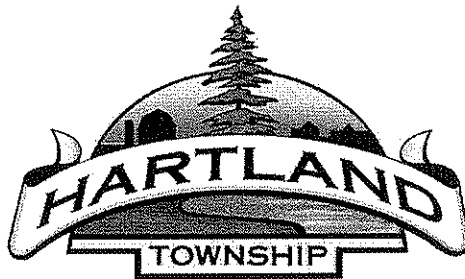


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Larry Fox  
Chair

Roger Crouse

Larry Hopkins  
Vice-Chair

Jeff Newsom

Alex Rataj

Laura Hill  
Secretary

Keith Voight

## PLANNING COMMISSION - REGULAR MEETING

SEPTEMBER 28, 2006 at 7:00 PM

### AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF SEPTEMBER 28, 2006 PLANNING COMMISSION AGENDA
5. APPROVAL OF SEPTEMBER 7, 2006 PLANNING COMMISSION WORKSHOP MINUTES
6. APPROVAL OF SEPTEMBER 14, 2006 PLANNING COMMISSION MINUTES
7. 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

8. SITE PLAN APPLICATION #409.P  
APPLICANT: TROWBRIDGE HOMES / BRAD BYARSKI  
*"Echo Woods Planned Development" - 135 single family unit site condominium located on the south side of Bergin Road west of Meadow View Estates*

135

### OLD AND NEW BUSINESS

9. SITE PLAN APPLICATION #419  
APPLICANT: LEO STASSINOPOULOS  
*Proposed restaurant and retail building located on south side of Highland Road west of Lakena*
10. SIGN PERMIT APPLICATION #570  
APPLICANT: LEO STASSINOPOULOS  
*Wall & Ground Sign "Leo's Coney Island"*
11. DISCUSSION ON M59 RIGHT OF WAY EXPANSION FOR SHOPS AT WALDENWOODS
12. CALL TO PUBLIC  
3-MINUTE TIME LIMIT
13. PLANNER'S REPORT
14. COMMITTEE REPORT
15. ADJOURNMENT

NEXT MEETINGS

OCTOBER 12, 2006  
OCTOBER 26, 2006

@7:00 PM  
@7:00 PM

## **Section 29.04 Procedures and Requirements**

The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the Zoning map and designate the subject property as "PD Planned Development". Approval granted under this article, including all aspects of the final plan conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

### **Summary of Procedures**

<b>Step</b>	<b>Review Procedures</b>	<b>Zoning Ordinance Section</b>
1.	Optional pre-application conference	29.04C
2.	Submit conceptual review application	29.04D
3.	Planning Commission conceptual review	29.04D
4.	Township Board conceptual review	29.04D
5.	Submit preliminary review application	29.04E
6.	<b>Public Hearing held by Planning Commission</b>	<b>29.04E.3</b>
7.	Planning Commission preliminary review	29.04E.4
8.	State and County notification	29.05E.5
9.	Township Board preliminary review	29.04E.6
10.	Submit final review application	29.04F
11.	Planning Commission final review and action	29.04F.2
12.	Township Board final review and action	29.04G

**To review the complete Planned Development standards, procedures and requirements go to Hartland Township's website at [hartlandtwp.com](http://hartlandtwp.com), click on Zoning Ordinance and scroll down to Article 29 "Planned Development District".**

**HARTLAND TOWNSHIP PLANNING COMMISSION**

**SEPTEMBER 28, 2006**

**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:** Commissioner Hill, Chairman Fox, Commissioner Voight, Commissioner Crouse, Commissioner Hopkins, Commissioner Rataj and Commissioner Newsom.

*Also Present: Amy Chesnut, McKenna Associates  
Denise Lutz, Deputy Zoning Administrator  
Leslie Sauerbrey, Recording Secretary*

4. **APPROVAL OF SEPTEMBER 28, 2006 PLANNING COMMISSION AGENDA**

Move to approve the Planning Commission Meeting Agenda for September 28, 2006.  
Motion Hill. Second Hopkins. Voice Vote. Motion Carried. 7-0-0.

5. **APPROVAL OF SEPTEMBER 7, 2006 PLANNING COMMISSION WORK SESSION MINUTES**

Move to approve the Planning Commission Work Session Minutes for September 7, 2006.  
Motion Hill. Second Rataj. Voice Vote. Motion Carried. 7-0-0.

6. **APPROVAL OF SEPTEMBER 14, 2006 PLANNING COMMISSION MEETING MINUTES**

Move to approve the Planning Commission Meeting Minutes for September 14, 2006.  
Motion Hill. Second Rataj. Voice Vote. Motion Carried. 7-0-0.

7. **CALL TO PUBLIC**

**Katie Schlueter, 1575 Shoreline Dr.:** Stated that the underground storm water system is a reasonable system for the Leo's Coney Island site. She asked questions regarding maintenance of this system. The retaining wall is being constructed within ten (10) feet of the wetland, is there a way to give that wetland more breathing room? Due to the fragile nature of the wetland system can double silt fences be installed?

**PUBLIC HEARING**

8. **SITE PLAN APPLICATION #409.P**

**APPLICANT: TROWBRIDGE HOMES/BRAD BYARSKI**

*"Echo Woods Planned Development"*

*Present: Brad Byarski, Echowoods, LLC.*

*Matthew Diffen, Diffen Development Consultants, LLC.*

*Anthony Randazzo, Trowbridge Homes*

**Public Hearing opened at 7:10 p.m.**

For Applicant Echo Woods, LLC. Tax ID #4708-32-100-03 & 4708-32-100-02. The applicant is at step six (6) of a twelve (12) step process required for a Planned Development.

For the record, at the Planning Commission meeting on August 24, 2006 a Public Hearing was scheduled for today, September 28, 2006. All Public notice requirements for this Public Hearing have been met.

**Mr. Byarski:** Reviewed proposal for the Echo Woods Planned Development.

**Ms. Chesnut:** Summarized the McKenna Review letter dated August 16, 2006.

Move to enter into the record the written correspondence the Township has received in regards to Site Plan Application #409.P for Echo Woods.

Motion Hopkins. Second Hill. Voice Vote. Motion Carried. 7-0-0.

**Public Comments:**

**Pat Albring, 886 Chukker Cove:** He would like to see a two (2) acre minimum for the Echo Woods property. He is concerned about traffic, schools and that this proposal is not compatible with the neighboring developments.

**Scott Hole, 600 Chukker Cove:** He is strongly opposed to this development. He moved here specifically for the nature and Conservation Agricultural District that surrounds his home. This development would be more suited near M-59.

**Robert Erb, 688 Chukker Cove:** This will have a negative impact of existing homes. This development does not fit the area if you look at density and natural features. This should go in an area where the infrastructure can support it. What will happen with the seven (7) acre parcel on the plan when that owner leaves this property? Will it be further subdivided?

**Renee McCoy, 939 Mystic Woods Dr.:** Is concerned with the closeness of this development to her home. She believes this property should be developed with homes on comparable sized lots or minimum one acre. There is a high water table in this area. The property behind her house is flooded most of the year. How will this impact the flooding issue? She does not want the proposed walking trail in Echo Woods to connect to Meadow View Estates trail system.

**Kelly Roberts, 913 Mystic Woods Dr.:** This development does not fit with the existing developments in this area. He is concerned with the density and feels the Echo Woods development should mimic and be in harmony with neighboring subdivisions. This includes lot size, building size and building materials. He also is concerned with the water table in the area. His sump pump runs 24/7 most of the year. This is not Novi; please do not make it look like Novi.

**Dan Callan, 904 Mystic Woods Dr.:** Everyone has made good points. This proposal is not beneficial to the surrounding property owners. Most of the area has minimum one (1) acre parcels. This looks like spot zoning.

**Sandy Nelson, 9400 Bergin Rd.:** Concerned with preservation of the conservation agricultural district and the wetlands. She hopes that housing density will be reduced to make it more appropriate for the area.

**Douglas Knott, 9275 Blueberry Hill:** Concerned about the increased traffic flow through Rolling Hills subdivision and Bergin Road. The roads are already behind in terms of repair. Adding this much density will make the condition of the roads much worse. There are just too many houses.

**Dick Johnson, 8841 Bergin Rd.:** The PC has a greater responsibility to look at the overall development of the area instead of one particular development. The overall planning of infrastructure needs to be looked at versus the individual development. Development should match other developments in the area.

**Douglas Kozakiewicz, 9195 Bergin Rd.:** Lives across the street from the proposed development. He would like to see something more similar to neighboring subdivisions. If this is allowed to develop as proposed it will do irreversible damage to those people that moved here with the understanding of what the area would eventually be.

**Tenley Smith, 9251 Bergin Rd.:** Stated that Hartland Township needs to hold onto the rural feel of the area. That is what the master plan states. This development does not comport with the rural feel of this area. She urged the PC to please follow the master plan and keep the area rural.

**Robert English, 9329 Blueberry Hill:** Very concerned about the wetlands that may be flooded. Stated concerns about the overflow of the detention ponds. He stated this development is not compatible with the Comprehensive Plan. He asked if the number of homes is calculated per build able acre or gross acreage.

**Public Hearing Closed at 8:04 p.m.**

**Planning Commissioner Questions and Comments:**

**Chairman Fox:** Asked the applicant if they would like to receive PC comments this evening?

**Mr. Byarski:** Yes.

**Commissioner Crouse:** Asked how the developer comes up with 1.2 acres per dwelling unit.

**Ms. Chesnut:** It is calculated off the gross acreage.

**Commissioner Crouse:** Stated he felt the Township makes promises to the residents on how the properties in an area will be developed with the zoning map. People come in with the promise on how neighboring land will be developed. This development may be perfect in some other place in the Township. He cannot support it in its current form.

**Commissioner Newsom:** Agreed with Commissioner Crouse and comments from the public. He would like to commend the developer for their style of development and working with the natural features of the land. However, he does not feel the density is conducive to the surrounding properties.

**Commissioner Hopkins:** Quoted from Zoning Ordinance 29.03.B.2 stating "There should be a reasonably harmonious relationship between the location of buildings on the site relative to buildings on land in the surrounding area." He feels this is out of step with the surrounding area. He stated this at the Conceptual Review. There is no requirement that the Township enter into a PD agreement with a developer. There is nothing in this plan that makes him want to enter into a PD agreement on this site.

**Commissioner Voight:** He is disappointed because the comments made at Conceptual Review regarding density were not addressed. Density is still a major issue. He felt the developer dealt with concerns that we expressed regarding the west side of the property but now have infringed on some areas of the land they were trying to protect on the east side. He still feels that density and lot size are not harmonious with the area. He is concerned with traffic and the watershed. Most of the open space proposed is not useable and a road is proposed through at least one wetland. He does not support the current project.

**Commissioner Rataj:** He agrees wholeheartedly with Commissioner Newsom and other comments of PC members and reiterates that zoning needs to be kept the way it is in the area. It needs to match the surrounding areas. He agrees with the public and has concerns about water.

**Commissioner Hill:** Appreciated that the developer took into consideration some of the comments mentioned at the Conceptual Review. She is disappointed that they did not address the density issue. She does not feel the proposal is compatible with the surrounding area and will not support the Preliminary Plan as proposed.

**Chairman Fox:** Agreed with comments from other Commissioners. He has been to several informal meetings on this project and has always expressed concerns with the density and the lot size. It does not fit within the landscape of the surrounding area. It is admirable the proposal is to save the wetlands. However, there are fifty six (56) acres of wetlands and they are not developable anyway. If the proposal were for conventional zoning of two (2) acre parcels the wetland would not be developed. He felt the Conceptual Reviews at the PC and the Board made it clear that the density and lot size were not harmonious with the area. The proposal is not acceptable.

**Mr. Byarski:** Questioned the size of lot size lot desired. He stated that he is not sure what one (1) to two (2) acres means.

**Commissioner Newsom:** Stated one (1) to two (2) acres is a far way from quarter ( $\frac{1}{4}$ ) acre lots.

**Mr. Byarski:** Explained that if they return with a proposal for two (2) acre lots that some of the wetlands may be included within the lots. We can protect the wetlands if they are not part of someone's lot.

**Chairman Fox:** Suggested they consider eliminating the lots in the southeast corner that were added between the Conceptual and Preliminary Reviews. They could also leave the proposed rear lot lines and remove side property lines therefore keeping the wetland out of individual lots. This area of the Township has already been established for what it is. This is the last development in the area and the lot size and density have already been established by the surrounding developments. It is not harmonious with the surrounding development.

**Mr. Randazzo:** Asked if two (2) acre lots extending into the wetlands would comply with the Zoning Ordinance?

**Chairman Fox:** Explained that it may satisfy the two (2) acre minimum but there are other requirements for "CA" zoning that would also have to be met.

**Mr. Randazzo:** How do we work with one to two (1-2) acre lots?

**Chairman Fox:** The one to two (1-2) acre lots is in the Comprehensive Plan as Low Suburban Density Residential. The "RE" District with one and one half (1 ½) acre parcels in the Zoning Ordinance references to the Comprehensive Plan.

**Mr. Diffen:** Explained a lot of developments cannot protect the trees on lots that are sold even if they are two (2) acre lots. The developer cannot mandate the lot owners to preserve the trees or to put in place a conservation easement on private property. There is no control of protecting the area.

**Commissioner Hopkins:** Stated he finds lot owners usually plant trees and it is the developer that usually cuts them down.

**Commissioner Newsom:** There are many reasonable ways to develop the area and still protect the open space, possibly through deed restrictions and other condominium documents.

**Ms. Chesnut:** Explained the PC is opposed to the number of lots and size of the lots. The development is too dense and the lots are too small and out of character with the surrounding area.

**Commissioner Hopkins:** Quoted Zoning Ordinance 29.01.E. "A development pattern in harmony with land use density, transportation facilities and community facilities objectives of the Hartland Township Comprehensive Plan." Also, in the Comprehensive Plan, under Low Suburban Density Residential, "New developments within these areas should be compatible with the established large lot building pattern." Your proposal is totally out of step with what is going on in the area. Consideration for lot size, the fragile water course and a less dense design is desirable.

**Chairman Fox:** No motion is required at this time. The applicant can go back and make a decision on how they would like to proceed.

## 9. **SITE PLAN APPLICATION #419**

**APPLICANT: LEO STASSINOPOULOS**

*Restaurant and retail building located on south side of Highland Road west of Lakena.*

***Present:*** Ole Anderson, Johnson & Anderson, Inc.

*Antonino Scavo, Antonino Scavo & Associates*

**Commissioner Hopkins:** Asked the developer to describe the materials for the building.

**Mr. Scavo:** Reviewed the material choices for the building.

**Commissioner Newsom:** Stated concerns about underground water detention system.

**Mr. Anderson:** Explained the underground water system.

**Commissioner Newsom:** Asked if there are any detection systems to determine if any of the systems are clogged or not working and if there is a maintenance program or schedule?

**Mr. Anderson:** Explained the Township does not require a maintenance agreement. He explained the safeguards in the system.

**Commissioner Newsom:** Asked what is the safeguard for the first catch basins to eliminate construction waste that ends up in the basin?

**Mr. Anderson:** Explained that filter fabric is installed over the grate opening during construction. This will catch the construction dirt.

**Commissioner Crouse:** Stated that an inspection should be done.

**Commissioner Newsom:** Asked what the possibility is for requiring a maintenance plan at a later date.

**Ms. Chesnut:** Stated this is not likely because there is no Ordinance in place requiring the schedule at time of the site plan approval. If there are issues during construction that are not cleared up, they do not get their bond back until those problems are resolved.

**Commissioner Hopkins:** Asked what the required maintenance is. How often does this need to happen?  
**Mr. Anderson:** He stated this probably would never be necessary.

Move to recommend approval of Site Plan Application #419 Tax ID #08-22-300-010 for Leo's Coney Island based on the following statements and conditions being met and verified by the staff prior to being placed on the Township Board's agenda:

- The Planning Commission accepts the proposed modification to the M-59 setback from eighty feet (80') to seventy-five feet (75') because no parking will be located in the front yard.
- The Planning Commission accepts the proposed north elevation finding that it is in keeping with the objectives of the Ordinance.
- The lighting detail on sheet C-1 of the drawings is accepted as proposed.
- Note 10 under Site Data on sheet C-1 of the drawings stamped received July 26, 2006 be placed back on sheet C-1 with the first sentence only removed.
- The applicant comply with item #12 of the McKenna letter dated September 19, 2006 as it pertains to permission of property owners and off-site improvements.
- The applicant correct the items stated in the Williams & Works letter dated September 20, 2006.
- The Easement Agreement is revised to include the recommendations specified in the letter from the Township's attorney dated September 14, 2006.
- The applicant complies with the comments stated in the September 18, 2006 letter from the Fire Marshall.
- The applicant use double silt fence along the south boundary of the construction area.

The Planning Commission further recommends that the existing "Declaration of Reservation of Easement" be extinguished as requested on behalf of the applicant in the letter dated June 21, 2006 from Johnson & Anderson, Inc. Consulting Engineers.

Motion Hopkins. Second Newsom. Voice Vote. Motion Carried. 7-0-0.

*The PC will allow the applicant to choose between the two color selections presented this evening for the split face block retaining wall.*

#### **10. SIGN PERMIT APPLICATION #570**

**APPLICANT: LEO STASSINOPOULOS**

*Wall and Ground Sign "Leo's Coney Island"*

*Present: Leo Stassinopoulos, Applicant*

**Commissioner Rataj:** Stated the signs are in compliance but asks if the "Declaration of Reservation" issue is resolved?

**Ms. Chesnut:** Explained that the "Declaration of Reservation" will be resolved by the Township Board.

Move to approve Sign Permit Application #570 for one monument and one wall sign for Leo's Coney Island Tax ID #08-22-300-010 per the condition that approval of the monument sign is conditioned upon the waiver of "Declaration of Reservation".

Motion Rataj. Second Newsom. Voice Vote. Motion Carried. 7-0-0.

#### **11. DISCUSSION ON M-59 RIGHT OF WAY EXPANSION FOR SHOPS AT WALDENWOODS**

*Present: Frank & Brian Crouse*

**Mr. Frank Crouse:** Described the MDOT proposal and its effect on the Shops at Waldenwoods.

**Chairman Fox:** Stated any comments made tonight should not be construed as an acceptance of the PD drawing presented tonight. This is just to determine if the concept is something the PC can work with. The Township had a meeting with MDOT yesterday and all of the MDOT plans for the widening of M-59 in the Township were discussed. The manager, Director of Township Services, McKenna representatives and himself were present. Explained that the original plan had the boulevard starting around the new Target entrance, the second proposal shows the boulevard starting near the water tower.

**Commissioner Newsom:** Does not think that the change in boulevard will make much of a difference. He is in favor of the boulevard starting by the water tower.

**Commissioner Crouse:** Moving the boulevard as far east as possible would be the best.

**Ms. Chesnut:** MDOT is looking for direction from the Township for a preferred alternative.

**Commissioner Newsom:** Asked Mr. Frank Crouse to explain the open space on the proposed plan. He states that he just wants to make sure that the open space requirements and setbacks are met.

**Mr. Frank Crouse:** Stated that the new plan along with an error discovered in the calculation of open space now shows approximately 29% open space.

**Commissioner Newsom:** When he looks at the plan he cannot see that much open space.

**Chairman Fox:** Stated that he does not want to see the parking lot too close to the road.

**Commissioner Hopkins:** He is in agreement with the concept that is proposed here. He is not wild about nine (9) foot parking spaces but is willing to look at these. The PC asked for twenty (20) feet of open space for landscaping and screening and that is what the applicant provided.

**Commissioner Newsom:** MDOT should figure out the road and the applicant should figure out how to meet the requirements. He does not like what he is looking at.

**Commissioner Crouse:** This is a good opportunity for MDOT to build a boulevard and the Township should not lose the opportunity.

**Commissioner Hopkins:** Compared Leo's Coney Island service drive which was just approved this evening to the proposed setbacks on the Shops at Waldenwoods proposal. The differences are not that great.

**Mr. Brian Crouse:** The easiest solution is for the PC to tell MDOT that the PC likes their first plan. He feels that the boulevard is the best thing for the community.

**Ms. Chesnut:** This should be sent to the Board to have a conversation with them regarding their desire to have the boulevard. It should also be explained to the Board that it will require a revision to the PD.

**Mr. Frank Crouse:** He is going to go ahead and start the PD submission. He has to commit to the engineering now.

**Chairman Fox:** The PC's comments will be sent to the Board through our Board Representative.

*Summarized, the PC comments this evening demonstrated an overall desire to work with the applicant on the revised PD, as it will be affected by the M-59 boulevard if extended in front of the Shops at Waldenwoods. Issues of parking space size, open space and landscaping & screening along the M-59 frontage will need to be addressed.*

## 12. CALL TO PUBLIC

**Katie Schlueter, 1575 Shoreline Dr.:** She asked if the Township Engineer inspects storm water detention systems. She thinks that the PC should receive a GIS photo of the area surrounding proposed developments in the Township.

## 13. PLANNER'S REPORT

**Ms. Chesnut:** The PD Review Committee has met and discussed potential changes. A cost estimate for updating the PD Ordinance is forthcoming to the PC. Changes and the cost estimate will be discussed at a PC meeting in the future.



#### 14. COMMITTEE REPORTS

Commissioner Crouse: There are communities that do not inspect underground storm water systems during construction. Inspections are done after completion and as-built drawings are submitted.

Commissioner Newsom: Were the funds approved to purchase the Claritas report?

Ms. Chesnut: Yes, it has been ordered but not yet received.

Commissioner Hopkins: He attended a meeting that the Livingston County Health Department held regarding emergency preparedness, which he found very informative.

#### 15. ADJOURNMENT

Move to adjourn meeting at 10:01 p.m.

Motion Hopkins. Second Crouse. Voice Vote. Motion Carried. 7-0-0.

This is a Draft until Final Approval.

Submitted by,

Leslie M. Sauerbrey  
Recording Secretary

  
Laura J. Hill  
Planning Commission Secretary