

PLANNING COMMISSION

Hartland Township
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Chairperson
Larry Fox

Vice-Chairperson
Larry Hopkins

Secretary
Laura Killinger

Roger Crouse
Jeff Newsom
Alex Rataj
Keith Voight

PLANNING COMMISSION AGENDA April 16, 2009 7:00 p.m.

A handwritten signature or set of initials, possibly "MA", is written to the right of the agenda title.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call and Recognition of Visitors**
4. **Approval of Meeting Agenda**
5. **Approval of Minutes:**
 - a. **March 26, 2009 Regular Meeting**
6. **Call to Public**
7. **Public Hearing**

A. Rezoning Application #341

Applicant: Michael Yurick Owner: Victoria Property, L.L.C.
Request to rezone 12.6 acres from PDLI - Planned Development Light Industrial to GC - General Commercial for property located at 1836 Old US 23 (Parcel ID#08-28-100-027, 028, 030, 037).

8. **Old and New Business**

A. Special Use and Site Plan Application #475

Applicant: Rita Zumbrunnen Owner: Hidden Creek Adult Foster Care Home
Request for special use permit and associated site plan to permit an 8-12 bed Adult Foster Care Home for property located at 2848 Hartland Rd. (Parcel ID#08-21-100-031).

B. Conceptual Site Plan Application #482C

Applicant/Owner: Joseph Rotondo
Request for conceptual review and parcel size determination for a proposed Planned Development (PD) for property located at 1600 Old US 23 (Parcel ID#08-28-100-038, 039).

9. **Call to Public**
10. **Planner's Report**
11. **Committee Reports**
12. **Adjournment**

**Agenda Last Updated: April 6, 2009
Next Meetings: May 14, 2009**

HARTLAND TOWNSHIP PLANNING COMMISSION MEETING

APRIL 16, 2009

7:00 P.M.

1. **CALL TO ORDER:** *Chairman Fox called the meeting to order at 7:00 p.m.*

2. **PLEDGE OF ALLEGIANCE:**

3. **ROLL CALL AND RECOGNITION OF VISITORS:**

Present: Chairman Fox, Commissioner Hopkins, Commissioner Killinger, Commissioner Crouse, and Commissioner Voight.

Absent: Commissioner Newsom and Commissioner Rataj.

Also Present: *Mardy Stirling, Township Planning Director
Leslie Sauerbrey, Recording Secretary*

4. **APPROVAL OF MEETING AGENDA:**

Move to approve the April 16, 2009 Planning Commission Meeting Agenda.

Motion Killinger. Second Voight. Voice Vote. Motion Carried. 5-0-2.

5. **APPROVAL OF THE MINUTES:**

A. March 26, 2009 Regular Meeting

Move to approve the March 26, 2009 Planning Commission Meeting Minutes.

Motion Killinger. Second Hopkins. Voice Vote. Motion Carried. 5-0-2.

6. **CALL TO THE PUBLIC:**

Michael Leick, 2860 Hartland Road: He is here to comment on Agenda Item 8A (Special Use and Site Plan Application #475). His problem is not personal with either the home or its staff. His issue is with the road. The traffic and speed on this driveway create a very hazardous condition for the children and pets in the area. If the driveway is widened the speed will increase.

Christine Brimer, 2808 Hartland Road: Showed several aerial views of assisted living facilities in the general area and noted that all were off of main roads and not accessible through residential areas. She feels that approval of this Special Use for the Hidden Creek Adult Foster Care Home expansion will be detrimental to her property value due to the increase traffic, proposed widening of the driveway and the location being accessed by driving through a residential property.

Angela Leick, 2860 Hartland Road: Submitted a letter from a local realtor that has appraised her property and stated that this Special Use if approved would devalue the houses in the area. She believes this use is detrimental, is not compatible and will disturb the homes in the area. She will lose the "country look" of the road if it is widened. She believes the "Doctrine of Acquiescence" should apply here. She believes they should not be able to widen the drive because it acquiesced to the original use.

7. **PUBLIC HEARING:**

A. REZONING APPLICATION #341

APPLICANT; MICHAEL YURICK

OWNER: VICTORIA PROPERTY, LLC.

Request to rezone 12.6 acres from "PDLI" (Planned Development Light Industrial) to "GC" (General Commercial) for property located at 1836 Old US 23 (Parcel ID #08-28-100-027 / 028 / 030 / 037).

Present: Michael Yurick, Victoria Property, LLC.

PUBLIC HEARING OPENED AT 7:22 P.M.

For Applicant: Michael Yurick, Tax ID #08-28-100-027 / 028 / 030 / 037. The applicant is requesting to rezone 12.6 acres from "PDLI" (Planned Development Light Industrial) to "GC" (General Commercial).

For the record, all public notice requirements for this Public Hearing have been met.

Ms. Stirling: Referred to her review letter dated April 6, 2009. The property was rezoned in 1985 to "PDLI" in response to the growing need for a sanitary sewer system in high density and growth areas of the Township. The PD acted as an umbrella for the underlying district enabling and regulating mixed-use developments, but the PD did not contain detailed information regarding the type of mixed-uses permitted by right or special use. The property is partially developed with "GC" uses at this time.

Mr. Yurick: Basically the uses will not change. This will make it easier to bring tenants to the center.

PUBLIC COMMENTS: *No one came forward.*

PUBLIC HEARING CLOSED AT 7:27 P.M.

PLANNING COMMISSION QUESTIONS & COMMENTS:

Commissioner Hopkins: Will you lose any future development possibilities by removing the "LI" designation on the undeveloped back lots?

Mr. Yurick: No. It most likely will be developed as office uses that are permitted in "GC" or other retail uses.

Commissioner Voight: Supports the rezoning because the "GC" uses are more compatible with existing and proposed developments in the area.

Move to recommend approval of Hartland Township Rezoning Application #341 from "PDLI" to "GC" based on findings in the Planning Department Memorandum dated April 6, 2009 for property located at 1836 Old US 23 (Parcel ID #08-28-100-027 / 028 / 030 / 037).

Motion Hopkins. Second Killinger. Voice Vote. Motion Carried. 5-0-2

8. OLD AND NEW BUSINESS:

A. SPECIAL USE AND SITE PLAN APPLICATION #475

APPLICANT: RITA ZUMBRUNNEN

OWNER: HIDDEN CREEK ADULT FOSTER CARE HOME

Request for special use and associated site plan to permit an 7-12 bed Adult Foster Care Home for property located at 2848 Hartland Road (Parcel ID #08-21-100-031).

*Present: Rita Zumbrunnen, Zumbrunnen Properties, LLC. (Facility owner/operator)
Kirk Yuhasz, Architect*

Ms. Stirling: Referred to her letter dated April 8, 2009. The applicant is requesting to convert an existing "Adult Foster Care Family Home" with a licensed capacity of six (6) adults to an "Adult Foster Care Small Group Home" with a licensed capacity of twelve (12) or fewer adults. A Public Hearing was held on December 4, 2008. Based on concerns raised during the Public Hearing, the applicant has submitted additional information related to the access drive. They are back requesting consideration of their request for a Special Use prior to completing the detailed documents necessary for a Site Plan review. Typically a Special Use application is reviewed at the same time as the Site Plan application. The Special Use won't move forward to the Board until the Site plan is received and reviewed by the PC.

Ms. Zumbrunnen and Mr. Yuhasz: Distributed a packet then reviewed the packet using a power point presentation containing information on the Hidden Creek AFC Home.

Commissioner Crouse: Asked what the annual maintenance cost of the road has been.

Ms. Zumbrunnen: Approximately \$8,000 this year due to the heavy snow amounts.

Commissioner Crouse: Asked for further explanation of the proposed speed bump.

Mr. Yuhasz: As proposed it could be a maintenance issue. We are open to other ideas.

Commissioner Voight: Asked for further details on the invites to the neighbors to discuss the driveway issue.

Ms. Zumbrunnen: The neighbors did not respond to our invitation.

Ms. Stirling: Felt that a maintenance agreement could be drafted with only one party being responsible for the cost.

Commissioner Hopkins: Asked for clarification on the Planner's opinion regarding some of the criteria for Special Use approval.

Ms. Stirling: Because this is a residential type of use and it is setback from neighbors with landscaping, as a Planner it becomes an issue of do they have adequate facilities to service the use. The applicant and the neighbors have stated the access is the significant issue. When safety is brought up, it is not a safety issue that residents are in the house, it is the access. If the access issue is addressed, it is not detrimental to the area.

Commissioner Hopkins: Felt that a single-family home could have more trips per day on the driveway than this facility. He questioned the property on the northeast corner losing its access to the drive.

Ms. Stirling: The property on the north side of the drive that is currently accessing the drive does not have legal access to the drive. They also have an access/drive directly onto Hartland Road.

Mr. Yuhasz: We will work with that property owner regarding the access.

Commissioner Voight: Feels the applicant has addressed or is addressing the issues discussed in December. The traffic log helped him understand the use of the drive. It is too bad they cannot get this worked out with the neighbors. He is more receptive of this now because they are dealing with the access issues. He does not believe the increase in the number of residents will represent a significant increase in traffic.

Commissioner Crouse: It is a shame that the efforts to work with the neighbors failed. He appreciates the neighbors' concerns. He agrees with Commissioner Voight and would like the neighbors to work out their differences.

Commissioner Hopkins: Wanted to emphasize that if the PC conditionally approves the Special Use tonight, the applicant must still get approval of the site plan, not just submit a site plan for the Special Use to be approved.

Move to conditionally approve Special Use Application #475, based on the findings contained in the Planning Department Memorandum dated April 8, 2009, upon submitting a site plan in compliance with Hartland Township Zoning Ordinance, Section 33.02 for final review and approval by the Planning Commission for property located at 2848 Hartland Road (Parcel ID #08-21-100-031).
Motion Voight. Second Crouse. Voice Vote. Motion Carried. 5-0-2.

B. CONCEPTUAL SITE PLAN APPLICATION #482C

APPLICANT / OWNER: JOSEPH ROTONDO

Request for conceptual review and parcel size determination for a proposed Planned Development (PD) for property located at 1600 Old US 23 (Parcel ID #08-28-100-038 / 039).

Present: Chris Grzenkiewicz, Desine, Inc.

Joseph Rotondo

Ms. Stirling: Referred to her letter dated April 7, 2009. This site is currently zoned "CRGC" (Conditional Rezoning General Commercial), the applicant is requesting to rezone it to a PD but would need a waiver of the twenty (20) acre minimum Planned Development size requirement. They would also like to modify the building to a full three story building, which would eliminate the below grade floor areas. This modification would also allow for a revised site grading that is more consistent with and would provide a smoother transition to the adjacent properties.

Mr. Grzenkiewicz: Summarized the proposal noting the following key points:

- The building will be modified to a full three (3) stories verses the original two (2) story building on the west and north side and three story building on the east and south side.
- The grading will blend better with the neighboring properties.
- Soil borings have revealed a seasonable water table that affected the size and cost of the foundation.
- Move the finished floor elevation up approximately three (3) feet higher than the originally approved plan.
- Change the front setback along Old US 23 from eighty (80) feet to seventy-five (75) feet. This allows us to enlarge the detention basin and eliminate the underground detention.

Commissioner Crouse: Did you consider "piles" for the foundation?

Mr. Grzenkiewicz: They are not economically feasible.

Chairman Fox: Questioned the height of the top of the roof of the new proposed hotel verses the approved hotel and its relationship to the roof of the Irish Pub. How much taller will this building be?

Mr. Grzenkiewicz: The finished elevation of the proposed building is three (3) feet higher than the approved building

Chairman Fox: Requested enhanced landscaping as part of the PD.

Mr. Grzenkiewicz: We are working on preliminary drawings, which show additional landscaping that includes perennials, foundation plantings and parking lot islands.

Chairman Fox: Appreciated that brick is on all three (3) stories.

Mr. Grzenkiewicz: The change in the foundation has allowed us to use brick on all three (3) stories.

Mr. Rotondo: Asked if split face block would be okay.

Commissioner Hopkins: Stated that he would consider smooth face, polished block that looks like limestone on some portions of the lower level.

Chairman Fox: Agrees with Commissioner Hopkins.

Commissioner Hopkins: Are there the same number of rooms?

Mr. Rotondo: There are two (2) more rooms.

Commissioner Hopkins: Questioned the issue from the past regarding the number of parking spaces.

Mr. Rotondo: Thought there was too much parking in the past.

Commissioner Hopkins: Suggested they review the parking situation. He would also like them to look at possible BMP's in dealing with their storm water where possible. Felt better illustrations should be provided to show the proposed overall building height verses the surrounding buildings.

It is a consensus of the Planning Commission that the applicant has completed the "Conceptual Phase" with the Planning Commission.

Move to recommend approval to the Township Board that they waive the minimum twenty (20) acre requirement for a Planned Development finding that the proposed project has unique characteristics as outlined in the applicant's letter and proposal dated March 5, 2009 for property located at 1600 Old US 23 further described as parcel ID #08-28-100-038 / 039.

Motion Hopkins. Second Voight. Voice Vote. Motion Carried. 5-0-2.

9. **CALL TO THE PUBLIC:**

Angela Leick, 2860 Hartland Road: It seems the PC believed the applicant because they had a power point presentation and an architect. The relationship has been hostile. They thought it was a regular house when they bought their property. They did not get together with the applicant about the road because the relationship is not good and she does not want a road. The house next to the applicant now has new owners and there are now four more cars driving on the driveway. She questioned the accuracy of the traffic log.

Todd Brimer, 2808 Hartland Road: He has talked with John Zumbrunnen about the road. John has tried to make everything better. Speeding has been an issue. He said John now says he has done all he can do; therefore, he did not go to the meeting. He dug trenches in the drive to slow down the cars.

Katie Schlueter, 1575 Shoreline Drive: She would like to see the two developments along Old US 23 discussed tonight help with the storm water situation downstream.

10. **PLANNER'S REPORT:**

- A. The Ordinance Review Committee met to discuss the Landscaping Ordinance; they will put something together for discussion at a future PC meeting.
- B. The applicant for the cell tower located near the fire station had their bond money returned by the Board last night because it was not feasible for them to install a natural gas backup generator as requested by the PC. Since the applicant originally proposed a diesel generator she wanted to know if the PC would consider the diesel now since the natural gas is not feasible. The PC agreed that she should contact the applicant to see if they would consider the diesel generator.

11. **COMMITTEE REPORTS:** *None at this time.*

12. **ADJOURNMENT:**

Move to adjourn the Planning Commission Meeting at 9:26 p.m.

Motion Hopkins. Second Crouse. Voice Vote. Motion Carried. 5-0-2.

This is a Draft until Final Approval.

Respectfully submitted by,

Laura J. Killinger
Hartland Township
Planning Commission Secretary

Leslie M. Sauerbrey
Recording Secretary