

1. Call to Order - THE MEETING WAS CALLED TO ORDER BY AT 7:00 PM

2. Pledge of Allegiance

3. Roll Call

PRESENT: Joe Colaianne, Thomas Murphy, Larry Fox, Sue Grissim, Michael Mitchell
ABSENT: Jeff Newsom, Keith Voight

4. Approval of Meeting Agenda

Motion to Approve the Agenda

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joe Colaianne, Trustee
SECONDER:	Michael Mitchell, Commissioner
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell
ABSENT:	Newsom, Voight

5. Approval of Meeting Minutes

a. Planning Commission - Regular Meeting - Apr 13, 2017 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Sue Grissim, Commissioner
SECONDER:	Thomas Murphy, Commissioner
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell
ABSENT:	Newsom, Voight

6. Call to Public

None

7. Public Hearing

a. Rezoning #17-001, Asselin

Chair Fox opened the Public Hearing at 7:03 PM

Chair Fox gave an overview of the request as follows:

- John L. Asselin has submitted a rezoning application, on behalf of the property owner, to rezone approximately 74.5 acres of their property, parcel ID #4708-08-200-027 from CA (Conservation Agricultural) and GC (General Commercial) to LI (Light Industrial). The property is located at the southwest corner of Clyde Road and US 23. All public notice requirements for this Public Hearing have been met.

Director Langer indicated the location of the property on the aerial and zoning maps.

- The rezoning request is part of a larger property; formerly four separate parcels.
- The majority of the property is in the CA zoning category with a small portion in the NE corner is zoned GC.
- Not requesting to rezone the westernmost piece but intend to be consistent with the Future Land Use Map (FLUM) designation area for Planned Industrial/Research and Development.

Director Langer continued with some history on the site:

- Approved previously for Turnin 2, a private recreation facility.
- Clearing, grading, and construction began but then halted.
- Requested their performance bond be released.
- Township allowed storage of building materials for one year, ending in June 2017.
- Marketing the property for Light Industrial or Research and Development, the first step is to rezone the property.

The Applicant, John Asselin, stated the following:

- Request is consistent with the Future Land Use Plan.
- It was always the intent of the owner once the property became unviable for the softball use, to have the property used for an industrial use, assuming they could get the zoning.

Public Comment

Eleanor Conaway, Parshallville Road, Hartland Township;

- Expressed a concern that they do not know what the owner is planning to do, only the zoning.
- They are concerned about what this is going to be.

Denise Urban & Travis Waack, Clyde Road, Hartland Township;

- Disappointed for what happened in the first place, trees removed and materials left on site.
- Feel it is an eyesore.
- No confidence for future plans.
- The requested zoning allows for a very broad set of uses.
- Concerned not knowing what is planned.
- Already being marketed as Light Industrial.
- Would like to have a buffer zone strictly adhered to with a vegetative screen between their property and the rezoning site.
- Current landscape buffer trees planted did not survive.
- Feels the owner is not being responsible or considerate of the surrounding property owners.

Jeffrey Castle, Cullen Road, Hartland Township;

- Concerned that rezoning without a buyer leaves the community unprotected.
- Light Industrial encompasses many types of business, some undesirable.
- Very visible location.
- Rural community.
- Move forward carefully.
- Wants to see who is coming in before it is rezoned.

James Carr, Clyde Road, Hartland Township;

- Concerned if the owner keeps the property to develop, they have already not followed what they were supposed to do; plant trees, ground cover, etc.
- Who is going to hold the property owner accountable for the items already not done, as well as others for a new project?

Chair Fox closed the Public Hearing at 7:20 PM

The Planning Commission discussed the timeframe for the Comprehensive Plan designation of the property and the date on the Future Land Use Map, which is September 1, 2015.

Commissioner Colaianne stated he would like to know why the Applicant has not followed through with the items previously required and why a rezoning request is being considered if there are currently outstanding items.

Chair Fox asked Director Langer to explain the uses by right for the requested zoning category Light Industrial. Director Langer reviewed the LI Light Industrial requirements from the zoning ordinance included in the packet explaining the difference between Permitted Uses and Special Land Uses.

Chair Fox clarified if the property is rezoned, the property owner is permitted any of the Permitted Uses listed; they would have to go through the Site Plan Review Process where any proposed project would be reviewed for compliance.

Director Langer stated there was not a proposed use submitted with this rezoning request. That may seem odd but in the context of looking at a rezoning, it is preferred so that the Planning Commission will look at all of the uses that could occur. If the Applicant had brought forth a proposal and the property was rezoned, the Applicant is under no obligation to move forward with that particular project. From a Planning standpoint, it is better to proceed without a proposed plan so that all options can be considered, if the requested zoning is appropriate, and also if this is the right time.

Commissioner Colaianne asked about the unfinished items mentioned in the public comments.

Director Langer stated the following:

- Some of those issues, we are hearing for the first time.
- The Township did inspect the trees after installation but had not been notified that some did not survive; we will address that issue with the property owner.
- The Township understands that vegetative cover had been established enough to satisfy the Livingston County Drain Commissioner's requirement. We have not heard differently from the Drain Commissioner but will check into that as well.
- Those conditions were part of the Township Board's approval to release the Performance Bond. The Township still retains funds for this site in an Escrow account which could be used to complete the outstanding items on the site but the Township would have to give the property owner notification and reasonable time, through documentation, to comply before using those funds.

Chair Fox asked the Applicant about the status of those items.

The Applicant stated the following:

- Not specifically familiar with them but if they were supposed to be done, they should have been done.
- He did drive by the site and noticed a portion of the foundation was exposed.
- When the original structure was planned and built, it was built with a future purpose in mind and does meet all of the required setbacks and regulations for an industrial use allowing it to be marketed for such a use, should the zoning be changed.
- Currently, Industrial zoned properties are hard to find; all Industrial zoned properties in Hartland are in use.
- Industrial zoned property is in demand, especially given the location and proximity to the expressway.
- The only modification, other than the zoning, is possibly the addition of truck docks.

- It cannot be sold if it is not zoned properly.

Chair Fox asked, responding to questions asked earlier, what is the plan; to have an Industrial Park of some variety, to parcel off lands within the Industrial Park. The Applicant was asked to elaborate on his idea.

The Applicant stated he does not have a master plan but his thought is to take the existing building, add truck docks, and use the building for Light Industrial. The owner's company makes hose fittings for automobiles; that is exactly the Light Industrial category.

Chair Fox asked the Director to explain the protections for the neighborhood as listed in the Zoning Ordinance.

Director Langer stated there are a number of standards present in the Ordinance such as setbacks, noise, and screening that would apply if the property were rezoned and the Applicant came forward with a use permitted in that zoning category. The structure and the parking lot would have to meet all of those standards. Most of the uses permitted in Light Industrial are not outdoor activities but there are a couple of exceptions, as mentioned earlier.

Chair Fox mentioned the following:

- Currently, the property is zoned CA Conservation Agriculture.
- If the property owner wanted to clear the entire parcel for farming, he could. That may not make any of the surrounding property owners feel any better but it could happen.
- It was most likely not the owner's intention to abandon the Turnin 2 project after such a significant expenditure of funds.
- No one is happy with the current situation including the Township, the people who made the decision to allow it, or the person who put all the money into it.

Chair Fox asked the Director to summarize his report.

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

Director Langer summarized the Future Land Use Map (FLUM) designates the property as Planned Industrial Research and Development category. The Planning Commission will have to determine if the proposed LI district is the appropriate category, or if RDP or I would be more appropriate. The Director stated he feels LI or RDP would be more consistent with the FLUM.

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

Director Langer stated there may be some regulated wetland areas on a portion of the subject property. The Michigan Department of Environmental Quality (MDEQ) Wetland Map website is used as a guide. An environmental consultant would be able to determine whether or not any regulated wetlands are present on the site.

Chair Fox stated they are aware of the wetland in the middle of the property as the proposed ball fields were dealing with that issue. Any proposal, no matter what zoning category, is going to deal with the MDEQ Wetland Map.

Director Langer explained wetlands are regulated by the MDEQ and only the MDEQ can truly determine if regulated wetlands are present on a site; any determination by an environmental consultant would have to be accepted by the MDEQ.

Commissioner Murphy asked if those factors were considered with the previous Turnin 2 project. Director Langer stated that was before his time with Hartland Township but he would presume that

was looked into. Chair Fox stated he recalled the ball fields being adjusted due to the presence of some wetland area.

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

Director Langer stated he believes this zoning classification would allow a reasonable return on their investment. If the property owner is underwater, it is not the Township's responsibility to grant a zoning classification that would correct that situation.

Chair Fox asked the Applicant if there was a plan for the portion of the property that was not included in the rezoning request. The Applicant stated there is nothing at this time; it was not included because the FLUM designation did not match the rest of the property.

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

Director Langer stated:

- The Township has established a clear intent to have this section of Clyde Road be developed in the Planned Industrial/Research and Development Future Land Use category.
- The FLUM categories help buffer one use from another.
- LI is not much different than an Office use and would be appropriate near a residential use.
- Appears consistent with the Comprehensive Plan.

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

Director Langer stated:

- The existing road network would support development on this property.
- Sanitary sewer is available but there is no public water and none is planned in the near future.

Chair Fox stated it would be the developer's issue to deal with the Fire Marshal's commercial sprinkler requirements.

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

Director Langer stated the Applicant has not provided any documentation on demand but we have heard from the property owner as well as the Applicant there is interest in Research and Development and Light Industrial in this area. The Township Assessor has indicated virtually all the Light Industrial zoned properties in Hartland Township are at close to 100% capacity.

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

Director Langer stated the 74.5 acres of land to be rezoned appears to be large enough to accommodate uses that would comply with the zoning regulations. Chair Fox added there could be more than one structure.

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

Director Langer stated the Future Land Use Map, LI Light Industrial zoning is consistent with the Future Land Use Map designation as would the RDP Research and Development Park. In his opinion, I Industrial would not be the best choice at this location.

Director Langer stated timing is based on:

- Infrastructure
- Services available

- The readiness of the area to support this type of development. Just because it is on the FLUM now, the area may not be ready now for a rezoning.
- FLUM is a plan for the future.
- Timing is an important consideration.

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

Director Langer stated:

- The applicant has not identified a specific use that would be part of the rezoning request.
- Not advisable for the Township to only consider one of the permitted uses in a proposed rezoning request.
- Rezoning is all or nothing, no conditions are permitted. The Applicant must offer any conditions.
- The Planning Commission should consider all permitted uses in the proposed rezoning request and determine if the subject property is appropriate for those uses.

Commissioner Mitchell asked about the concerns presented about the current conditions on the site and could there be a proposal added to address those issues prior to recommending approval of the rezoning. Director Langer stated there cannot be a condition associated with the rezoning; however, at this hearing tonight, the Planning Commission could tell the Applicant they are not willing to take action on the request until they show some evidence they are going to comply with the conditions currently in place.

The Planning Commission briefly discussed rezoning, the FLUM, the Zoning Map, and when the area was designated for Planned Industrial/Research and Development in the Comprehensive Plan.

Section 7.4.3.K. Exclusionary and Spot Zoning Issues.

Director Langer gave an overview of exclusionary and spot zoning. He stated this site would not be considered either of those.

Section 7.4.3.M. Other Factors.

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

Commissioner Murphy commented if there are some enforcement issues currently on the site he would like them addressed and monitored more closely in the future.

Director Langer stated the Township relies heavily on code enforcement concerns brought to us by residents. He has taken a number of calls from residents about the previous project and the building materials being stored on site, but to his knowledge, no one shared with him some of the things shared during the meeting such, as the dead trees or the exposed foundation. We will certainly follow up on those items going forward.

Commissioner Colaianne agreed suggesting this item be tabled until the outstanding issues are determined and addressed. The Planning Commission and neighbors were assured with the previous project that there would be sufficient landscape buffering and currently that is not the case.

Commissioner Murphy stated he agreed with Commissioner Colaianne. The Planning Commission has a responsibility to the community to assure required conditions are met. Maybe that will help get those things done.

Commissioner Mitchell stated he agreed and has no problem with the rezoning request, but has concerns that the property has not been maintained as agreed. It appears the Township has been very cooperative in allowing the Applicant to delay changes. If there is a request to rezone, it is the time for the Applicant to show some intent in maintaining what they promised to do.

Commissioner Grissim stated she has nothing additional to add and is in agreement.

Commissioner Murphy stated he has no problems with the request given the history, the location and everything discussed, it is appropriate, but we are not ready today.

The Applicant stated if it is the intent of the Township to develop Industrial along this corridor, now is the time to do it. The foundation is in the ground and there is a million dollars worth of steel on site waiting to go up but he understands the concerns.

Chair Fox stated probably six of the eight open items could be dealt with quickly, he would recommend speaking with owner discussing those open issues and gaining compliance. He stated he is not sure how to address the issue of the steel being removed by June. That may have to be left open for a rezoning but it sounds like there are other issues that go beyond steel sitting on a vacant parcel of land.

Commissioner Colaianne stated he recalls there was to be a considerable amount of screening due to the removal of all the trees. If that is not going to change it seems something could be done to create that buffer.

The Applicant stated he would like to approach the owner and request that he provide screening along the west portion of the property adjacent to the neighbors consistent with what would be required for an Industrial rezoning and see if he could get him to do that prior to being rezoned.

Chair Fox stated that would go a long way in resolving this matter.

A Motion to table Rezoning #17-001 was made by Commissioner Colaianne and seconded by Commissioner Mitchell. Motion carried unanimously.

Chair Fox reminded the public that when the rezoning comes back to the Planning Commission, there will not be a notice sent as there was with the Public Hearing.

RESULT:	TABLED [UNANIMOUS]	Next: 6/22/2017 7:00 PM
MOVER:	Joe Colaianne, Trustee	
SECONDER:	Michael Mitchell, Commissioner	
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell	
ABSENT:	Newsom, Voight	

8. Old and New Business

None

9. Call to Public

James Carr, Clyde Road, Hartland Township; stated the seven items are on packet page 31 & 32.

10. Planner's Report

Director Langer reported the following:

The Township Board and the Planning Commission had a joint meeting last week. There were some topics that will bring some work for the Planning Commission. The Township has sold a number of REUs on vacant properties so there will be some amendments to the Future Land Use Map to address that situation. Also discussed were different demographics and age groups, their housing needs and how to provide a mix of housing types to address those needs. If any of the Planning Commissioners who were not in attendance would like more information, please let him know.

11. Committee Reports

None

12. Adjournment

Motion to Adjourn

A Motion to adjourn was made by Commissioner Colaianne and seconded by Commissioner Mitchell. Motion carried unanimously. The meeting was adjourned at approximately 8:20 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joe Colaianne, Trustee
SECONDER:	Michael Mitchell, Commissioner
AYES:	Colaianne, Murphy, Fox, Grissim, Mitchell
ABSENT:	Newsom, Voight

Submitted by,



Keith Voight
Planning Commission Secretary