

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

**2. Pledge of Allegiance**

**3. Roll Call**

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

**4. Approval of Meeting Agenda**

Motion to Approve Agenda

A Motion to approve the Meeting Agenda was made by Commissioner Newsom and seconded by Commissioner Mitchell. Motion carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Newsom, Vice Chairman
<b>SECONDER:</b>	Michael Mitchell, Commissioner
<b>AYES:</b>	Colaianne, Murphy, Fox, Newsom, Grissim, Mitchell, Voight

**5. Approval of Meeting Minutes**

a. Planning Commission - Regular Meeting - May 10, 2018 7:00 PM

A Motion to approve the Meeting Minutes of May 10, 2018, was made by Commissioner Voight and seconded by Commissioner Colaianne. Motion carried unanimously.

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Keith Voight, Secretary
<b>SECONDER:</b>	Joe Colaianne, Trustee
<b>AYES:</b>	Colaianne, Murphy, Fox, Newsom, Grissim, Mitchell, Voight

**6. Call to Public**

None

**7. Old and New Business**

a. Ordinance Review Committee Recommendations to Amend Ordinances

Director Langer outlined his understanding of the initiation process for a Zoning Amendment.

**Amend the Site Plan Expiration process**

The Planning Commission has heard several cases where a site plan approval has expired and had to come back to the Planning Commission for re-approval. No changes had occurred. No changes had happened to the applicable Ordinances. Under those two circumstances, it might be better to have that re-approval addressed administratively by the staff. The existing language was a little unclear as to how much staff could approve and what was required to return to the Planning Commission. This amendment will allow the zoning administrator to grant a one-year extension three times; at the forth year, it would have to come back to the Planning Commission. The proposed language would modify Section 6.1.9 of the Zoning Ordinance.

Commissioner Voight stated a key point is the request letter. Director Langer explained the current ordinance requires applicants to submit a request in writing prior to the expiration of site plan approval and that was not happening. This requirement has been removed. The applicant still needs to request the extension in writing.

Commissioner Newsom asked about the time limit for that request. Director Langer stated up to four years.

Commissioner Colaianne commented he thinks four years is too long; much can happen in four years in real estate development. The Master Plan is updated every four years. Director Langer replied four years was chosen as it was already in the language but the Planning Commission can change that time period if they choose.

Commissioner Voight explained the Ordinance Review Committee (ORC) had the same concern. They examined so the history of the re-approvals and found that, even with the fluctuation in the economy over the last four years or so, they had a pretty good handle on it.

Commissioner Newsom stated the Planning Director would always have the option of sending it back to the Planning Commission for another look. Director Langer stated if a change had occurred in the site plan or a change in the ordinance, then it would automatically go back to the Planning Commission.

The Planning Commission briefly discussed the proposed process and whether more standards should be included.

Chair Fox stated if the Planning Commission approves a site plan, it expires, and when they come back, the Planning Commission changes their mind and does not grant approval, we might have a problem so maybe that time frame should be shortened. If they get the initial approval, it is essentially a rubber stamp for three more. They can always come back. Director Langer stated the applicants are not happy when they have to go back to the Planning Commission; they have to pay a new application fee and are delayed while they go through the process again.

Commissioner Mitchell asked why we are not requiring a letter requesting an extension in a timely fashion. Director Langer explained what has been occurring is no one is submitting their letter before the expiration date and the applications are coming back to the Planning Commission. Commissioner Mitchell suggested having a limit of one year and three months. Director Langer stated the goal is to keep these cases from coming back to the Planning Commission. The time limit could be extended, but they will still have to return to the Planning Commission if they miss the expiration date. Commissioner Mitchell stated we are basically dropping the request letter as part of the process. Director Langer stated the goal is to extend the site plan approval and if they fail to submit the letter in that time period, the way the ordinance reads now, they would be required to come back before the Planning Commission. We are trying to circumvent that by saying if they do not submit a letter in a timely fashion, they could be reviewed administratively by staff. They have to begin construction within the four year time period so they could not wait the whole four years to request an extension. He continued he can see Commissioner Mitchell's point, wanting a letter to be submitted by some date, but the problem they ran into in the ORC is what purpose is served - what will be accomplished by having them submit a letter? And what happens if they do not? Commissioner Mitchell stated if they do not within the four year time period, that has already been answered, the site plan approval is null

and void. Director Langer stated what happens if the time period is extended to 18 months and the applicant comes back in two years?

Commissioner Colaianne stated it is not cheap for an applicant to re-apply for site plan approval. If nothing has changed, what is the purpose of having them come back to the Planning Commission? Commissioner Mitchell stated the applicant gets to sit for 3 ½ years without doing anything, we have no knowledge of what their intention is, the site plan has been approved and is basically valid for up to four years, and the applicant does not have to renew it until the very end. He stated it is the same in his mind as Commissioner Colaianne so why is it four years? Maybe it should be two or three years. Commissioner Colaianne stated he thinks it should be somewhere in between where it is now and the four years being proposed because a lot can happen in four years.

The Planning Commission discussed the benefits and detriments of having a project come back to the Planning Commission and the appropriate time period for approvals.

Chair Fox suggested the Planning Commission grant site plan approval for a period of two years with an option for a one year extension approved by the zoning administrator/planning staff, if requested in writing prior to the two-year expiration, and there are no changes to the plan or to the ordinance.

The Planning Commission agreed.

#### **Amend Site Plan Amendment process**

Director Langer stated the ORC is recommending changes that would grant the zoning administrator additional authority to make changes to approved site plans. Those modifications would include items like changes to the parking lot location, provided the parking lot still complies with setbacks; landscape plan modifications; accessory structure changes; loading space changes; and changes to light fixtures. The ORC also discussed permitting the zoning administrator to grant modifications to the exterior of the building (Item J); however, the ORC decided to only include this provision for discussion by the entire Planning Commission. The proposed language would modify Section 6.1.10 of the Zoning Ordinance.

Director Langer stated Item J was tricky as to where to draw the line for exterior modifications.

The Planning Commission decided to move forward with this amendment without including Item J.

#### **Amend Performance Bond Reduction Process**

Director Langer explained recently the Township received a request to reduce the amount of an existing Performance Bond. Historically, the Township Board relied on the Township Engineering consultant to provide comments and review of the development project to confirm if the proposed reduction is appropriate. The question came up if staff could make that determination. This proposal is to amend the language to permit the zoning administrator to reduce the amount of the performance guarantee, with some requirements that various departments and the Township Engineering Consultant review the request. The proposed language would modify Section 6.4.2.D of the Zoning Ordinance.

Director Langer explained the Performance Bond process that typically happens after Planning Commission approval process. He explained the funds are kept to address any safety issues that might arise if an applicant were to walk away from a project.

The Planning Commission discussed the process for determining the amount of funds.

Chair Fox stated since they do not typically deal with this, he would recommend the Planning Commission send this to the Township Board with the Zoning Amendment package and allow the Board to decide.

The Planning Commission agreed.

**Provide Automotive Fuel Station Canopy Signs**

Director Langer stated currently, the Zoning Ordinance does not specifically address signs on the canopy of an automotive fueling station. The ORC has recommended establishing specific sign regulations that permit signs on the canopy fascia of an automobile fueling station. The proposed language would modify Section 5.26 of the Zoning Ordinance, by adding a new subsection N, which would outline new standards for automotive fueling station canopy signs. The basis for this was the current Wall Sign Ordinance only using the formula of one square foot of signage per lineal foot of frontage.

Based on Section 7.4.4 of the Zoning Ordinance, either the Planning Commission or the Township Board may initiate a Zoning Ordinance Text Amendment. As a result, the ORC only makes a recommendation to the Planning Commission to initiate a text amendment; and the Planning Commission must actually initiate the text amendment.

Chair Fox commented currently there are no standards but this is approximately what was done recently for the two most recent gas station canopies. Chair Fox asked if those are in compliance with this ordinance amendment. Director Langer stated they are. Chair Fox continued if the Planning Commission is comfortable with what was done in those situations, this is how the ordinance could be amended to add those standards.

Director Langer added this is written from the standpoint of a gas station that has one canopy over the fuel pumps. We do have a gas station that has two canopies which raises the question, would they be allowed to have signage on both canopies or signage on only one. He expects that will be addressed during the amendment process.

The Planning Commission agreed.

The Planning Commission briefly discussed the process for initiating these zoning amendments.

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

4. Zoning Ordinance Text Amendment Criteria. The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text.
  - A. The proposed amendment would correct an error in the Ordinance.
  - B. The proposed amendment would clarify the intent of the Ordinance.

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

**Commissioner Mitchell offered the following Motion:**

**Move to initiate a Zoning Ordinance Text Amendment, as outlined in the staff memorandum above.**

**Seconded by Commissioner Newsom. Motion carried unanimously.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Michael Mitchell, Commissioner
<b>SECONDER:</b>	Jeff Newsom, Vice Chairman
<b>AYES:</b>	Colaianne, Murphy, Fox, Newsom, Grissim, Mitchell, Voight

## **8. Call to Public**

None

## **9. Planner's Report**

Director Langer reported the following:

- Reminder that the Planning Commission previously initiated an amendment for fuel station canopy lighting and that will be included in this Public Hearing and Amendment process.
- There are a few more items on the ORC list, not in any order. If there are others, please consider those and bring them to the Public Hearing.
  - Private Road Ordinance
  - Outdoor Storage
  - Light Industrial and Industrial Architectural Standards
  - Lake Lots

- Accessory Building
- Single Family Residential House Size
- Cancellation of the June 28, 2018 Planning Commission Meeting

## 10. Committee Reports

None

## 11. Adjournment

Motion to Adjourn

A Motion to adjourn was made by Commissioner Newsom and seconded by Commissioner Voight. Motion carried unanimously. The meeting was adjourned at approximately 7:39 PM.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Jeff Newsom, Vice Chairman
<b>SECONDER:</b>	Keith Voight, Secretary
<b>AYES:</b>	Colaianne, Murphy, Fox, Newsom, Grissim, Mitchell, Voight

Submitted by,



Keith Voight  
Planning Commission Secretary