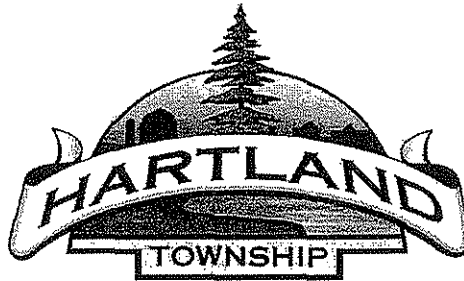


3191 Hartland Road  
Hartland, MI 48353  
(810) 632-7498  
FAX (810) 632-6950  
[www.hartlandtwp.com](http://www.hartlandtwp.com)



Larry Fox  
Chair

Roger Crouse

Larry Hopkins  
Vice-Chair

Jeff Newsom

Laura Killinger  
Secretary

Alex Rataj

Keith Voight

**PLANNING COMMISSION – SPECIAL MEETING  
JUNE 7, 2007 at 7:00 PM  
AGENDA**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF JUNE 7, 2007 AGENDA**
5. **APPROVAL OF MAY 17, 2007 WORK SESSION MINUTES**
6. **CALL TO PUBLIC**

Call to the public participants should proceed to the front desk when addressing the Commission. The Commission will not debate or respond at this time. Please clearly state your name and address for the public record.

**3-MINUTE TIME LIMIT**

**PUBLIC HEARING**

**OLD AND NEW BUSINESS**

7. **PLANNED DEVELOPMENT APPLICATION #424 P**  
APPLICANT: HARTLAND 23 RETAIL DEVELOPMENT CO., LLC / WILLIAM EISENBERG  
*Construction of a new retail building "Wal-Mart" and redevelopment of the Hartland Plaza shopping center "Hartland Market Place" – Preliminary review*
8. **CALL TO PUBLIC**  
**3-MINUTE TIME LIMIT**
9. **PLANNER'S REPORT**
10. **COMMITTEE REPORTS**
11. **ADJOURNMENT**

NEXT MEETINGS

JUNE 14, 2007  
JULY 28, 2007

@ 7:00 PM  
@ 7:00 PM

**HARTLAND TOWNSHIP PLANNING COMMISSION SPECIAL MEETING**  
**JUNE 7, 2007**  
**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: Present:** Chairman Fox, Commissioner Hopkins (*Vice-Chair*), Commissioner Killinger (*Secretary*), Commissioner Newsom, Commissioner Voight and Commissioner Rataj.  
**Absent:** Commissioner Crouse.  
  
*Also Present: Amy Chesnut & Heather McPhail, McKenna Associates*  
*James Wickman, Township Manager*  
*Leslie Sauerbrey, Recording Secretary*
4. **APPROVAL OF JUNE 7, 2007 PLANNING COMMISSION SPECIAL MEETING AGENDA**  
Move to approve the Planning Commission Special Meeting Agenda for June 7, 2007.  
Motion Killinger. Second Rataj. Voice Vote. Motion Carried. 6-0-1.
5. **APPROVAL OF MAY 17, 2007 PLANNING COMMISSION WORK SESSION MINUTES**  
Move to approve the May 17, 2007 Planning Commission Work Session Minutes.  
Motion Killinger. Second Newsom. Voice Vote. Motion Carried. 6-0-1.
6. **CALL TO THE PUBLIC:**  
**Katie Schlueter, 1575 Shoreline Dr.:** The public has until June 6, 2007 to issue comments to the MDEQ regarding the Wal-Mart Application. The Township has until July 4, 2007 to comment. She stated concerns regarding the removal of the current septic field and contamination. Is the proposed detention pond part of a wetland "C"? Can the pipes within the development be sealed to reduce the possibility of contamination? Would like to see a gate installed at the access drive behind the Wal-Mart leading to the detention basin.  
**Edwin Nyhus:** Is a union carpenter tradesman. He is in favor of this project for the work it will provide to local residents.
7. **PLANNED DEVELOPMENT APPLICATION #424P**  
APPLICANT: HARTLAND 23 RETAIL DEVELOPMENT CO., LLC. / WILLIAM EISENBERG  
*Construction of a new retail building "Wal-Mart" and redevelopment of the Hartland Plaza shopping center "Hartland Market Place" - Preliminary Review.*  
  
*Present: William Eisenberg, Grand Sakwa Properties, LLC.*  
*Mark Drane, Rogvov Architects*  
  
**Ms. Chesnut:** Summarized the McKenna review letter dated May 31, 2007.  
**PLANNING COMMISSION QUESTIONS & COMMENTS:**
  - **SETBACKS (pg. 3):**
    - Commissioner Voight:** Would like to see the elimination of the most eastern M-59 curb cut of the Dairy Queen. The current parking along M-59 should be eliminated and moved to the eastern property line of the site.
    - Mr. Eisenberg:** He is unable to move the parking at this time due to the current lease agreement, but is willing to commit that once the current lease expires they will modify the parking and eliminate the curb cut as suggested. He believes the lease ends in 2013 or sooner. He will try and move the parking and eliminate the eastern curb cut now if the tenant will allow him. We can include this in the PD agreement.

*It is a consensus of the PC to accept the removal of the parking along M-59 and close the eastern access drive on M-59 of the Dairy Queen. The applicant will relocate the parking to the eastern property line. This will be done at the end of the current lease with the tenant or sooner if possible. A plan showing the change should be provided to the PC for review at the final review of the PD process and included in the PD agreement as suggested in the McKenna letter.*

- **SCREENING (pg. 3):**

**Mr. Eisenberg:** Is in agreement and will comply with the screening issues along the eastern property line as identified in the McKenna letter.

- **ARCHITECTURE (pg. 4):**

**Mr. Eisenberg:** Is in agreement with the comments of the McKenna letter and will make the necessary changes before proceeding to the Board.

- **PARKING (pg. 4):**

*It is a consensus of the PC to accept the parking spaces as proposed on the current plan. A significant number of spaces (ninety-eight (98)) have been banked since the last meeting and therefore it is not necessary for the applicant to bank an additional one hundred nineteen (119) spaces.*

- **LANDSCAPING (pg. 6):**

**Mr. Eisenberg:** Is in agreement and will make the changes as requested in the McKenna letter. In addition, they will look at enhancing the front of the Dairy Queen with landscaping if they cannot get the tenant to agree to immediately move the parking along M-59.

- **OUTDOOR STORAGE SCREENING (pg. 7):**

**Mr. Eisenberg:** Is in agreement with the comments in the McKenna letter.

- **OVERNIGHT CAMPING (pg. 7):**

**Mr. Eisenberg:** Is in agreement with the comments in the McKenna letter.

- **LIGHTING (pg. 8):**

**Mr. Drane:** We can reduce the level of lighting intensity by twenty-five percent (25%) from the current plan by removing and rearranging the light poles. We will be achieving a reduction in the illumination to three point eight (3.8) foot-candles from the proposed average five point one (5.1) foot-candles. We will still use twenty-five (25) foot light poles mounted on a three (3) foot concrete base. (Total height of twenty-eight (28) feet.) Also, fifty percent (50%) of the lighting in the rear of the shopping center and Wal-Mart will be turned off at night. The color of the poles and light fixtures will be dark bronze.

*It is a consensus of the PC that the concepts presented by Mr. Drane sound good. However, the PC will revisit this topic, after re-submittal, at the final review stage of the PD process for acceptance.*

- **SIGNS (pg. 8):**

**Mr. Eisenberg:** We would like the signage as proposed. Larger signs make it easier to meet the demands of the tenants standard sign packages. We require high quality signs in our developments. Our ground signs have brick bases and columns. We only allow channel letter wall signs. No box signs, flashing signs or roof signs are permitted. We also do not allow paper signs in the windows.

*It is a consensus of the PC to allow the ground sign at the main M-59 entrance to be a maximum of ten (10) feet in total height. The other two (2) permitted ground signs may be up to seven (7) feet high. All ground signs may be up to sixty-four (64) square feet. Wall signs on buildings with up to forty (40) linear feet of building frontage will be allowed two (2) square feet of sign per one (1) linear foot of building frontage. (Maximum of eighty (80) square feet.) Buildings with over forty (40) linear feet of frontage will be permitted to have two (2) square feet of sign for every one (1) linear foot of building frontage up to forty (40) linear feet (eighty (80) square feet of sign),*

*plus one quarter (¼) square foot of sign for each additional linear foot of building frontage over forty (40) linear feet.*

- **TRAFFIC (pg. 11):**

**Ms. Chesnut:** The MDOT and LCRC have agreed in concept with the plan the applicant has submitted. Final engineering still needs to be completed and signed off by MDOT and LCRC. Grand Sakwa has agreed to contribute up to \$1,400,000 for the ultimate "global solution" of M-59. This should be identified as a recognizable benefit. There are interim improvements that they are required to make so they can receive the final approval of MDOT and LCRC.

**Chairman Fox:** The LCRC is recommending that we require you to remove the access drive at the rear of the Burger King and your site until further analysis is done and approval is granted for egress to Blaine Rd.

**Mr. Eisenberg:** We agree to do that.

- **LAND CONSERVATORSHIP:**

**Ms. Chesnut:** Prior to final approval we need to be assured that the land will be preserved into perpetuity.

**Mr. Eisenberg:** We can put a conservation easement on the land ourselves and donate it to the Township, a land conservancy or the Round Lake Association. Our intentions are that it be preserved into perpetuity.

*It is a consensus of the PC to have the Township's attorney and the applicant's attorney complete the necessary documentation to complete the above mentioned process.*

**Commissioner Hopkins:** When the PD agreement is complete he expects to see items, which have been discussed in previous meetings included in the PD agreement. Some of the items are methods of source control, aqua swirls, sweeping the parking lot, storm water detention maintenance agreement, etc. All of the "Best Management Practices" utilized on this site need to be itemized and included in the PD agreement.

Move to approve the resolution to grant preliminary approval of "Hartland Marketplace" and "Wal-Mart" Planned Development Project and Plan. Planned Development Application # 424 including exhibits A, B and C subject to the following conditions:

1. A complete set of sealed plans must be submitted to the Township Board as identified in the McKenna Associates, Inc. review letter dated May 31, 2007.
2. No camping or overnight parking shall be conducted within the development.
3. The applicant complies with the issues identified in the Williams & Works letter dated May 2, 2007.
4. The applicant complies with the issues identified in the Fire Marshall letter dated April 12, 2007.
5. The access drive connecting the Burger King parking lot to the Wal-Mart parking lot is removed from the plans until egress to Blaine Rd. is agreed to.
6. A gate is added to the maintenance road on the south side of the Wal-Mart site.
7. The applicant agrees to remove the east entrance of the Dairy Queen parking lot and reconfigure the landscaping and M-59 parking spaces when the current lease agreement expires or before. A plan showing the change will be provided to the PC for review at the final phase of the PD review process and included in the PD agreement.
8. Details regarding the proposed screening walls are added to the plan.
9. Lighting issues be addressed as discussed tonight and brought back at the final phase of the PD review process for PC review.
10. The wall sign calculation is amended to reflect the discussion tonight regarding signage on buildings over forty (40) linear feet be at a rate of one quarter (¼) square foot per linear foot of building frontage over forty (40) linear feet.
11. The main ground sign at the easterly main entrance on M-59, marked "A", be constructed at a maximum of ten (10) feet.

**RESOLUTION**  
**TO RECOMMEND PRELIMINARY APPROVAL OF HARTLAND MARKET PLACE**  
**AND WAL-MART PLANNED DEVELOPMENT PROJECT AND PLAN**  
Planned Development Application No. 424

At a regular meeting of the **Planning Commission** of Hartland Township, Livingston County, Michigan, held at the Township Hall in said Township on the 7<sup>th</sup> day of June 2007, at 7:00 p.m.

PRESENT: Fox, Hopkins, Killinger, Newsom, Voight, and Rataj.

ABSENT: Crouse.

The following Resolution was offered by Hopkins and seconded by Voight.

WHEREAS, Hartland 23 Retail Development Co. LLC ("Applicant") has requested approval of a Preliminary Planned Development ("PD") project and plan (the "project"), pursuant to Article 29.00 of Ordinance No. 37, the Hartland Township Zoning Ordinance ("Zoning Ordinance") for the property presented by the legal description attached as Exhibit A, as identified in the PD Application No. 424 (hereinafter referred to as "the Petition"); and

WHEREAS, the Planning Commission of Hartland Township ("Planning Commission") held a public hearing on the Petition on February 8, 2007; and

WHEREAS, on June 7, 2007, the Planning Commission reviewed the Project in relation to applicable standards and regulations, compliance with PD regulations, and consistency with the spirit and intent of Article 29.00 of the Zoning Ordinance; and

WHEREAS, the Planning Commission determined the Project substantially complies with the applicable standards and regulations for approval of the Preliminary PD project and plan; and

WHEREAS the Planning Commission determined the Project will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality of development than could be achieved under conventional zoning based upon the plan and the applicant's donation of 10 acres of land to a public land conservancy or placed in a conservation easement and contribution to road improvements as outlined in Exhibit "A" – Hartland Township, MI Wal-Mart/Hartland Marketplace List of Public Benefits of the Atwell Hicks letter dated May 23, 2007 attached hereto as Exhibit B, and, with respect to road improvements, more specifically detailed by the Hartland Market Place

Development Recognizable Benefit Contributions Terms & Conditions Revised June 1, 2007, provided by the applicant, attached hereto as Exhibit C.

**THEREFORE**, be it resolved that the Hartland Township Planning Commission hereby recommends that the Hartland Township Board grant PRELIMINARY APPROVAL of the Project and Petition dated received by the Township on May 24, 2007, including the Hartland Market Place Development Recognizable Benefit Contributions Terms & Conditions Revised June 1, 2007, attached as Exhibit C, because it meets the applicable standards and regulations, is in compliance with the PD regulations, and is consistent with the intent and spirit of Article 29.00 subject to the following conditions:

1. A complete set of sealed plans must be submitted to the Township Board as identified in the McKenna Associates, Inc. review letter dated May 31, 2007.
2. No camping or overnight parking shall be conducted within the development.
3. The applicant complies with the issues identified in the Williams & Works letter dated May 2, 2007.
4. The applicant complies with the issues identified in the Fire Marshal letter dated April 12, 2007.
5. The access drive connecting the Burger King parking lot with the Wal-Mart parking lot is removed from the plans until egress to Blaine Road is agreed to.
6. A gate is added to the maintenance road on the south side of the Wal-Mart site.
7. The applicant agrees to remove the east entrance of the Dairy Queen parking lot and reconfigure the landscaping and M-59 parking spaces when the current lease expires on or before. A plan showing the change will be provided to the PC for review at the final phase of the PD review process and included in the PD agreement.
8. Details regarding the proposed screening walls are added to the plan.
9. Lighting issues be addressed as discussed tonight and brought back at the final phase of the PD review process for PC review.
10. The wall sign calculation is amended to reflect the discussion tonight regarding signage on buildings over forty (40) linear feet be at a rate of one quarter (1/4) square foot per linear foot of building frontage over forty (40) feet.
11. The main ground sign at the easterly main entrance on M-59, marked "A", be constructed at a maximum of ten (10) feet.

12. The applicant agrees to conform to the Atwell Hicks letter dated May 23, 2007 prior to preliminary approval by the Board.
13. The maximum area of any wall sign on the Wal-Mart facility is no greater than one hundred fifty (150) square feet.
14. The materials stored in the outdoor storage areas will not be stacked to exceed the height of the screening walls.

ADOPTED:

YEAS: Rataj, Voight, Newsom, Hopkins, Fox, Killinger.

NAYS: none

STATE OF MICHIGAN            )  
  )  
COUNTY OF LIVINGSTON)

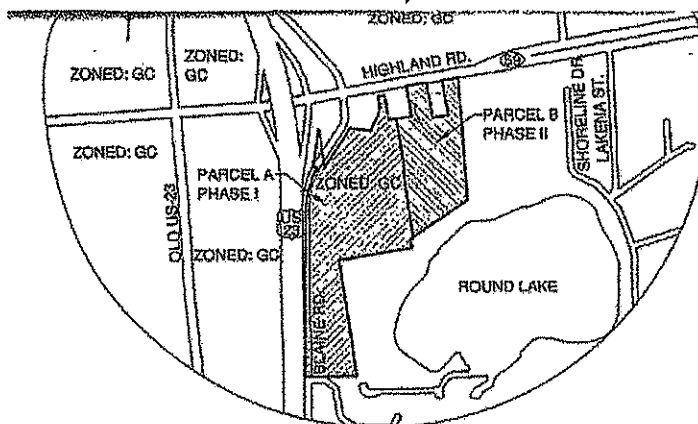
I, the undersigned, the duly qualified and acting Secretary of the Planning Commission of the Township of Hartland, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Planning Commission of said Township at a regular meeting held on the 7<sup>th</sup> day of June, 2007.

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Laura Killinger, Secretary

# EXHIBIT A

## LEGAL DESCRIPTIONS FOR PLANNED DEVELOPMENT APPLICATION #424



DESCRIPTION OF THE OLDAINE ROAD PARCEL (4708-28-100-003)  
PER LAWYER'S TITLE INSURANCE CORPORATION  
TITLE COMMITMENT NUMBER N-099897,  
DATED JUNE 05, 2009  
(NOT SURVEYED)

A parcel of land in Section 28, Town 3 North, Range 9 East, Huron Township, Livingston County, Michigan, described as follows: Beginning at the North 1/4 corner of Section 28; thence South 05 degrees 17 minutes East, 2711.50 feet along the North-South 1/4 line to the center of said section; thence North 07 degrees 49 minutes 10 seconds West, 233.83 feet along the East-West 1/4 line; thence North 04 degrees 28 minutes 09 seconds East, 2189.15 feet along a line 115.0 feet East of and parallel to the median construction center line of US 23; thence along the arc of a circular curve subtending to the West along said 115.0 foot line, radius 2324.72 feet, chord North 00 degrees 23 minutes West, 554.68 feet; thence South 09 degrees 31 minutes East, 151.26 feet along the North line of said section to the place of beginning, being a part of the Northwest 1/4 of said Section 28, except the land taken by the Michigan State Highway Department as recorded in Liber 397, Pages 338 through 348, inclusive, Livingston County Records, also except any other part taken, used or deeded for state highway under Blaine Road.

DESCRIPTION OF THE RETAIL PARCEL (4708-28-200-021)  
PER LAWYER'S TITLE INSURANCE CORPORATION  
TITLE COMMITMENT NUMBER 47-055042,  
DATED FEBRUARY 27, 2009  
(NOT SURVEYED)

A part of the Southeast 1/4 of Section 21 and a part of the Northwest 1/4 of Section 28, Town 3 North, Range 9 East, commencing as follows: Commencing at the South 1/4 corner of said Section 21, thence North 1 degree 17 minutes 28 seconds East along the North-South 1/4 line of said Section 21, 154.44 feet to the centerline of M-59, thence North 04 degrees 28 minutes 10 seconds East along said centerline 527.07 feet to the point of beginning of the parcel to be described, thence North 04 degrees 28 minutes 10 seconds East 208.42 feet, thence South 05 degrees 18 minutes 02 seconds East 539.84 feet (previously described as South 5 degrees 28 minutes East 539.84 feet), thence North 04 degrees 28 minutes 28 seconds East 190.05 feet (previously described as North 04 degrees 28 minutes 10 seconds East 190.05 feet), thence North 00 degrees 19 minutes 02 seconds West 359.34 feet (previously described as North 0 degrees West 359.34 feet) to the centerline of M-59, thence North 04 degrees 28 minutes 10 seconds East along said centerline 107.13 feet, thence South 00 degrees 28 minutes 53 seconds East 1253.62 feet (previously described as South 00 degrees 28 minutes 30 seconds East 1253.59 feet), thence South 58 degrees 46 minutes 16 seconds West 703.66 feet (previously described as South 58 degrees 45 minutes West 703.55 feet), thence North 0 degrees 20 minutes 34 seconds West 1249.50 feet (previously described as North 0 degrees 20 minutes West, thence North 04 degrees 28 minutes 10 seconds East 230.18 feet, thence North 00 degrees 20 minutes 24 seconds West 316.00 feet (previously described as North 00 degrees 20 minutes 00 seconds West 316.00 feet) to the point of beginning.

DESCRIPTION OF THE SELL'S PARCEL (4708-28-200-019)  
PER LAWYER'S TITLE INSURANCE CORPORATION  
TITLE COMMITMENT NUMBER N-091020,  
DATED JUNE 14, 2008  
(NOT SURVEYED)

Part of the Northwest 1/4 of Section 28 and part of the Southeast 1/4 of Section 21, Town 3 North, Range 9 East, Huron Township, Livingston County, Michigan, being more particularly described as: Commencing at the East 1/4 corner of said Section 28; thence North 07 degrees 41 minutes 44 seconds West 1302.53 feet (previously recorded North 07 degrees 41 minutes 52 seconds West 1302.57 feet) along the East and West 1/4 line of said Section 28 to a point of beginning; thence North 07 degrees 41 minutes 44 seconds West 497.61 feet (previously recorded North 07 degrees 41 minutes 52 seconds West 497.61 feet) along the East and West 1/4 line of said section to Point A; thence North 07 degrees 41 minutes 48 seconds West (previously recorded North 07 degrees 41 minutes 52 seconds West) 400.57 feet along the East and West 1/4 line of said Section 28; thence North 04 degrees 59 minutes 06 seconds West (previously recorded North 04 degrees 59 minutes 00 seconds West) 2140.47 feet along the North and South 1/4 line of said Section 28 per Affidavit recorded in Liber 595, Pages 144-145, Livingston County Records, to the Eastern right of way of Blaine Road; thence 107.47 feet along the Eastern right of way of said Blaine Road, along a curve to the right, and curve having a radius of 1119.24 feet and a chord bearing and distance of North 04 degrees 22 minutes 07 seconds East 107.43 feet; thence North 37 degrees 08 minutes 53 seconds East 308.31 feet along the Eastern right of way line of said Blaine Road; thence 88.21 feet along the Eastern right of way line of said Blaine Road, along a curve to the left, said curve having a radius of 416.97 feet, and a chord bearing and distance of North 32 degrees 21 minutes 06 seconds East 88.26 feet; thence South 01 degrees 06 minutes 28 seconds East 213.43 feet (previously recorded South 00 degrees 43 minutes 00 seconds East 213.10 feet and South 01 degrees 00 minutes 48 seconds East 213.43 feet); thence 40.02 feet along a curve to the right, said curve having a radius of 257.22 feet and a chord bearing and distance of North 25 degrees 47 minutes 30 seconds East 38.35 feet; thence North 30 degrees 09 minutes 42 seconds East 181.29 feet (previously recorded North 30 degrees 12 minutes 00 seconds East 181.40 feet and North 30 degrees 10 minutes 04 seconds East 181.29 feet); thence 125.56 feet along a curve to the left, said curve having a radius of 156.34 feet and a chord bearing and distance of North 12 degrees 04 minutes 53 seconds East 122.43 feet; thence North 00 degrees 18 minutes 42 seconds West 76.35 feet (previously recorded North 00 degrees 20 minutes 00 seconds West 76.30 feet and North 00 degrees 20 minutes 04 seconds West 76.34 feet) to the Southern right of way line of M-59 Highway; thence North 04 degrees 21 minutes 00 seconds East 60.00 feet along the Southern right of way line of M-59 Highway; thence South 08 degrees 20 minutes 51 seconds East 1837.53 feet (previously recorded South 08 degrees 20 minutes 51 seconds East 1837.51 feet and South 08 degrees 20 minutes 00 seconds East) to Point B; thence South 08 degrees 20 minutes 51 seconds East 139 feet, more or less, to the middle edge of Round Lake; thence Northeastly 810 feet, more or less (previously recorded 775 feet more or less) along the Northeastly water's edge of said Round Lake to the East line of the West 1/8 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 28 and Point C; thence South 05 degrees 05 minutes 30 seconds East 873.42 feet (previously recorded North 04 degrees 05 minutes 00 seconds East 873.68 feet) along a traverse line from the previously mentioned Point B; thence North 07 degrees 20 minutes 49 seconds West 162.60 feet along the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 28 to the East line of the West 1/2 of the Northwest 1/4 of said Section 28; thence South 01 degree 45 minutes 02 seconds West 1015.00 feet (previously recorded South 01 degree 48 minutes 54 seconds West 1315.12 feet) along the East line of the West 1/2 of the Northwest 1/4 of said Section 28, said East line (1/8 line) based upon the North and South 1/4 line as per M.D.C.T. plans for U.S. 23 limited access highway and the East service drive (Blaine Road), File no. 47-R-2, sheet 14, dated 1/4; thence South 01 degree 44 minutes 54 seconds West 193 feet, more or less (previously recorded South 01 degree 44 minutes 07 seconds West 177 feet more or less) along the said East line of the West 1/2 of the Northwest 1/4 of the Northwest 1/4 of said Section 28 to the Southeast corner of the said West 1/8 of the Northwest 1/4 of the Northwest 1/4 of said Section 28 and Point C; thence South 05 degrees 05 minutes 30 seconds East 873.42 feet (previously recorded North 04 degrees 05 minutes 00 seconds East 873.68 feet) along a traverse line from the previously mentioned Point B; thence North 07 degrees 20 minutes 49 seconds West 162.60 feet along the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 28 to the East line of the West 1/2 of the Northwest 1/4 of said Section 28; thence South 01 degree 45 minutes 02 seconds West 1015.00 feet (previously recorded South 01 degree 48 minutes 54 seconds West 1315.12 feet) along the East line of the West 1/2 of the Northwest 1/4 of said Section 28, said East line (1/8 line) based upon the North and South 1/4 line as per M.D.C.T. plans for U.S. 23 limited access highway and the East service drive (Blaine Road), File no. 47-R-2, sheet 14, to the point of beginning. The above description includes Lots 8 through 11, inclusive, East 18, except that West 1/8 of and adjacent to a line 80 feet measured at right angles and parallel to the East service road containing of Highway U.S. 23, and Lot 18 through 19, inclusive, G.E.W. MEADOWS NO. 1, according to the plat thereof, as recorded in Liber 5, Pages 35 and 36 of Plat, Livingston County Records.

## EXHIBIT B

### PLANNED DEVELOPMENT APPLICATION #424

#### Exhibit "A"

Hartland Township, MI Wal-Mart/Hartland Marketplace

List of Public Benefits

5/23/07

1. **Road Improvements:** Contributing \$1,400,000 towards MDOT's ultimate roadway improvements to M-59. Interim improvements included in this figure consist of the reconstruction of the 1" cross-over east of the site to a dual left turn, constructing a full access drive with dual right turns and traffic signal from the plaza, incorporating deceleration tapers for both approaches to M-59, consolidation of driveways with Burger King and relocation of their main drive. Plaza traffic will be restricted from exiting onto Blaine Road until such time as the ultimate M-59 improvements have been accomplished and approval is received from the County Road Commission for full movements. It is further understood that before full movements are permitted the Road Commission may require additional improvements to Blaine Road after review of a traffic study. This coordination and overall planning would not be possible if the three parcels were developed individually under conventional zoning.
2. **Excessive Open Space:** Donation of 10-acres of heavily wooded and wetland area at the south end of the proposed development valued at approximately \$400,000 to a public land conservancy. This donation of property will enhance the views and screening for the residents of Round Lake that would not be required under conventional zoning. Including the 10-acres, we are providing nearly 25-acres, or 42% of the site area, of open space. The vast majority of this open space will be comprised of preserved natural features including on-site wetlands and surrounding trees. This far exceeds the ordinance requirement of 20%. It should also be noted that the donated parcel is the key woodland/wetland that filters runoff from US-23 before it reaches Round Lake.
3. **State of the Art Storm Water Treatment and Management Program:** Provide significant improvements to the quality of storm water discharging into the existing wetlands and ultimately recharging Round Lake including an overall net reduction in total phosphorus loading. Upgrades from normal design include hydrodynamic separators, wetland fore bays, multiple outlets from detention ponds, and a 25% reduction of the normally allowed discharge rate. Best Management Practices include increase parking lot sweeping and the use of reduced phosphorus fertilizer. It should also be noted that the existing septic tanks that continue to seep into Round Lake will be removed which would not be required under the current use or ordinance.
4. **Architectural Upgrades:** Provide an upgrade to the existing retail center façade that possesses high quality design and architectural features that promotes a first-class retail environment that would not be required under the existing ordinance and conforms to the overall character of the Township.
5. **Excessive Landscaping:** Provide landscaped greenways to accentuate and soften entrances and views along M-59 and Blaine Road. Provide well-landscaped buffers, blending their design with the site's other natural features. Planting over 1200 trees (100 more than required by ordinance), landscaping nearly 2-acres (almost triple the amount required) with over 5,000 perennials.
6. **Sanitary Lift Station Relocation:** Relocate the existing lift station within the McDonald's parking lot to a more desirable and accessible location for Township DPW. This lift station could remain in its existing location but is being relocated as a public benefit.

## EXHIBIT C

### PLANNED DEVELOPMENT APPLICATION #424

**Hartland Market Place Development  
Recognizable Benefit Contributions  
Terms & Conditions  
Revised June 1, 2007**

1. This is a general outline of the terms and conditions under which the Hartland Market Place Development (the "Development") will offer to contribute money (the "Recognizable Benefit Contribution") for certain off-site road improvements in order to meet the "recognizable benefit" qualifying criterion for establishment of the Development as a Planned Development ("PD") under Article 29 of the Hartland Township Zoning Ordinance. This is not an offer by the Owners or Developer for conditional rezoning. The terms and conditions herein will be reduced to writing and shall become effective only upon final approval of the PD and upon execution of a PD Agreement by the Owners and Hartland Township (the "Township"). In the event PD approval for the Development is terminated or lapses or the parcel is not developed pursuant to the PD approval or PD agreement, there would be no Recognizable Benefit Contribution payable to the Township or any other person or entity for the contemplated road improvements necessary to achieve a total and final traffic solution and to mitigate the affect on public services. No Recognizable Benefit Contribution would be payable until the Michigan Department of Transportation (MDOT), the Township or any other public agency having jurisdiction awards a contract for road improvements, including landscaping to M-59 located east of U.S. 23 to approximately Clark Rd to achieve a total and final traffic solution in accordance with MDOT approval. No Recognizable Benefit Contribution would be payable if such a bid is accepted, but road improvements are not thereafter made.
2. The Recognizable Benefit Contribution shall be allocated to the Development, which is described in PD Application number 424P, and shall be used solely for road improvements, and related landscaping to M-59 to achieve a final traffic solution as approved by MDOT taking into account all of the commercial development located along M-59 from U.S. 23 in an easterly direction to approximately Clark Rd. The Recognizable Benefit Contribution shall not exceed the lesser of: (a) \$1,400,000.00 or (b) 35% of the estimated cost of the total improvements, including landscaping, contemplated for M-59 (excluding any present or future improvements to Blaine Road). The Township currently estimates the total cost of improvements to M-59 to be \$4,000,000.00, plus the cost of issuance of the municipal financing as contemplated in paragraph 3. Thirty-five percent of the cost of issuance shall be allocated to the Development. The actual contribution may be reduced if the final cost of improvements and cost of issuance is less than \$4,000,000.00. The Recognizable Benefit Contribution shall also be reduced by the cost of improvements to M-59, excluding any present or future improvements to Blaine Road and excluding any costs for design, engineering or similar preparatory cost, made by the Development necessary to achieve an interim traffic solution as approved by MDOT, provided those improvements are coordinated to work with the final traffic solution contemplated by MDOT and the Township.
3. If the Township, in its sole discretion, determines that the final traffic solution is in the best interest of the public health, safety and welfare, and the Township determines to undertake the final traffic solution to M-59 contemplated by MDOT and the Township, the Township shall finance the project and establish a special assessment district to spread the cost of improvements over a minimum period of 20 years and the Developer/Development agrees to be specially assessed in an amount not to exceed the Recognizable Benefit Contribution as described and limited herein.
4. The contributions and associated terms and conditions shall be considered separate from and shall not affect or modify any existing special assessments or agreements applicable to the parcels including, but not limited to, existing or future sewer or water special assessments. Except as otherwise specifically contemplated herein, nothing in this outline of the terms and conditions shall be construed to prevent the Township from subjecting the parcels to additional special or other assessments as permitted by law, provided however, that there shall be no other or additional special assessments against the Development for the off-site road improvements described in this instrument for which the Recognizable Benefit Contribution is being or will be paid.

12. The applicant agrees to conform to the Atwell Hicks letter dated May 23, 2007 prior to Preliminary Approval at the Board.
13. The maximum of any wall sign on the Wal-Mart facility is no greater than one hundred-fifty (150) square feet.
14. The materials stored in outdoor storage areas will not be stacked to exceed the height of the screening walls.

Motion Hopkins. Second Voight.

Roll Call Vote:

Commissioner Rataj - Yes.

Commissioner Voight - Yes.

Commissioner Crouse - Absent.

Commissioner Newsom - Yes.

Commissioner Hopkins - Yes.

Chairman Fox - Yes.

Commissioner Killinger - Yes.

Motion Carried. 6-0-1.

**8. CALL TO THE PUBLIC:**

Neil Harrison, 1407 Division Dr.: Would like the developer to fit the site rather than have the site fit the developer. He hopes the developer and retailer meet all the requirements set forth and that these requirements are enforced.

Diane Petronio, 1054 Long Lake Dr.: Thanked the PC for their efforts. Asked how overnight camping will be monitored and enforced by the Township. Stated she has concerns with the size of the signs. The landscaping is wonderful but wanted to know if it died who would replace it.

Bob Cartwright, 1675 Shoreline Dr.: Would like to see soil being tested as excavating is taking place to make sure contamination is not spreading.

**9. PLANNER'S REPORT:**

Ms. Chesnut:

- The ball fields at the Lutheran Church have been inspected. The required netting has been installed.
- Mr. Olney and the owner of the Oakbrooke apartments are working through the issues of the blocked drainage and the pile of dirt in front of the site.

**10. COMMITTEE REPORTS:**

Commissioner Hopkins: Asked if Manager Wickman has talked to the property owner in the village regarding the shared access agreement. Mr. Wickman indicated he has left a message.

Chairman Fox:

- Explained to the public that this meeting was short because there were many previous meetings addressing other issues with the applicant.
- Reminder to all, there is a PC meeting next Thursday.

**11. ADJOURNMENT:**

Move to adjourn the Planning Commission meeting at 8:37 p.m.

Motion Hopkins. Second Newsom. Voice Vote. Motion Carried. 6-0-1.

**This is a Draft until Final Approval.**

Submitted by,

Leslie M. Sauerbrey  
Recording Secretary

Laura J. Killinger  
Planning Commission Secretary