

HARTLAND TOWNSHIP PLANNING COMMISSION MEETING
SEPTEMBER 8, 2005 - TOWNSHIP HALL- 7:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL- Members present: Chairman Fox, Commissioner Bickel, Commissioner Newsom, Commissioner Hopkins, Commissioner Rataj, Commissioner Hill, and Commissioner Germane.

4. APPROVAL OF SEPTEMBER 8, 2005 PLANNING COMMISSION AGENDA

Move to approve the September 8, 2005 Planning Commission Agenda as amended. Motion Hopkins. Second Rataj. Voice Vote. Motion Carried. 7-0-0. Changes: Make item #10 item #11 and item #11 item #10. Delete in conjunction with special use application #227 from item #15.

5. APPROVAL OF AUGUST 25, 2005 PLANNING COMMISSION MINUTES

Motion to approve the August 25, 2005 Planning Commission meeting minutes as amended. Motion Hill. Second Newsom. Voice Vote. Motion Carried. 7-0-0. Changes: Change the motion in item #10 to Avon. Delete Crouse.

6. CALL TO PUBLIC

Brooks Mullenhauer, 6110 Bullard Road - He believes that the Lake Protection Provisions is a good ordinance and is in support.

Norm Lugar, 1252 Long Lake Court - Stated that we need to preserve the community and appreciated the Planning Commission's support.

Mr. Wilson, 1277 Long Lake Court - Is representing the Long Lake Preservation Association in support of Amendment #320.

PUBLIC HEARING

**7. APPLICANT: HARTLAND TOWNSHIP PLANNING COMMISSION
ZONING AMENDMENT # 320 AMENDING ARTICLE 2, CONSTRUCTION OF
LANGUAGE AND DEFINITIONS, SECTION 2.02 DEFINITIONS AND ARTICLE 3,
GENERAL PROVISIONS, SECTION 3.25 SHORELINE AND LAKE PROTECTION
PROVISIONS TO INCLUDE SUPPLEMENTARY SHORELINE REGULATIONS**

Chairman Fox opened the Public Hearing at 7:38 PM for Applicant: Hartland Township Planning Commission, Zoning Amendment Application #320, amending Hartland Township Zoning Ordinance #37, Article #2, Section 2.02 Definitions and Article 3, Section 3.25 Shoreline and Lake Protection Provisions. For the record, at the Planning Commission meeting on July 28, 2005 a Public Hearing was scheduled for today, September 8, 2005. All Public notice requirements for this Public Hearing have been met. This proposed amendment to the Hartland Township Zoning Ordinance #37 was initiated by the Hartland Township Planning Commission. It is the intent and purpose of this amendment to provide reasonable regulations for the use of waterfront properties in the Township. Copies of the proposed amendment have been available at the Township Hall. The ground rules for this Public Hearing are as follows: If you wish to speak in support or opposition regarding this issue please step forward to the microphone. Give your name and address. Address all comments to the Commission All comments will be documented for consideration at a future date. For the record, we received two letters from the public, one from Katie Schleuter, and one from Frank Crouse. Now, the Hartland Township Planning Commission would like to ask if there is anyone in the audience that would like to comment on this proposed amendment.

Katie Schleuter, 1575 Shoreline Drive - She is sorry that Dave Kalenauskas is not here so she could thank him for his past leadership on the Shoreline Protection Subcommittee. She thanked Larry Hopkins for stepping up to the plate and Larry Fox for his leadership. There is a wetland paragraph that came late to the process via the Michigan Lakes and Streams Association. She would like the PC to consider adding it

to the ordinance. It concerns wetlands encroachment. She will provide them with a copy. It is important in an ordinance that is used to enforce the Michigan Natural Resources and Environmental Protection Act.

Gordy Gaheb, Maxfield Lake Owners Association - Supports improvements for protection of all the lakes, but it should be fair.

Frank Crouse, 9840 Crouse Road - He is concerned the proposed ordinance will create unnecessary restrictions for Lake Walden at the Waldenwoods properties. His family-owned business is planning a residential community with the objective of allowing a large amount of people with access to the lake but without any riparian owners. The lake already has limited motorboat use and high-speed boats are not allowed. The current proposed ordinance is unacceptable for Waldenwoods planned future uses. Mr. Crouse asked that the Planning Commission consider adding some exemptions, which he provided.

Brooks Mullenbauer - Stated that Mr. Crouse has a unique piece of property; the Subcommittee members had no intention to harm the lake. Mr. Crouse has a different situation and he has no objections to his circumstance being a special use.

Close the call to the public at 7:48 P.M.

Commissioner Hopkins - Has reviewed the changes. A very good job has been done drafting the document to meet the concerns of the riparian owners. He thanked the committee members as well as Dave Kalenauskas for their time and effort in drafting the ordinance. There are some things that people have brought up tonight that should be reviewed.

Commissioner Germane - The written comments of Dave Kalenauskas should be considered and added to the file. He also requested that Katie Schleuter further explain the changes she has requested.

Katie Schleuter - There is an exemption for existing common use lots. In this ordinance, all of the existing lots would become non-conforming legal lots except under D. and E. D. refers to expanding to allow more lots or persons or parcels. E. By definition, in order to maintain them as they exist today, there will have to be repairs. We would like to have something to generally maintain the lots exist right now. The language she suggests is "Subs that have nonconforming common use lots of record legally existing prior to the effective date of these regulations will be allowed to operate maintain and repair and improve such lots with the purpose of providing picnic areas, swimming access, boat launching for members per previously existing agreements provided maintenance improvements and repairs are subject to the Township and DEQ requirements."

The Planning Commission questioned why this text was taken out of the ordinance. The lawyer apparently removed it for unknown reasons.

Commissioner Bickel - During this whole process we have referred to this as Riparian Rights but it is actually called Shoreline and Lake Protection. Given the Phase II Storm Water Management issues, we should consider changing the title for clarity or look into the issues of shoreline and lake protection in regard to storm water management and the buffers. The DEQ and EPA are encouraging similar protective measures. The intent is mainly Riparian Rights. Commissioner Bickel suggested that the PC consider changing the name of the ordinance and create another addressing Wetland and Shoreline Protection.

The Planning Commission agreed to contact the Township's Attorney and deal with the comments administratively.

Move to continue the discussion on October 13, 2005. Motion Germane. Second Newsom. Voice Vote. Motion Carried. 7-0-0.

OLD AND NEW BUSINESS

8. APPLICANT: IVANHOE HUNTLEY SIGN APPLICATION #538 SECTION 19 ZONED PDSR (PLANNED DEVELOPMENT SUBURBAN RESIDENTIAL) TEMPORARY REAL ESTATE DEVELOPMENT "CREST WOOD" (18 MONTH—EXPIRES MARCH 2007)

Mike Anderson from Ivanhoe Huntley was present.

Commissioner Germane - Temporary Real Estate Development Signs are only allowed after construction has started.

Commissioner Hopkins - Ivanhoe Huntley has not received final approval and it would be too premature to approve the signs.

Move to table Sign Application #538 Temporary Real Estate Sign for Ivanhoe Huntley. Motion Bickel. Second Hill. Voice Vote. Motion Carried. 7-0-0.

9. APPLICANT: IVANHOE HUNTLEY SIGN APPLICATION #539 SECTION 28 ZONED PDSR (PLANNED DEVELOPMENT SUBURBAN RESIDENTIAL) TEMPORARY REAL ESTATE DEVELOPMENT "ROUND LAKE WOODS" (18 MONTH—EXPIRES MARCH 2007)

Move to table Sign Application #539 Temporary Real Estate Development Sign for Ivanhoe Huntley. Motion Hopkins. Second Newsom. Voice Vote. Motion Carried. 7-0-0.

10. APPLICANT: HARMON BEATTY METES & BOUNDS APPLICATION #737 SECTION 25 ZONED CA (CONSERVATION AGRICULTURE)

David Bittner, Attorney was present.

Planner Barb - This is a retroactive Land Division. It was recorded at the County but it is not on file for the Township.

Move to approve Metes & Bounds Application #737 for Harmon Beatty Tax Id #08-25-200-016, 018, 020. Motion Hopkins. Second Hill. Voice Vote. Motion Carried. 7-0-0.

11. APPLICANT: PAIGE & DAVID LUTOMSKI METES & BOUNDS APPLICATION #736 SECTION 25 ZONED CA (CONSERVATION AGRICULTURE)

David Bittner, Attorney was present.

Move to approve Metes & Bounds Application #736 Tax Id #08-25-020-401-47060 for Paige & David Lutomski per the Hartland Township Ordinance #57. Motion Hopkins. Second Bickel. Voice Vote. Motion Carried. 7-0-0.

12. APPLICANT: MATT CHOATE METES & BOUNDS APPLICATION #738 SECTION 10 ZONED CA (CONSERVATION AGRICULTURE)

Move to approve Metes & Bounds Application #738 Tax Id #08-10-100-005 for Matt Choate. Motion Hill. Second Germane. Voice Vote. Motion Carried. 7-0-0.

**13. APPLICANT: RUBY TUESDAYS / W.D. PARTNERS SITE PLAN #378 SECTION 20 ZONED PDGC (PLANNED DEVELOPMENT GENERAL COMMERCIAL) RESTAURANT IN SHOPS AT WALDENWOODS
APPROVED "CONCEPTUAL" 10/28/04 PC AGENDA
APPROVED "CONCEPTUAL" 11/16/04 HTB AGENDA
TABLED 01/13/05 PC AGENDA**

Keith Wheaton from Ruby Tuesday was present.

Chairman Fox - The Planning Commission is satisfied that Ruby Tuesday has met the request for the changes in the rear elevation.

Commissioner Hopkins does not support the clip lights on the awning. The Township tries to limit light in the night sky. It is consensus that the clip lights be removed from the site plan.

The Commission also requested more detail on the Site Plan to show the details for the parking lot lighting fixtures and to show the dumpster material as the same brick used on the building.

The developer is responsible for the detention pond.

Move to approve Site Plan #378 for Ruby Tuesday with the conditions that the clip lights be removed, that detail be added to the plans to show the parking lot light fixtures, that the maintenance area be detailed to show the dumpster materials with the same brick as the building. Also noting the Williams & Works letter dated September 6, 2005 requesting revised plans before approval. Motion Newsom. Second Bickel. Voice Vote. Motion Carried. 6-1-0. Nay: Hopkins.

Commissioner Hopkins will not support a motion with so many conditions.

Planner Barb - These are minor changes and will be addressed before going to the Board.

14. APPLICANT: CONSUMER ENERGY SITE PLAN APPLICATION #390 IN CONJUNCTION WITH SPECIAL USE APPLICATION #226 ZONED CA (CONSERVATION AGRICULTURE) SECTION 25

6/23/05 PC AGENDA SET A DATE FOR PUBLIC HEARING ON JULY 14, 2005

TABLED to August 11, 2005 7/14/05 PC AGENDA "PUBLIC HEARING"

Planner Barb - The landscape plan does not meet Ordinance requirements. Consumers Energy chooses to have shorter plantings because of safety issues. He feels that it is adequate and thus recommends approval. The Planning Commission is concerned that the landscape material is inside of the fence. Consumer's Energy will replace all of the existing fence including the poles and agrees to relocate the landscaping outside of the fence.

Move to recommend approval of Special Use Application #226 for Consumers Energy subject to Site Plan approval for the purpose of enlarging the easement for the expansion of a gas regulating station. Motion Hill. Second Germane. Voice Vote Motion Carried. 7-0-0.

Move to recommend approval of Site Plan Application #390 for Consumer's Energy with the condition that the drawings be revised to show the landscaping on the outside of the security fence on the west side and parallel to M-59 and the enclosure is modified to 24 feet by thirty six feet, as discussed with the applicant. Motion Germane. Second Hill. Voice Vote. Motion Carried. 6-1-0. Nay: Hopkins.

15. APPLICANT: MIKE HORAN SITE PLAN APPLICATION #391 SECTION 33 ZONED LI (LIGHT INDUSTRIAL) PARCEL A TAX ID #08-33-100-009

TABLED to August 11, 2005 7/14/05 PC AGENDA "PUBLIC HEARING"

Wayne Perry from Desine Engineering and Gary Cornillaud, Architect was present.

Alexis Marcarello - There is a request to modify the front setback along Old US-23 to allow a 70 foot set-back as opposed to the required 80 foot set-back. We recommend the Planning Commission recommend the H & L Properties Site Plan be approved, subject to the modification of the minimum required front yard set-back to 70 feet, modification of the minimum required driveway spacing to 265 feet to the south, modification to allow existing vegetation to partially satisfy the adjacent to the road landscape requirement, and facade waiver to allow jumbo bricks and more than 25 percent split face block on the side and rear facades, and further, subject to addressing the following items prior to Board approval:

1. Proposed use of the fenced area is clarified.
2. The painted striped area at the southeast corner of the building made into a curbed landscape island with at least one tree and live ground cover.
3. Access drive to the detention basin is relocated.
4. Additional lilac bushes and or shrubs or perennial flowers are added to the foundation-planting plan.
5. All required plan revisions regarding architecture are provided and noted on the plans including: colors of proposed materials, the method of screening roof-mounted mechanical equipment, that the standing seam metal roof be 100 percent copper or copper bearing a painted finish, a detail of the wall and gate (should be revised to show a building- matching wall extending from the north side of the building instead of the proposed chain link fence and decorative gate).

6. Details and notes regarding lighting are provided including: a detail of the wall mounted fixture, a note added to the plans indicating that the fixtures are downward directed, fully shielded, and with a concealed light source.

7. Materials are provided for the dumpster enclosure (the dumpster enclosure must be faced with the same materials as the building, and a detail of the front gate which must be solid wood with metal reinforcements).

8. Comments from other reviewers are addressed on the site plan.

9. That the rezoning be approved.

To provide direction to the applicant, the Planning Commission is recommending: adding more foundation plantings, changing the detail of the dumpster to match the building, noting on the plans as clarification, that the fenced in parking area is not intended for outdoor storage. The Planning Commission is comfortable with the location of the building. The wall as opposed to the painted fence is not needed at this time. It is agreed that the painted striped area at the southeast of the building is acceptable. The Livingston County Road Commission has approved the drive where it is located and the Planning Commission feels that it does not need modification. The Planning Commission is also requesting that the applicant note on the plans that the trees in the front yard setback will remain. The applicant has agreed to these site plan changes as well as the recommended architectural changes noted in the Recommendations item #5 (above) of the McKenna letter dated August 26, 2005.

Move to table Site Plan Application #391 for Mike Horan Tax Id #08-33-100-009 until the rezoning application has been approved. Motion Bickel. Second Newsom. Voice Vote. Motion Carried. 7-0-0.

16. ROLLY OLNEY-INTRODUCTION TO THE PHASE II STORMWATER

Rolly Olney - The Phase II Storm water Management Plan is a set of non-prescriptive regulations that the DEQ has come up with. It is up to the Township to accept and implement selected portions of the recommendations, or best management practices. The Phase II effort is required under the federal Clean Water Act. Phase I involved the larger municipalities in Michigan and Phase II involves the smaller communities. Phase II is the next step in the EPA's effort to preserve, protect, and improve the Nation's water resources from polluted runoff. It expands the Phase I program by requiring additional MS4's in urbanized areas to implement programs and practices to control polluted storm water runoff. Hartland belongs to two watersheds. Though we are an active member of the Shiawassee Branch, we are required to participate in both the Huron and the Shiawassee programs. The lakes are a major concern because of the storm water run off especially in this area with the amount of lakes we have. These measures give us the ability to require that developers pay attention to things such as run off and drainage.

The six minimum measures for a general permit are: Public Education and Outreach, Public participation, Illicit discharge detection and elimination, construction site runoff control, post-construction runoff control, and pollution prevention/good housekeeping. The choice for the Township was to participate in the watershed plan. With this choice there is no duplication in effort, so it saves money because the cost is spread through all the communities in the plan. It is many voices carrying throughout the county. The Livingston County Drain Commission leads the project. The major components of the Phase II effort are the application, the Illicit Discharge Elimination Plan (IDEP), Public Education Plan (PEP), completion of a Watershed Management Plan (WMP), the Storm water Pollution Prevention Initiative (SWPPI), and an annual progress report.

The IDEP is a program to find, prioritize, and eliminate illicit discharge and to minimize infiltration of seepage from sanitary sewers and on site sewage disposal systems. The PEP is to educate the public about their responsibility. It is also to educate the public on the availability, location and requirements of facilities for disposal of household hazardous waste and to educate them concerning the management of Riparian Lands to protect water quality. The SWPPI is for the evaluation and implementation of pollution prevention and good housekeeping. The public outreach is the most important thing we can do at this time. We can put our best foot forward and educate the public so they know that what they

do in their house and yard affects the watershed even if you do not live on a lake. Water runs down hill. This is a very good program. Once we pollute it to a point where we can't go back, we are going to lose it. The Watershed plan is in its draft form. It will be going out the first of November. This is a work in progress, we will submit it to the state and see what they say. My confidence in the state returning the comments in a timely manner is not very high.

17. CALL TO PUBLIC - None

18. COMMITTEE REPORT

Commissioner Hopkins- There is too many conditions that we are imposing on the Board. We have to get the packets more complete, it adds hiccups to the process. Developers have the ability to meet the ordinance. We need to consider what our job is and minimize the conditions.

19. ADJOURNMENT

Move to adjourn at 11:35 PM. Motion Newsom. Second Hopkins. Voice Vote. Motion Carried. 7-0-0.

This is a Draft until final approval.

Submitted By,

Jennifer Rardon

Recording Secretary

Matt Germane

Planning Commission Secretary