVEY PROVIDED BY:
Photogrammetric Mapping By:
Aerial Surveys, Inc.
4680 West Walton Blvd.
Plymouth, MI 48178
(810) 674-2800
Date of Photography: 11-20-95 Scale: 1" = 50'
Job Number: 9553 Contour Interval: 1 ft.
WETLANDS IDENTIFIED AND
FLAGGED BY BROOKS WILLIAMSON
AND ASSOC.

SP-1: PRELIMINARY SITE PLAN

LANDSCAPE ARCHITECTS
SITE PLANNERS
GOLF COURSE DESIGN
LUDWIG & ASSOCIATES
LIMITED
38955 hills tech drive
suite 207
farmington hills mi 48331
(810) 553-3730
fax (810) 553-7130
PROJECT #: 96-05-07
DATE: 4-16-97
DRAWN BY: BAS
CHECKED BY: BD
REVISED:
7-10-97 comments from twp.
7-24-97 rev. by: July 18, 1997
7-31-97 rev. acc. pub. mtg. 7-24

MICKALICH and ASSOCIATES, INC.
CIVIL ENGINEERING SURVEYING PLANNING
20 WEST HURON ST. PONTIAC, MICHIGAN 48342 PHONE: (810) 253-0555 FAX: (810) 253-0550

PROJECT	HERITAGE MEADOWS	DRAWN BY:	JOHN	DATE	2-16-96
TITLE	BOUNDARY AND TOPOGRAPHIC SURVEY	CHECKED BY:	CL	PROJECT No.	95128
CLIENT	N & Y PROPERTIES	APPROVED BY:	AM	SHEET No.	1 of 3
ENGINEER'S SEAL	ISSUED FOR: 3/13/96	SCALE	Horizontal 1" = 100'		
	ISSUED FOR: 1-800-482-7121	Vertical			
	ISSUED FOR:				

RECEIVED AUG 4 1997

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director

Subject: Site Plan Application #21-011 – Hartland Senior Living Planned Development/PIRHL (PD) Final Plan

Date: July 1, 2021

Recommended Action

Move to recommend approval of Site Plan Application #21-011, the Final Planned Development Site Plan for Hartland Senior Living Planned Development, subject to the following conditions:

1. The Final Planned Development Site Plan for Hartland Senior Living Planned Development, SP PD #21-011, is subject to the approval of the Township Board.
2. Final approval of the Hartland Senior Living Planned Development (SP PD #21-011) shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject properties as PD (Planned Development). The subject properties, which constitute the planned development project area (17.91 acres total), and which are to be rezoned to PD, are as follows:
 - a. Tax Parcel ID #4708-23-300-025 (13.71 acres in size); currently zoned CA (Conservation Agricultural)
 - b. Tax Parcel ID #4708-23-300-026 (2.00 acres in size); currently zoned OS (Office Service)
 - c. Tax parcel ID #4708-23-300-027 (2.22 acres in size); currently zoned OS (Office Service)
3. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated July 1, 2021, on the Construction Plan set, subject to an administrative review by Planning staff prior to the issuance of a land use permit.
4. The Planned Development Agreement and any easements shall comply with the requirements of the Township Attorney.
5. Municipal water shall be available for this development. In the event that municipal water is not available for this project, the developer shall re-submit plans to be approved by the Planning Commission and Township Board that provide an acceptable water source.
6. The applicant shall apply for and secure all applicable approvals and permits from the Michigan Department of Transportation prior to the issuance of a land use permit for the project.
7. Applicant complies with any requirements of the Township Engineering Consultant, Department of Public Works Director, Hartland Deerfield Fire Authority, and all other governmental agencies, as applicable.

8. (Any other conditions the Planning Commission deems necessary).

Discussion

Applicant: Kevin Brown

Site Description

The subject property is located between Bullard Road and Fenton Road, north of Highland Road (M-59), in Section 23 of the Township. The Township's Heritage Park is east of the property. Trillium Center, a professional office building, is on the west of the site and addressed as 12319 Highland Road.

The site is comprised of three separate parcels, with a combined total of approximately 17.9 acres. The parcels are undeveloped. The largest parcel (Parcel ID #4708-23-300-025) is approximately 13.71 acres in size and zoned CA (Conservation Agricultural). The other two parcels are west and south of the large parcel and are zoned OS (Office Services). One parcel is approximately 2.00 acres (Parcel ID #4708-23-300-026). The other parcel (Parcel ID #4708-23-300-027) is approximately 2.22 acres in size. Each parcel has frontage along Highland Road. The combined frontage is approximately 617 lineal feet.

The Future Land Use Map designates each parcel as Office.

East of the subject property, on separate parcels, are a single-family home (12477 Highland Road) and Heritage Park (12439 Highland Road), both zoned CA. Trillium Center, a professional office building, is on the west and zoned OS-Office Services (12319 Highland Road). Single-family homes are also west of the subject site, addressed off Bullard Road, and are zoned CA. The property to the north, zoned CA, is owned by the Livingston Land Conservancy and is undeveloped.

Site History

Following is a summary of the history of the site.

REZ #282

REZ #282 was a request to rezone approximately 13.7 acres of land from SR-Suburban Residential to CA-Conservation Agricultural for parcel currently identified as Parcel ID #4708-23-300-025, and rezone approximately 4.4 acres from SR-Suburban Residential to OS-Office Services, for the parcels currently identified as Parcel ID #4708-23-300-026 (2 acres) and Parcel ID #4708-23-300-027 (2.2 acres). The Township Board approved REZ #282 on July 6, 2000.

Metes & Bounds Land Division #589

On November 8, 2000, the Township Board approved Metes & Bounds Land Division #589 to create three (3) parcels that comprise the project area for the current request SP #20-005.

REZ #322

The original request was to rezone approximately 13.7 acres of land (Parcel ID #4708-23-300-025) from CA-Conservation Agricultural to PDMR (Planned Development Medium Density Residential), which was withdrawn on August 5, 2005. The rezoning request was modified to request a zoning change from CA to MR-Multiple Density Residential for the same 13.7 acres of land. On November 10, 2005, the Planning Commission reviewed the request, and a motion was approved to table the request indefinitely.

Site Plan Application #19-012 Hartland Senior Living PD – Concept Plan

The Concept Plan for Hartland Senior Living Planned Development was discussed under Site Plan Application #19-012. The Planning Commission reviewed the project on December 5, 2019, followed up by the Township Board's review at their meeting on December 10, 2019.

Site Plan Application #20-005 Hartland Senior Living PD – Preliminary PD Site Plan

The Preliminary Planned Development Site Plan for Hartland Senior Living PD was reviewed by the Planning Commission under Site Plan Application #20-005. On August 20, 2020, the Planning Commission held a public hearing for the project and recommended approval of the Preliminary Planned Development Site Plan for Hartland Senior Living (SP #20-005), subject to approval of the Township Board. Approval was also subject to the conditions outlined in the letter dated August 24, 2020. On September 14, 2020, the Township Board approved Site Plan #20-005, subject to conditions outlined in the letter dated September 14, 2020. Approval of the Preliminary PD Site Plan included the following conditions:

1. Waiver request on the minimum lot size requirement for a planned development, being less than 20 acres, is approved.
2. Waiver request on the building height, being greater than 35 feet, is approved.
3. Waiver request to deviate from the maximum allowable and minimum façade material percentages, is approved.
4. The site plan is subject to the current location of the access drive connecting to M-59. In the event the access drive needs to be relocated more than ten (10) feet in either direction, the applicant will need to submit a site plan to the Planning Commission for review to amend the approved site plan.
5. As part of the Final Plan Review, the applicant shall secure an ingress-egress easement agreement for the proposed access drive connection to the adjacent property to the west (Trillium Center/office building, at 12319 Highland Road), which would afford a secondary emergency access for the development.
6. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated August 13, 2020, on the Construction Plan set, subject to an administrative review by Planning staff prior to the issuance of a land use permit.
7. Applicant complies with any requirements of the Township Engineering Consultant, Department of Public Works Director, Hartland Deerfield Fire Authority, and all other government agencies, as applicable.
8. The landscape plan shall be modified on the Construction Plan set to address comments made at the Planning Commission meeting on August 20, 2020 about redesigning several landscape areas, and with no additional landscape material required.

Planned Development Procedure

Section 3.1.18 of the Township's Zoning Ordinance provides standards and approval procedures for a Planned Development (PD). Approval of a Planned Development is a three-step process. A Concept Plan, Preliminary Plan, and Final Plan are all reviewed by the Planning Commission and the Township Board, with the Planning Commission making a recommendation and the Board having final approval at each

step. The process usually requires a rezoning from the existing zoning district to the Planned Development (PD) zoning district. As part of the rezoning, a public hearing is held before the Planning Commission consistent with the Michigan Zoning Enabling Act; this public hearing is held at the same meeting during which the Planning Commission reviews and makes a recommendation on the Preliminary Plan. The public hearing for the Preliminary Plan was held at the Planning Commission meeting on August 20, 2020.

The Final Planned Development Site Plan review stage is an opportunity for the Planning Commission and Township Board to affirm that any conditions imposed at the Preliminary review stage have been addressed on the Final Plan, and also to review the Planned Development Agreement along with any other legal documentation (condominium master deeds, bylaws, easements, etc.). The site's layout is not intended to change significantly between the Preliminary and Final submittals, save for any revisions imposed as a condition of Preliminary approval. Section 3.1.18.E.iii. has specific requirements for the information to be included within a Final Planned Development Site Plan submittal, most notably the Development Agreement and other legal documentation.

Per Section 3.1.18.D. (Procedures and Requirements), approval of the Final Plan by the Township Board usually constitutes an amendment to the Zoning Ordinance, and effectively is a rezoning of the subject properties to PD (Planned Development). In this case, the PD project area is comprised of three parcels. One parcel is currently zoned CA (Conservation Agricultural), and the other two (2) parcels are zoned OS (Office Service). The subject properties will be rezoned to PD (Planned Development) upon approval of the Final Plan by the Township Board.

Overview of the Proposed Use

Proposed Use

The proposed senior independent living facility consists of a single, three (3) story, 146-unit building that accommodates seniors (age 62 and older). The gross floor area of the building is approximately 176,491 gross square feet.

The occupants of the Hartland Senior Living facility are either able to live an independent lifestyle or may need assistance. The facility offers two (2) types of residential units with 71 one-bedroom apartments and 75 two-bedroom apartments. Of the 146 residential units, sixty-one (61) units will be affordable for those earning up to 60% of AMI (Area Median Income) and eighty-five (85) units will be unrestricted market rate apartments.

Per the applicant's description in the Submission Narrative submitted for SP #20-005 (Preliminary PD Site Plan), the proposed planned development project is a blend of independent and semi-independent housing for senior citizens, where the residents reside in individual apartment units, but will also have access to a congregate kitchen, dining room and living areas. Limited healthcare will be available to assist residents. The facility offers a variety of services that are outlined in the project summary provided by the applicant. Social, cultural and educational programs are scheduled by a full-time activity coordinator. The facility has a fitness center and fitness classes; theatre room; media center; central social hub; full-service hair salon and barber shop; and an on-site home-based health care provider and clinic. Add on services include meals (two meals a day), housekeeping and laundry services. Additional offerings are listed in the applicant's summary of the facility.

Based on the description of the proposed use, the senior living facility would not be considered similar to a typical multiple-family use, or an apartment complex. The proposed use has some unique attributes in how it is limited to persons 62 and older. In addition, although it is designed for independent living, some

residents are likely to need some health assistance. The Planned Development process allows for unique projects such as this. The Planning Commission reviewed the Concept Plan under SP #19-012 and the Preliminary Plan under SP #20-005 and made the determination that the proposed use is different than a multi-family housing complex or a State licensed nursing care facility, and the use could be allowed through a Planned Development.

Legal Documents and Submittals

As noted previously the primary focus of the Final Site Plan stage of the planned development review process is the legal documentation, particularly the Planned Development Agreement. This document memorializes the developer's obligations and sets forth the terms and conditions negotiated and to be agreed to by the applicant and the Township. Approval of the planned development proposal is based on the Final Plan and the planned development agreement.

A draft of the Planned Development Agreement was submitted by the applicant. The document includes a legal description of the property (Exhibit A); Final Plan (Exhibit B); and Easement Area and Access Easement (Exhibit C). Typically, an executed Planned Development Agreement is recorded with the Register of Deeds; however, the Final Plan (Exhibit B in this case) may or may not be recorded as part of the Planned Development Agreement. The Construction set of plans serves as the approved Final Plan and is not recorded with the Register of Deeds. The Easement Area and Access Easement (Exhibit C) could be recorded as a separate document.

Additionally, approval of the Final Plan by the Township Board constitutes a rezoning of the subject properties to PD (planned Development), and an amendment to the Township zoning map.

Following is a brief discussion of the PD agreement and the exhibits submitted.

Hartland Senior Planned Development Agreement Outline Draft

The PD Agreement outlines the terms and conditions to be agreed to by the applicant and the Township. The draft document has been reviewed by the Township Attorney and the Planning Department. The final document shall be subject to the approval of the Township Attorney. Of note is a list of Permitted Uses (page 2-3) and Prohibited Uses, as follow:

Permitted Uses. All of the uses set forth herein for the Development on the Property are permitted and lawful.

- a. Principal Proposed Use. The proposed building use is hereby defined as a “Senior Independent Living Facility”. A residential housing facility with apartments for persons 62 years of age and older, with separate housekeeping. Cooking, and bathroom facilities for each unit. Common areas such as multipurpose rooms, communal dining areas, and recreational facilities are permitted on site. The facility may offer miscellaneous care services to tenants, including, but not limited to food preparation and meal services, laundry services, housekeeping services, transportation services, and other related programming. Space may be provided within the facility, through a lease agreement, to a 3rd party licensed healthcare provider, who may offer health care services. The apartments are to be occupied by persons aged 62 years or older, except for onsite staff who are permitted to live on the premises.
- b. Additional, Alternative or Accessory Uses. The below additional uses are to be available primarily to tenants of the Senior Independent Living Facility.
 - Nursing or Convalescent Homes.

- Professional offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions.
 - Offices of non-profit professional, civic, social, fraternal, political and religious organizations.
 - Banks, credit unions, savings and loans and similar financial institutions.
 - Private parks and open space.
 - A medical clinic for outpatient care of persons by physicians, dentists, osteopaths, chiropractors and/or allied professionals.
 - Personal services establishments-beauty salons/barbershop, pet grooming, etc.
 - Other similar uses as determined by the Planning Commission.
 - Accessory uses available to the tenants of the Senior Independent Living Facility, unless prohibited by Item 6 of this Agreement, which are clearly or customarily incidental and subordinate to the principal use of the Property, building, or structure to which it is exclusively related.
- c. An Amendment to this Agreement shall be required to permit any future proposed conversion of the building or any portion thereof to a Multiple Family Dwelling.

Prohibited Uses.

- a. Any use not specifically listed shall be prohibited: unless the Planning Commission has determined such use is similar to a Permitted Use.

Under “Site and Architectural Standards”, there is a section stating one (1) monument sign shall be permitted, as shown on the Final Plan. Design details for the sign are provided. The stated design standards for sign height (7 feet) and sign size (limited to 64 square feet of sign area per side) are consistent with the current monument sign standards outlined in Section 5.26 of the Zoning Ordinance; however, should the sign standards in the Zoning Ordinance be modified in the future, the sign for this site would be limited to the design criteria listed in this Agreement. Staff would recommend this section be revised or potentially eliminated.

Final Plan (Exhibit B)

The Final Plan (Exhibit B), dated January 15, 2021, includes the civil site plans, landscape plan, and architectural plans for the proposed planned development. During the discussion of SP #20-005 (Preliminary PD Site Plan) at the Planning Commission, minor changes to the landscape plan were required, which were to be addressed on the Final Plan. It appears those revisions have been made on the submitted plans, however a detailed review will occur during the review of the construction set of plans.

Ingress-Egress Easement Agreement (Exhibit C)

The site plans reviewed under SP #20-005 (Preliminary PD Site Plan) showed a future drive connection to the adjacent lot (at west property line of PD) addressed as 12319 Highland Road and currently operates as the Trillium Center (professional offices). As a condition of approval of SP #20-005, the applicant was to secure an ingress-egress easement agreement for the proposed access drive connection to the adjacent property (12319 Highland Road), as part of the Final Plan Review. The applicant has had discussions with the adjacent property owner, and they have not yet secured an easement agreement; and they may not be able to reach an agreement.

The applicant has provided a legal description of the 20-foot ingress-egress easement, as described in Exhibit C, of the Planned Development Agreement document. The Township Attorney is reviewing the

document and comments will be forthcoming. The staff memorandum incorporates an approval of the PD Agreement and any easements that would be subject to the approval of the Township Attorney. Once approved, the applicant is required to record the Ingress-Egress Easement Agreement.

In the event an agreement between the applicant and the west property owner cannot be made on the ingress-egress easement, the goal is to have the easement secured at a future date. A likely scenario would be to secure the easement when the western property owner requests a change or development on their property. At that time, the Township would likely require the western property owner to secure the easement with the Hartland Senior Living Center property, or any future property owners agree. The goal would be to lock in the Hartland Senior Living Center property so that it could not object to a future easement connection.

Rezoning of the subject properties

Per Section 3.1.18.D.vii.b., Effect of Approval. Approval by the Township Board of a planned development proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the planned development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this Ordinance. The applicant shall record an affidavit with the register of deeds containing the legal description of the entire project, specifying the date of approval, and declaring that all future improvements will be carried out in accordance with the approved planned development unless an amendment thereto is adopted by the Township upon request of the applicant or his successors.

In this case the current zoning is CA (Conservation Agricultural) for one property and OS (Office Service) for the remaining two (2) properties. Once approved and these properties will be zoned PD (Planned Development) and will remain with the property as the zoning designation.

Other Requirements-Zoning Ordinance Standards

Nothing at this time.

Township Engineer's Review

No comments at this time.

Hartland Deerfield Fire Authority Review

No comments at this time.

Hartland Township DPW Review

A review letter is provided from the Hartland Township DPW Director, dated June 29, 2021.

Attachments

1. DPW review letter dated June 29, 2021 – PDF version
2. DRAFT Hartland Senior Planned Development Agreement – PDF version
3. PC approval recommendation letter dated August 24, 2020 (SP #20-005 Preliminary Planned Development Site Plan) – PDF version
4. TB approval letter dated September 14, 2020 (SP #20-005 Preliminary Planned Development Site Plan) – PDF version

CC:

HRC, Twp Engineer (via email)

Mike Luce, Twp DPW Director (via email)

A. Carroll, Hartland FD Fire Chief (via email)

T:\PLANNING DEPARTMENT\PLANNING COMMISSION\2021 Planning Commission Activity\Site Plan Applications\SP #21-011 PIRHL Final PD\Staff reports\SP #21-011 Final PD staff report PC 07.01.2021.docx



DEPARTMENT OF PUBLIC WORKS

Michael Luce, Public Works Director
2655 Clark Road
Hartland MI 48353
Phone: (810) 632-7498

TO: Planning Department
DATE: June 29, 2021
DEVELOPMENT NAME: Hartland Senior
PIN#: 4708-23-300-(025, 026 & 027)
APPLICATION #: SP# 21-011 Final Site Plan
REVIEW TYPE: Hartland Senior Living PD

The Department of Public Works (DPW) has reviewed the *Hartland Senior* development site plans in regards to municipal utilities.

Municipal Water

The referenced parcels associated with the conceptual development were never part of the municipal water district within Hartland Township. The proposed conceptual plan would require 49.64 water REU's for 146 units. All parcels seeking municipal water connection outside of the service district are required to undergo a capacity study to be managed by Hartland Township Public Works Department. The proposed parcels have been previously included in modeling exercises, and Hartland Township Public Works approves the concept of connecting to the municipal water system as discussed with the applicant.

Municipal Sewer

The referenced parcels associated with the conceptual development were never part of the municipal sewer district within Hartland Township. The proposed conceptual plan would require 49.64 sewer REU's for full build out. All parcels seeking municipal sewer connection outside of the service district are required to undergo a capacity study to be managed by the Livingston County Drain Commissioner's office. Public Works would advise the applicant to contact the Livingston County Drain Commission to initiate that process.

REUs

According to the Township's records, the referenced parcels not have any REUs (Resident Equivalency Units), and therefor will be required to purchase the required REU's prior to issuance of a building permit. The conceptual plan indicates 146-units, which based upon 2021 rates, will require 49.64 water REU's (\$5,816.01 each) and 35.25 sewer REU's (\$9,439.20 each) for a total of \$757,268.62 for the entire development.

At this time, subsequent plans should include the following:

- Water main material, sizes and connection detail sheet with redundant looping
- Water service lead location, size and materials including fittings.
- Sanitary sewer material and sizes and connection detail sheet.
- Foundation lowest elevation level
- Genesee County IPP Permit
- Utility easements noted as public.

Please feel free to contact me with any further questions or comments regarding this matter, and thank you for your time.

Michael Luce; Public Works Director

RECEIVED
JUN 14 2021
HARTLAND TOWNSHIP

HARTLAND SENIOR
PLANNED DEVELOPMENT AGREEMENT OUTLINE DRAFT

This Agreement ("the Agreement") made this _____ day of _____, 2021, by and between the Township of Hartland, a Michigan municipal corporation ("Township"), whose address is 2655 Clark Rd., Hartland Michigan 48353, and Hartland Senior Living Limited Dividend Housing Association, LLC, a Michigan limited liability company ("Applicant"), whose address is 800 West St. Clair Avenue, 4th Floor, Cleveland, Ohio 44113.

RECITALS

A. The Property (the "Property") is located at 12371 Highland Road, Hartland Township, Livingston County, MI 48353, parcel numbers 4708-23-300-025; 4708-23-300-026; and 4708-23-300-027 as more fully described in **Exhibit "A"**.

B. Applicant has obtained final approval for a Planned Development ("PD") pursuant to Article 3.1.18 of the Township's Zoning Ordinance (the "Ordinance"), subject to the execution and recording of this Agreement setting forth the conditions upon which the approval is based.

C. The Property is located between Bullard Road and Fenton Road, north of Highland Road (M-59), in Section 23 of the Township. The Land is comprised of three separate parcels, with a combined total of approximately 17.9 acres. The parcels are undeveloped. The largest parcel (Parcel ID #4708-23-300-025) is approximately 13.71 acres in size and zoned CA-Conservation Agricultural. The other two parcels are west and south of the large parcel and are zoned OS-Office Services. One parcel is approximately 2.00 acres (Parcel ID #4708-23-300-026). The other parcel (Parcel ID #4708-23-300-027) is approximately 2.22 acres in size. Each parcel has frontage along Highland Road. The combined frontage is approximately 617 lineal feet.

D. The Township desires to ensure that the Property is developed and used in accordance with the approved Final Plan ("Final Plan") and applicable laws and regulations. The Final Plan is the plan that was reviewed and approved by the Township.

E. It is represented to the Township by Applicant that Applicant owns or, by way of purchase agreements, has the right to acquire ownership interest in the Property described in the attached **Exhibit "A"**, which is made a part of this Agreement.

F. The Planned Development provides Applicant with certain development uses for the Property not applicable or clearly defined under the existing zoning classification and would

be a distinct and material benefit and advantage to the Applicant and the Township.

G. As used in this Agreement, "Owners of the Property" means Applicant and all current and future owners of legal and/or equitable title to all or any part of the Property.

NOW, THEREFORE, it is hereby agreed as follows:

1. **Running with the Property.** This Agreement covers the Property described herein. The terms and conditions of this Agreement shall be binding upon and inure to the benefit of the Applicant and the Township, and their respective heirs, successors, assigns, and transferees, and shall run with the Property.

2. **Intent.** The Property shall be developed in accordance with this Agreement and the Final Plan as a PD.

The Property shall be developed in accordance with the Final Plan, a copy of which is attached hereto as **Exhibit "B"** and incorporated herein by reference, approved, with conditions, by the Hartland Township on _____, 2021 by Resolution No. _____. The Final Plan includes approximately 176,491 square feet of Permitted Use ("Permitted Use"), the required parking spaces (outlined below), and other related features and improvements as depicted and described in this Agreement and in the Final Plan.

The Owners of the Property shall adhere to the Final Plan. However, it is recognized that there may be modifications to the Final Plan. Therefore, modifications to the Final Plan not inconsistent with the spirit of the PD may be permitted in accordance with Article 3.1.18, Section H, of the Ordinance.

- a. Site Improvements. Site improvements such as driveways and utilities necessary to service the Development shall be constructed.
- b. Driveway Access. The location of the access drive connecting the Property to Highland Road (M-59) shall be built in accordance with the Final Plan. In the event the access drive needs to be relocated more than ten (10) feet in either direction, the Applicant will need to submit a site plan to the Planning Commission for review to amend the approved Final Plan.
- c. Utility Extension. The Property requires the extension of the Township's water main in order to be served by the utilities necessary to complete the construction as designed within the Final Plan. A separate agreement between the Applicant and the Township shall be executed to extend the water main.
- d. Lot Size. The site area totals 17.90 acres. This lot size is approved to be rezoned as a PD. Owner of the Property is permitted to deviate from the minimum lot size requirement in the Ordinance, Article 3.1.18.

3. **Permitted Uses.** All of the uses set forth herein for the Development on the Property are permitted and are lawful.

- a. Principal Proposed Use. The proposed building use is hereby defined as a "Senior Independent Living Facility." A residential housing facility with apartments for persons 62 years of age and older, with separate housekeeping, cooking and bathroom facilities for each unit. Common areas such as

multipurpose rooms, communal dining areas, and recreational facilities are permitted onsite. The facility may offer miscellaneous care services to tenants, including, but not limited to food preparation and meal services, laundry services, housekeeping services, transportation services, and other related programming. Space may be provided within the facility, through a lease agreement, to a 3rd party licensed healthcare provider, who may offer health care services. The apartments are to be occupied by persons aged 62 years or older, except for onsite staff who are permitted to live on the premises.

- b. Additional, Alternative or Accessory Uses. The below additional uses are to be available primarily to tenants of the Senior Independent Living Facility.
- Nursing or Convalescent Homes.
 - Professional offices of physicians, dentists, optometrists, chiropractors, psychiatrists, psychologists and similar or allied professions.
 - Offices of non-profit professional, civic, social, fraternal, political and religious organizations.
 - Banks, credit unions, savings and loans and similar financial institutions.
 - Private parks and open space.
 - A medical clinic for outpatient care of persons by physicians, dentists, osteopaths, chiropractors and/or allied professionals.
 - Personal services establishment – beauty salons/barbershop, pet grooming, etc.
 - Other similar uses as determined by the Planning Commission.
 - Accessory uses available to the tenants of the Senior Independent Living Facility, unless prohibited by Item 6 of this Agreement, which are clearly or customarily incidental and subordinate to the principal use of the Property, building or structure to which it is exclusively related.
- c. An Amendment to this Agreement shall be required to permit any future proposed conversion of the building or any portion thereof to a Multiple Family Dwelling.

4. **Prohibited Uses.**

- a. Any use not specifically listed shall be prohibited; unless the Planning Commission has determined such use is similar to a Permitted Use.

5. **Site and Architectural Standards.**

- a. Residential Density. One hundred forty-six (146) residential units are proposed and allowed on the Property. Any requested increase in residential density must be approved by the Planning Commission and Hartland Township Board.
- b. Setbacks. The minimum yard requirements are noted in the chart below per Article 3.1.18.C.vi.a.

Setbacks	Minimum PD Standard	Proposed Setback	Complies Yes/No
Along M-59	50 ft.	156 ft.	Yes

Along perimeter, but not adjacent to a road (east & west property lines)	40 ft.	143 ft. (east, building) 83 ft. (east, carport) 138 ft. (west, building) 78 ft. (west, carport)	Yes Yes Yes Yes
Between parking lot & property line & adjacent to road (M-59)	40 ft.	135 ft.	Yes
Between parking lot & property line but not adjacent to road	50 ft.	83 ft. (east) 53 ft. (west)	Yes Yes

- c. **Building Height.** Building height of the proposed building as shown in **Exhibit “B”** attached hereto is approved. Owner of the Property shall be permitted to deviate from the maximum building height allowed in the Ordinance for a “PD” zone.
 - d. **Facade.** Façade materials and design shall be developed in accordance with **Exhibit “B”**. The Owner of the Property shall be permitted to deviate from the maximum allowable and minimum façade material percentages.
 - e. **Parking.** Parking shall be provided at a ratio of 1.09 parking spaces per Senior Independent Living Facility unit. Proposed parking includes 159 parking spaces, which accommodate this ratio.
 - f. **Monument Sign.** One monument sign, as shown on the Final Plan, shall be permitted. The sign shall be double-faced and limited to 64 square feet of sign area per side/face and 7 feet in height. The sign shall be designed in accordance with the Ordinance, Article 5.26. Applicant shall be required to obtain a permit prior to erection of the monument sign.
 - g. **Landscaping.** Landscaping design shown in the attached Final Plan is approved. Applicant shall provide landscaping per the Final Plan.
 - h. **Open Space.** Open space quantity shown in the Final Plan attached hereto is approved. Applicant shall provide open space quantity per the Final Plan attached hereto. Proposed and approved amount of open space area is approximately 13.76 acres, or 76.80% of the Property.
 - i. **Sidewalks.** Per the attached Final Plan, an eight (8) foot wide asphalt sidewalk shall be extended for the width of the site along Highland Road (M-59).
6. **Cross Easement.** A cross easement for ingress and egress, as described in **Exhibit “C”** attached hereto, is to be recorded upon lot consolidation. The easement is to provide for secondary emergency access to the Property along the proposed access drive connection between the Property and the adjacent property located at 12319 Highland Road. The easement agreement is between Hartland Senior Living Limited Dividend Housing Association LLC and LMR Investment Properties, LLC.
 7. **Rezoning.** By granting its final approval and upon execution and recording of this Agreement, the Township Board has and shall be deemed to have granted the petition to rezone the Property to PD District, as that district is described in the Ordinance, in accordance with the procedures set forth in the Ordinance.

8. **Amendment.** The terms of this Agreement may be amended, changed, or modified only in writing in the same manner as required to obtain the review and approval of a new rezoning.
9. **Recognizable Benefits.** The PD shall result in a recognizable and substantial benefit to the ultimate uses of the project and to the community and shall result in a higher quality of development than could be achieved under conventional zoning.
10. **Burdens and Benefits Appurtenant.** This Agreement shall run with the Property and bind the parties, their heirs, successors, and assigns. The Township shall record this Agreement in the office of the Livingston County Register of Deeds and shall deliver a recorded copy to the Owners of the Property forthwith. It is understood that the Property is subject to changes in ownership and/or control at any time, but that successors shall take their interest subject to the terms of this Agreement. In the event that the Owners of the Property shall sell, lease, ground lease, transfer, assign, mortgage, divide and/or subdivide all or any portion of the PD, the terms and conditions of this Agreement shall benefit, be enforceable by, and shall be binding on the successors in title, vendees, lessee, transferees, assignees, mortgages, and beneficiaries of divisions or subdivisions. In such event, the Agreement may continue to be binding upon the Owners of the Property, as may be applicable as a matter of law.
11. **Zoning Regulations and Obligation to Receive Other Approvals.** Except as otherwise provided herein, the Property shall remain subject to and shall be developed in compliance with all applicable regulations of the Ordinance and all other applicable state and local requirement for land development. Applicant agrees to comply with any requirements of the Township Engineering Consultant, Department of Public Works Director, Hartland Deerfield Fire Authority, and all other government agencies, as applicable.-
12. **Entire Agreement.** This Agreement together with any Exhibits referenced herein, constitutes the entire agreement between the parties with respect to the subject of this Agreement.
13. **Conflicts.** In the event of conflict between the provisions of this Agreement and the provisions of another applicable ordinance, code, regulations, requirement, standard, or policy, the provisions of this Agreement shall prevail.
14. **Governing Law.** This Agreement shall be governed by, construed, and enforced in accordance with Michigan law.
15. **Joint Drafting.** No provision of this Agreement shall be construed against or interpreted to the disadvantage of one party against another party by any court or other governmental authority by reason of any determination or assertion that one party was chiefly or primarily responsible for having drafted this Agreement.
16. **Unified Control.** The PD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project, or assuring completion of the project, in conformity with the Ordinance.
17. **Severability.** The invalidity of any provision of this Agreement shall not affect the validity of the remaining provisions, which shall remain valid and enforceable to the fullest extent permitted by law.
18. **Recording.** This Agreement shall be binding on the parties and the Property and shall be

recorded with the Livingston County Register of Deeds.

19. **Counterparts.** This Agreement and any amendments to it may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one Agreement. The signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.
20. **Authority to Execute.** The parties each represent and state that the individuals signing this Agreement are fully authorized to execute this document and bind their respective parties to the terms and conditions contained herein.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the day and year recited above.

PAGE INTENTIONALLY ENDS HERE

SIGNATURES FOLLOW

SIGNATURE PAGE OF TOWNSHIP

TOWNSHIP OF HARTLAND,
a Michigan municipal corporation

By: _____
Its: _____

By: _____
Its: _____

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss
COUNTY OF LIVINGSTON)

The foregoing Planned Development Agreement Outline was acknowledged before me by _____, _____, and _____, _____, on behalf of the Township of Hartland on the ____ day of _____, 2021.

Notary Public
State of Michigan, County of _____
My Commission Expires: _____
Acting in the County of _____

Prepared by:

When recorded, return to:

SIGNATURE PAGE OF APPLICANT

**HARTLAND SENIOR LIVING LIMITED
DIVIDEND HOUSING ASSOCIATION, LLC, a
Michigan limited liability**

**PIRHL Hartland Senior Living LLC,
a Michigan limited liability company
Its: Manager & Member**

By: PIRHL GP Holdings, LLC,
an Ohio limited liability company
Its: Manager & Member

By: _____
Name: David Burg
Its: Managing Director

STATE OF OHIO)
) ss
COUNTY OF CUYAHOGA)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by David Burg, the Managing Director of PIRHL GP Holdings, LLC, the Manager and Member of PIRHL Hartland Senior Living, LLC, the Manager and Member of Hartland Senior Living Limited Dividend Housing Association, LLC.

Notary Public
Acting in Cuyahoga County, Ohio
My Commission Expires: _____

EXHIBIT "A"

PROPERTY DESCRIPTION

Land situated in the County of Livingston, State of Michigan, described as follows:

Parcel ID Number 4708-23-300-025, Township of Hartland, County of Livingston, State of Michigan

Commencing at the South 1/4 Corner of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan; thence North 03 degrees 19 minutes 08 seconds West 282.39 feet (288.49 feet record) along the North and South 1/4 line (as previously established) of said Section 23 to the PLACE OF BEGINNING; thence the following two courses along the North line of M-59 Highway (200 foot wide 1/2 Right-of-Way); Westerly 168.26 feet along the arc of a 3619.71 foot radius curve to the right through a central angle of 02 degrees 39 minutes 48 seconds and having a long chord bearing North 80 degrees 35 minutes 37 seconds West 168.24 feet, and North 79 degrees 15 minutes 43 seconds West 87.76 feet; thence North 02 degrees 20 minutes 48 seconds West 552.34 feet; thence North 87 degrees 52 minutes 37 seconds West 351.07 feet; thence North 02 degrees 20 minutes 48 seconds West 40.64 feet along the line parallel with and 725.00 feet Easterly of Bullard Road to a point located 725.00 feet Northerly of the original centerline of said M-59 Highway; thence North 03 degrees 59 minutes 56 seconds West 703.10 feet (740 feet record); thence North 86 degrees 42 minutes 18 seconds East 597.00 feet along the North line of the South 5/8 of the East 1/2 of the Southwest 1/4 of said Section 23; thence South 03 degrees 19 minutes 08 seconds East 1387.36 feet (1392.58 feet record) along said North and South 1/4 line, to the Place of Beginning. Being a part of the Southwest 1/4 of Section 23; Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan.

Parcel ID Numbers 4708-23-300-026 and 4708-23-300-027, Township of Hartland, County of Livingston, State of Michigan

PARCEL 1:

A part of the South 1/4 of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan; Commencing at the South 1/4 corner of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan; thence North 03 degrees 19 minutes 08 seconds West, 282.39 feet (288.49 feet record) along the North and South 1/4 line (as previously established) of said Section 23; thence the following two courses long the North line of M-59 Highway (200 feet wide 1/2 right-of-way): Westerly, 168.26 feet along the arc of a 3619.71 foot radius curve to the right through a central angle of 02 degrees 39 minutes 48 seconds, and having a long chord bearing North 80 degrees 35 minutes 37 seconds West, 168.24 feet and North 79 degrees 15 minutes 43 seconds West, 272.05 feet to the place of beginning; thence continuing along said North line of M-59 Highway North 79 degrees 15 minutes 43 seconds West, 175.04 feet; thence North 02 degrees 20 minutes 48 seconds West, 498.35 feet along the line parallel with and 725.00 feet Easterly of the centerline of Bullard Road; thence South 87 degrees 52 minutes 37 seconds East, 171.02 feet; thence South 02 degrees 20 minutes 48 seconds East, 524.65 feet to the place of beginning.

PARCEL 2:

A part of the Southwest 1/4 of Section 23, Town 3 North, Range 6 East, Hartland Township, Livingston County, Michigan; Commencing at the South 1/4 corner of Section 23, Town 3 North,

Range 6 East, Hartland Township, Livingston County, Michigan; thence North 03 degrees 19 minutes 08 seconds West, 282.39 feet (288.49 feet record) along the North and South 1/4 line (as previously established) of said Section 23; thence the following two courses along the North line of M-59 Highway (200 foot wide 1/2 right-of-way); Westerly 168.26 feet along the arc of a 3619.71 foot radius curve to the right through a central angle of 02 degrees 39 minutes 48 seconds, and having a long chord bearing North 80 degrees 35 minutes 37 seconds West, 168.24 feet and North 79 degrees 15 minutes 43 seconds West, 87.76 feet to the place of beginning; thence continuing along said North line of M-59 Highway, North 79 degrees 15 minutes 43 seconds West, 184.29 feet; thence North 02 degrees 20 minutes 48 seconds West, 524.65 feet; thence South 87 degrees 52 minutes 37 seconds East, 180.05 feet; thence South 02 degrees 20 minutes 48 seconds East, 552.34 feet to the place of beginning.

Part of Parcel ID Numbers: 4708-23-300-025; 4708-23-300-026; and 4708-23-300-027

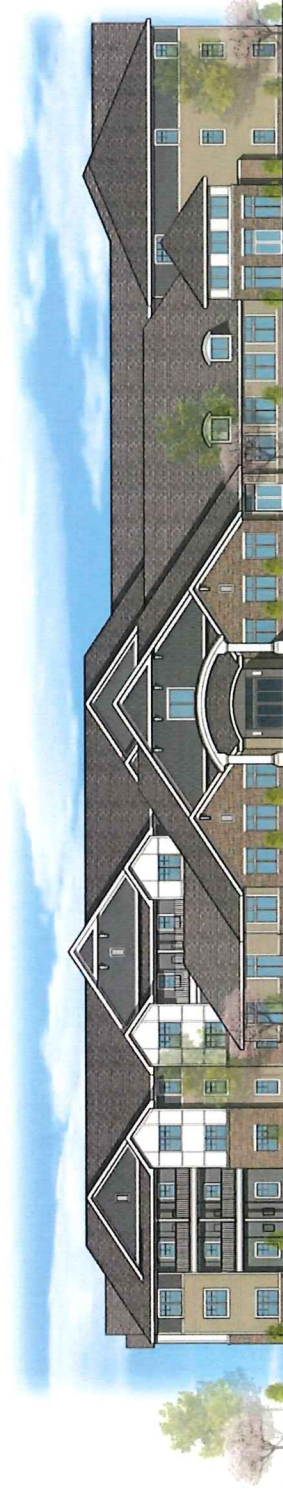
Common Address: 12371 Highland Road, Hartland Township, Livingston County, MI 48353

EXHIBIT “B”
THE FINAL PLAN

HARTLAND SENIOR LIVING

12371 HIGHLAND ROAD,
HARTLAND TOWNSHIP, MI 48353

MSHDA PROJECT # 3915
DATE: 2021-01-15
FINAL PD SUBMISSION



DRAWING INDEX

- A-1 ARCHITECTURAL SITE PLAN
- A-2 FIRST FLOOR PLAN
- A-3 SECOND FLOOR PLAN
- A-4 THIRD FLOOR PLAN
- A-5 ROOF PLAN
- A-6 UNIT PLANS
- A-7 ELEVATIONS
- A-8 BUILDING ELEVATIONS
- A-9 BUILDING ELEVATIONS
- A-10 BUILDING ELEVATIONS
- A-11 BUILDING ELEVATIONS
- A-12 BUILDING ELEVATIONS
- A-13 MATERIAL BOARD
- A-14 CARPORT DETAILS

LOCATION PLAN



RDL
ARCHITECTS
16102 Chagrin Blvd., Suite 200
Cleveland, OH 44130
T: 216-752-4300 F: 216-752-4301
www.rdlarchitects.com

Hartland Senior Living
Hartland Township, MI

pirhl PIRHL DEVELOPERS, LLC
800 WEST ST. CLAR AVENUE 4TH FLOOR
CLEVELAND, OHIO 44113
T: 216.378.9880

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ARCHITECTURAL SITE PLAN

SCALE 1" = 50'-0"

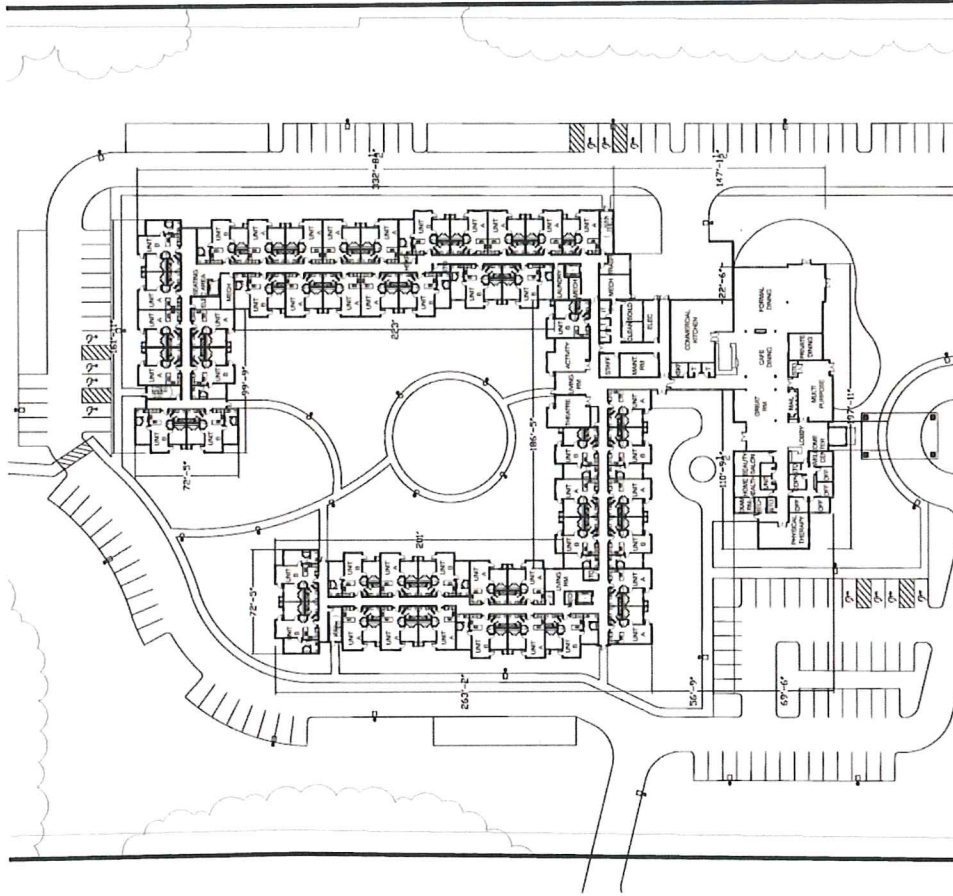
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pirhl PIRHL DEVELOPERS, LLC
800 WEST ST. CLAIR AVENUE 4TH FLOOR
CLEVELAND, OHIO 44113
T: 216.378.9690

Hartland Senior Living
Hartland Township, MI

RDL RDL ARCHITECTS
16102 Cherry Blvd Suite 200
Shaker Heights, Ohio 44120
T: 216-752-4300 F: 216-752-4301
www.rdlarchitect.com

115740.000002 4812-1292-7205.4



SCALE
1" = 10'-0"
1/8" = 1'-0"

07/22/2000

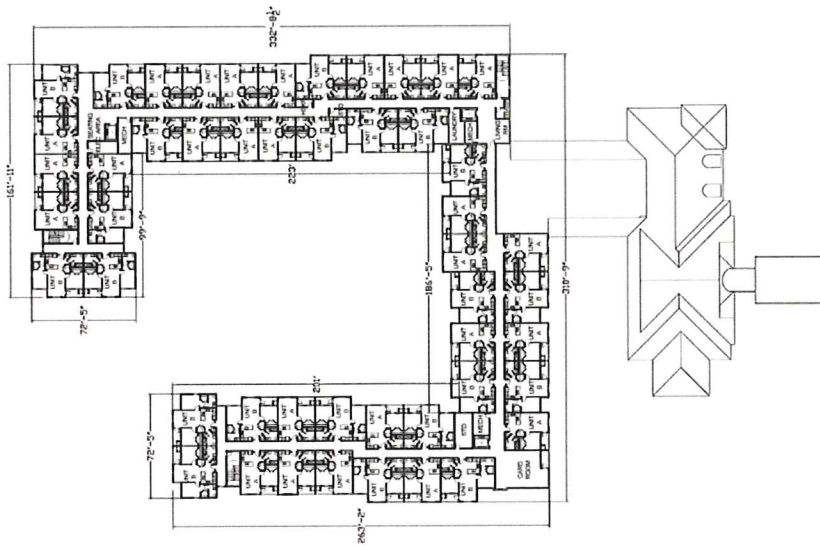
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800 WEST ST. CLAIR AVENUE 4TH FLOOR
CLEVELAND, OHIO 44113
T. 216.378.9690

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Hartland Senior Living
Hartland Township, MI

RDL ARCHITECTS
15102 Cherry Blvd Suite 200
Shaker Heights, Ohio 44120
T. 216-752-4300 F. 216-752-4301
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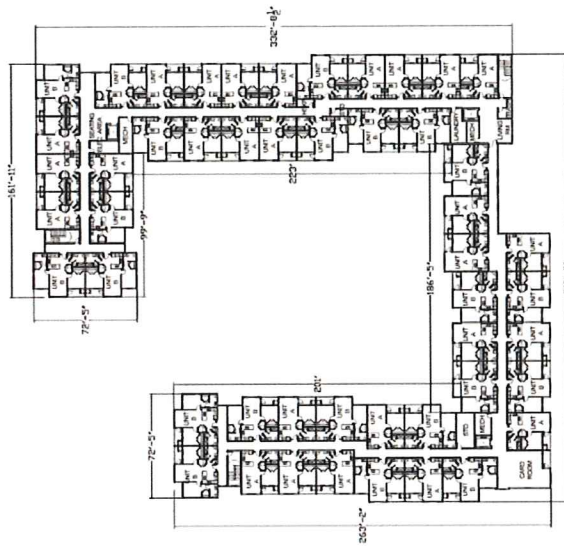
SECOND FLOOR PLAN

RDL
ARCHITECTS
15102 Cherry Blvd. Suite 200
Shaker Heights, Ohio 44120
T: 216-752-4300 F: 216-752-4301
www.rdlarchitects.com

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800 WEST ST. CLAIR AVENUE 4TH FLOOR
CLEVELAND, OHIO 44113
T: 216.378.9690

09/10/2020



THIRD FLOOR PLAN

SCALE 1/8" = 1'-0"

DATE 10/20/20

PIRHL DEVELOPERS, LLC

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CLEVELAND, OHIO 44113

T. 216.378.9590

A-4

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Hartland Township, MI

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11021 Chardon Road, Suite 200

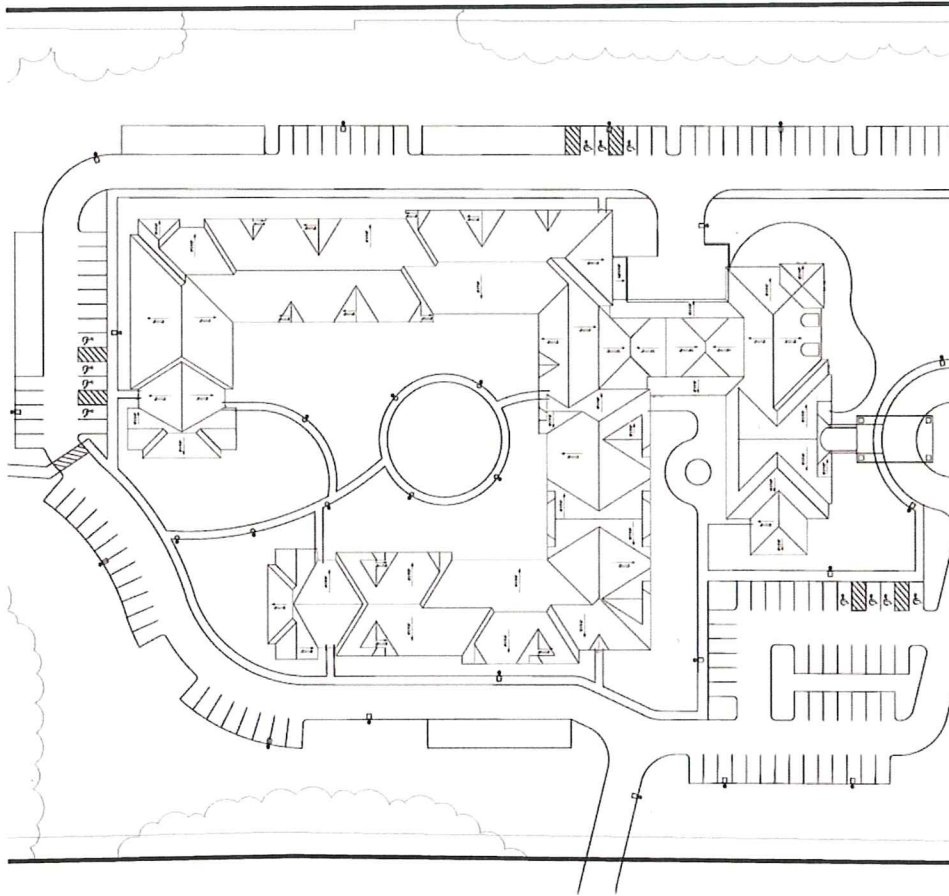
Shaker Heights, Ohio 44120

T. 216-752-4300 F. 216-752-4301

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ARCHITECTS

115740.000002 4812-1292-7205.4



SCALE
1" = 10'-0"

DATE: 07/22/2003
BY: J. PIRHL

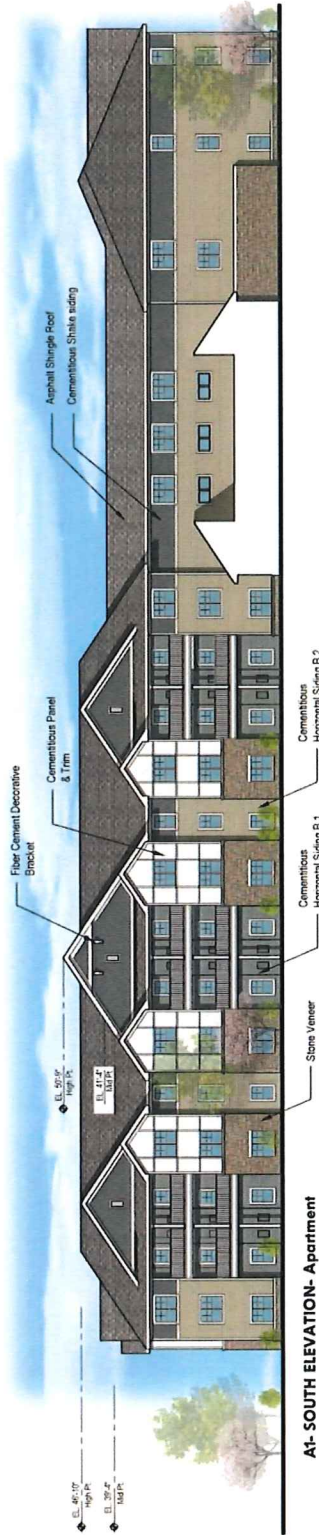
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800 WEST ST. CLAIR AVENUE 4TH FLOOR
CLEVELAND, OHIO 44113
T: 216.378.9690

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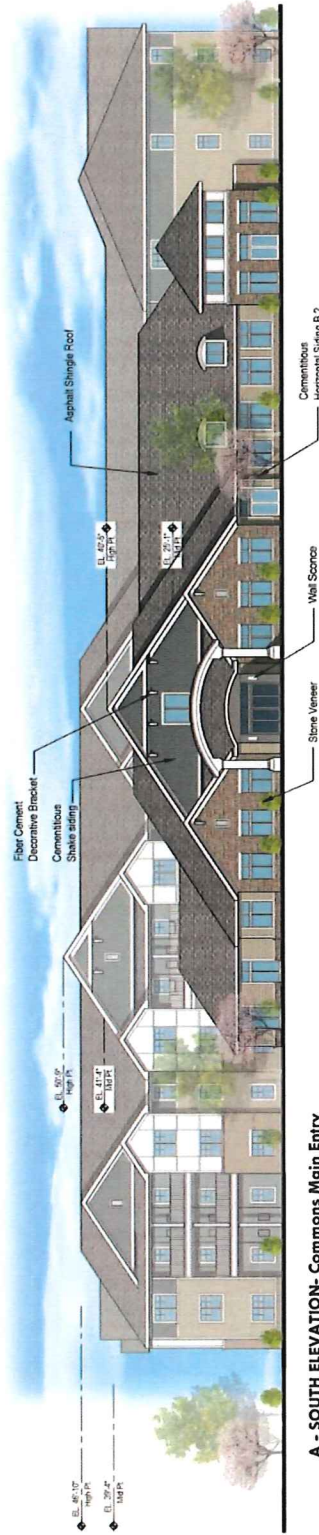
Hartland Senior Living
Hartland Township, MI

RDL ARCHITECTS
16102 Chagrin Blvd. Suite 200
Shaker Heights, Ohio 44120
T: 216-752-4300 F: 216-752-4301
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A1- SOUTH ELEVATION- Apartment

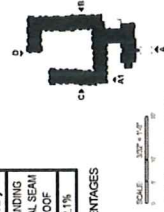


A - SOUTH ELEVATION- Commons Main Entry

SOUTH ELEVATION (COMMONS ONLY)									
MATERIAL:	STONE VENEER	SHAKE SIDING	CEMENT SIDING B.1	CEMENT SIDING B.2	GLASS	CEMENT PANEL	DOOR/WTAC	FIBERGLASS SHINGLES	STANDING METAL SEAM ROOF
SOUTH	19.7%	10.0%	0.0%	5.2%	15.1%	2.4%	3.3%	39.4%	4.8%

SOUTH ELEVATION COMPOSITE VIEW (WITH APARTMENT BUILDING IN BACKGROUND)									
MATERIAL:	STONE VENEER	SHAKE SIDING	CEMENT SIDING B.1	CEMENT SIDING B.2	GLASS	CEMENT PANEL	DOOR/WTAC	FIBERGLASS SHINGLES	STANDING METAL SEAM ROOF
SOUTH (A)	10.5%	12.0%	5.7%	12.2%	10.3%	6.1%	1.8%	39.1%	2.1%

NOTE: REFER TO A12 FOR OTHER COMPOSITE FACADE MATERIAL PERCENTAGES



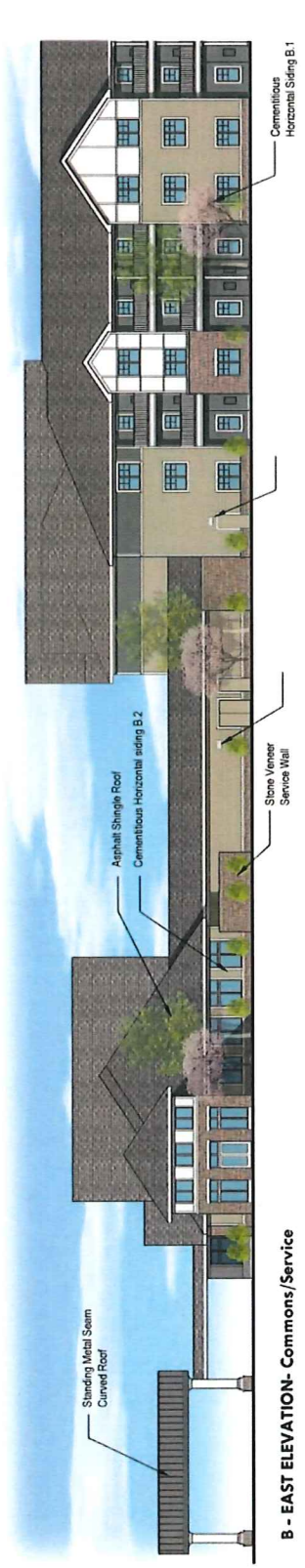
BUILDING ELEVATIONS

RDL ARCHITECTS
16102 Chagrin Blvd, Suite 200
Shaker Heights, Ohio 44120
T: 216-752-4300 F: 216-752-4301
www.rdlarchitects.com

Hartland Senior Living
Hartland Township, MI

pirhl
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800 WEST ST. CLAR AVENUE, 4TH FLOOR
CLEVELAND, OHIO 44113
T: 216.378.9690

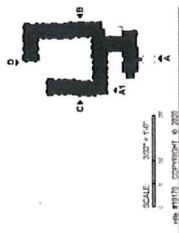
A-7



B - EAST ELEVATION- Commons/Service



B - EAST ELEVATION- Apartment



BUILDING ELEVATIONS

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 16102 Chagrin Blvd Suite 200
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 T: 216-752-4300 F: 216-752-4301
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 800 WEST ST. CLAIR AVENUE, 4TH FLOOR
 CLEVELAND, OHIO 44113
 T: 216.378.9590

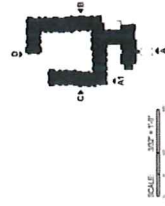
A-8



C - WEST ELEVATION - Commons



C - WEST ELEVATION- Apartment



06/01/2020
 PIRHL DEVELOPERS, LLC
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 CLEVELAND, OHIO 44113
 T: 216.378.9990

A-9

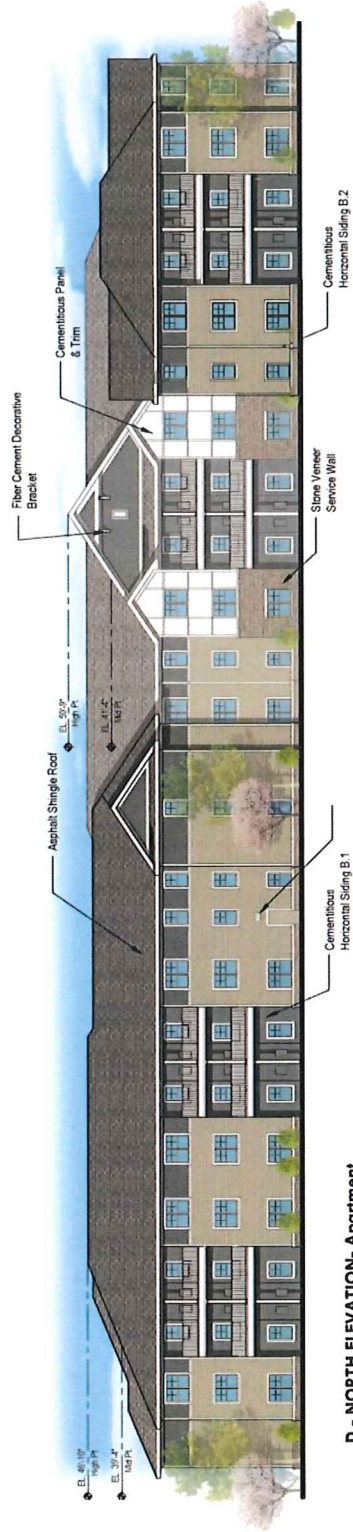
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Hartland Senior Living
 Hartland Township, MI

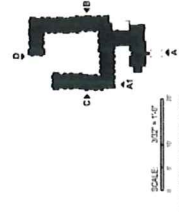
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 Shaker Heights, Ohio 44120
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RDL
 ARCHITECTS

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D - NORTH ELEVATION- Apartment



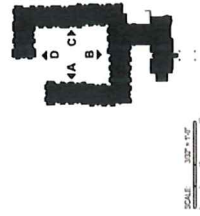
BUILDING ELEVATIONS

RDL
ARCHITECTS
16102 Chardon Blvd. Suite 200
Shaker Heights, Ohio 44120
T: 216-752-4300 F: 216-752-4301
www.rdlarchitects.com

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Hartland Township, MI

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800 WEST ST. CLAIR AVENUE 4TH FLOOR
CLEVELAND, OHIO 44113
T: 216.378.9690

A-10



BUILDING ELEVATIONS

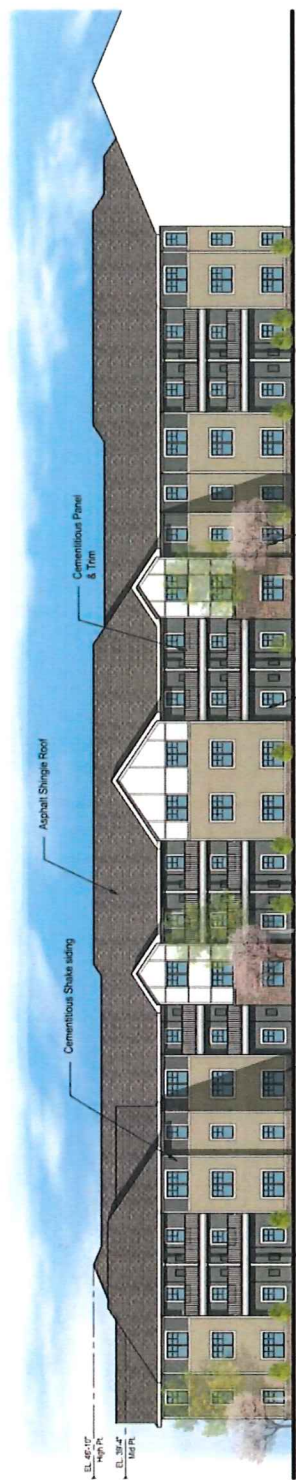
RDL ARCHITECTS
11022 Carnegie Square
Springfield, OH 44120
T. 216-752-4300 F. 216-752-4301
www.rdlarchitects.com

Hartland Senior Living
Hartland Township, MI

pirhl **PIRHL DEVELOPERS, LLC**
800 WEST ST. CLAIR AVENUE, 4TH FLOOR
CLEVELAND, OHIO 44113
T. 216-378-9990

A-11

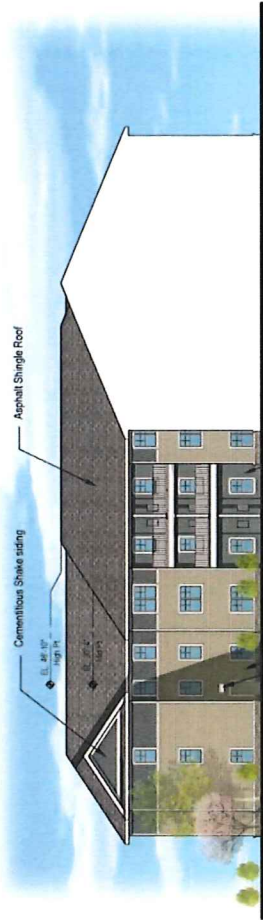
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C - COURTYARD EAST ELEVATION

MATERIALS GROUP #1: PROPOSED % FAÇADE MATERIALS BY ELEVATION
PRIMARY BUILDING ONLY (NUMBERS DO NOT INCLUDE INTERIOR COURTYARD)

MATERIAL	STONE VENEER	SHAKE Siding	CEMENT Siding B.1	CEMENT Siding B.2	GLASS	CEMENT DOOR/WAC	FIBERGLASS SHINGLES	STANDING METAL SEAM ROOF
SOUTH (A)	54%	101%	157%	207%	107%	74%	13%	245%
SOUTH (A)	105%	120%	53%	122%	103%	61%	18%	21%
EAST (B)	70%	41%	156%	211%	104%	65%	11%	323%
WEST (C)	61%	61%	113%	210%	95%	55%	15%	370%
NORTH (D)	25%	95%	183%	311%	103%	00%	18%	254%



D - COURTYARD NORTH ELEVATION

MATERIALS GROUP #1: PROPOSED % FAÇADE MATERIALS BY ELEVATION
INTERIOR COURTYARD

MATERIAL	STONE VENEER	SHAKE Siding	CEMENT Siding B.1	CEMENT Siding B.2	GLASS	CEMENT DOOR/WAC	FIBERGLASS SHINGLES	STANDING METAL SEAM ROOF
EAST (C)	48%	46%	201%	223%	86%	79%	02%	313%
NORTH (D)	26%	109%	131%	321%	84%	16%	314%	21%
WEST (A)	61%	75%	168%	224%	104%	50%	17%	297%
SOUTH (B)	55%	78%	218%	305%	124%	118%	20%	238%



SCALE: 1/8" = 1'-0"

BUILDING ELEVATIONS

RDL ARCHITECTS
11022 Chagrin Blvd, Suite 400
Shaker Square, Ohio 44120
T: 216-752-4300 F: 216-752-4301
www.rdlarchitects.com

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CLEVELAND, OHIO 44113
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FIBERGLASS SHINGLE ROOFING
CAP TIMBERLINE ARCHITECTURAL ROOF SHINGLES
COLOR: WEATHERED WOOD



SIDING A: CEMENTITIOUS SHAKE SIDING
ALLURA MULTISHAKE SIDING, 7" STAGGERED EDGE
COLOR: COOL CHARCOAL



CEMENTITIOUS BOARD SIDING
ALLURA FIBER CEMENT SMOOTH VERTICAL PANEL
COLOR: SNOW



PANELIZED STONE VENEER SYSTEM
QUALITY STONE VENEER
STYLE / COLOR: POWDER RIDGE DRYSTACK CLIP



SIDING B 1: CEMENTITIOUS HORIZONTAL SIDING
ALLURA FIBER CEMENT SIDING, 3" LAP SIDING
SIDING B 2: CEMENTITIOUS HORIZONTAL SIDING
ALLURA FIBER CEMENT SIDING, 3" LAP SIDING
COLOR 1: COOL CHARCOAL
COLOR 2: NATURAL CLAY



BALCONY RAILINGS & DECKING
CERTANTEED EVERNEW RAILING AND DECKING SYSTEM
COLOR: WHITE

MATERIAL BOARD

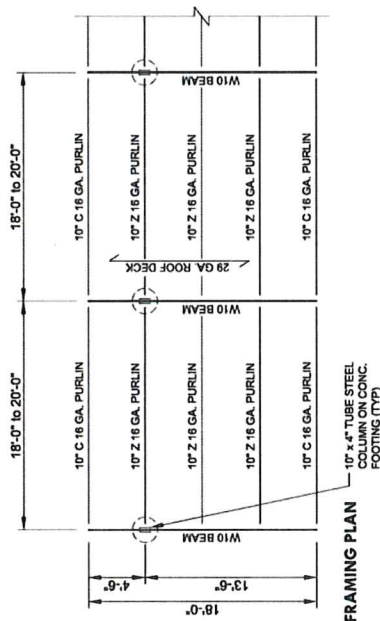
RDL ARCHITECTS
16102 Chagrin Blvd. Suite 200
Shaker Heights, Ohio 44120
T: 216-732-4300 F: 216-732-4301
www.rdlarchitects.com

0507/2020 **pirhl** PIRHL DEVELOPERS, LLC
900 WEST ST. CLAIR AVENUE, 4TH FLOOR
CLEVELAND, OHIO 44113
T: 216 378 9690

Hartland Senior Living
Hartland Township, MI

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FRAMING PLAN

CARPORT SPECIFICATIONS

DESIGN CRITERIA:
SKYWAY LOADS: 100 PSF
WIND LOAD: 15 MPH
COLUMNS: ASTM A-500 GRADE B TUBULAR STEEL (48 IN. DIAMETER), PRIMED WITH SELF PROHIBITIVE FINISH.
BEAMS: 10" DEEP A-992 GRADE 50 STEEL, PRIMED WITH SELF PROHIBITIVE FINISH.
PURLINS: 16 GA. COLD ROLLED GALVANIZED STEEL
ROOF: ROLL-FORMED 29 GAUGE PROFILED STEEL PANELS WITH SILICONIZED POLYESTER FACTORY FINISH.
WALLS: 12 GA. GALVANIZED STEEL PANELS WITH POLYURETHANE INSULATION. ATTACHED TO PURLINS AND BEAMS WITH GALVANIZED PLATED CARBON STEEL SCREWS WITH METAL WASHERS AND NEOPRENE WASHERS.

CARPORT DETAILS

RDL ARCHITECTS
16102 Chagrin Blvd. Suite 200
Shaker Heights, Ohio 44120
T: 216-752-4300 F: 216-752-4301
www.rdlarchitects.com

Hartland Senior Living
Hartland Township, MI

07/22/2020

pirhl **PIRHL DEVELOPERS, LLC**
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T: 216.378.9690

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EXHIBIT "C"

EASEMENT AREA AND ACCESS EASEMENT

Land situated in the County of Livingston, State of Michigan, described as follows:

DESCRIPTION OF A 20 FOOT WIDE INGRESS-EGRESS EASEMENT

A 20 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS, BEING PART OF THE SOUTHWEST 1/4 OF SECTION 23, T3N, R6E, HARTLAND TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN, THE CENTERLINE WHICH IS DESCRIBED AS: BEGINNING AT A POINT THAT IS N3°19'08"W, 282.39 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SECTION 23 AND N80°35'37"W, 161.29 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 23, N80°35'37"W, 161.29 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 23, THENCE N10°11'46"E, 8.66 FEET; THENCE N18°20'00"E, 28.17 FEET; THENCE N16°46'38"E, 22.02 FEET; THENCE N9°16'38"E, 61.47 FEET; THENCE N80°43'22"W, 46.25 FEET; THENCE N80°05'00"W, 334.65 FEET; THENCE ON A CURVE TO THE RIGHT WHOSE RADIUS IS 22.00, CENTRAL ANGLE OF 76°49'48", CHORD BEARING AND DISTANCE OF N41°40'22"W, 27.34 FEET; THENCE N3°15'45"W, 186.54 FEET; THENCE N80°47'51"W, 142.38 FEET; THENCE S10°19'22"W, 31.56 FEET; THENCE S8°32'30"W, 30.15 FEET; THENCE S11°45'55"W, 34.33 FEET; THENCE ON A CURVE TO THE RIGHT WHOSE RADIUS IS 20.000, CENTRAL ANGLE 23°22'48", CHORD BEARING AND DISTANCE OF S23°27'12"W, 8.10 FEET; THENCE S35°08'29"W, 76.56 FEET; THENCE S50°20'34"W, 28.77 FEET; THENCE S55°22'49"W, 30.13 FEET; THENCE S60°33'54"W, 25.43 FEET; THENCE S49°34'05"W, 27.49 FEET; THENCE ON A CURVE TO THE LEFT WHOSE RADIUS IS 95.00, CENTRAL ANGLE 38°54'36", AND CHORD BEARING AND DISTANCE OF S30°06'51"W, 63.28 FEET; THENCE S10°39'37"W, 1.37 FEET TO A POINT OF ENDING.



Board of Trustees

William J. Fountain, Supervisor
Larry N. Ciofu, Clerk
Kathleen A. Horning, Treasurer

Joseph W. Colaianne, Trustee
Matthew J. Germane, Trustee
Glenn E. Harper, Trustee
Joseph M. Petrucci, Trustee

August 24, 2020

Kevin Brown
c/o PIRHL Acquisitions, LLC
800 West St. Clair Avenue
Cleveland, OH 44113

**RE: Site Plan Application #20-005
Preliminary Site Plan for Hartland Senior Living Planned Development
Parcel ID #4708-23-300-025; 4708-23-300-026; and 4708-23-300-027**

Dear Mr. Brown:

On Thursday August 20, 2020, the Planning Commission recommended approval of Site Plan Application #20-005, the Preliminary Planned Development Site Plan for Hartland Senior Living, subject to the approval from the Township Board. Approval is subject to the following conditions:

1. Approval of Site Plan Application #20-005 by the Township Board.
2. Approval of Waiver request on the minimum lot size requirement for a planned development, being less than 20 acres, is approved.
3. Waiver request on the building height, being greater than 35 feet, is approved.
4. Waiver request to deviate from the maximum allowable and minimum façade material percentages, is approved
5. The site plan is subject to the current location of the access drive connecting to M-59. In the event the access drive needs to be relocated more than ten (10) feet in either direction, the applicant will need to submit a site plan to the Planning Commission for review to amend the approved site plan.
6. As part of the Final Plan Review, the applicant shall secure an ingress-egress easement agreement for the proposed access drive connection to the adjacent property to the west (Trillium Center/office building, at 12319 Highland Road), which would afford a secondary emergency access for the development.
7. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated August 13, 2020, on the Construction Plan set, subject to an administrative review by Planning staff prior to the issuance of a land use permit.

8. Applicant complies with any requirements of the Township Engineering Consultant, Department of Public Works Director, Hartland Deerfield Fire Authority, and all other government agencies, as applicable.
9. The landscape plan shall be modified on the Construction Plan set to address comments made at the Planning Commission meeting on August 20, 2020 about redesigning several landscape areas, and with no additional landscape material required.

This request is scheduled to come before the Township Board at their regular meeting scheduled for Tuesday, September 1, 2020 beginning at 7:00 PM.

All items that require modification shall be submitted to the Township Planning Department for review and approval prior to the issuance of any land use permit for this site.

If you have any questions, please contact me at (810) 632-7498.

Sincerely,



Troy Langer
Planning Director

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Board of Trustees

William J. Fountain, Supervisor
Larry N. Ciofu, Clerk
Kathleen A. Horning, Treasurer

Joseph W. Colaianne, Trustee
Matthew J. Germane, Trustee
Glenn E. Harper, Trustee
Joseph M. Petrucci, Trustee

September 14, 2020

Kevin Brown
c/o PIRHL Acquisitions, LLC
800 West St. Clair Avenue
Cleveland, OH 44113

RE: Site Plan Application #20-005
Preliminary Site Plan for Hartland Senior Living Planned Development
Parcel ID #4708-23-300-025; 4708-23-300-026; and 4708-23-300-027

Dear Mr. Brown:

On Tuesday September 1, 2020, the Township Board approved Site Plan Application #20-005, the Preliminary Planned Development Site Plan for Hartland Senior Living. Approval is subject to the following conditions:

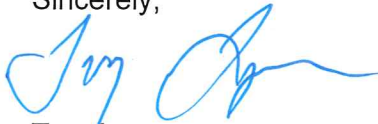
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Troy Langer
Planning Director

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Hartland Senior Living PD Prelim\TB Approval letter 09.14.2020.docx