

HARTLAND TOWNSHIP PLANNING COMMISSION
MAY 26, 2005-TOWNSHIP HALL-7:30 P.M.

1. CALL TO ORDER- The meeting was called to order by Chairman Fox.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL- Members present: Chairman Fox, Commissioner Rataj, Commissioner Bickel, Commissioner Hopkins and Commissioner Newsom. Absent: Commissioner Kalenauskas and Commissioner Germane. Also present: Alexis Marcarello and Amy Neary of McKenna Associates and Planner Barb.

4. APPROVAL OF MAY 26, 2005 PLANNING COMMISSION AGENDA-

Move to approve the May 26, 2005 Planning Commission agenda. Motion Hopkins. Second Bickel. Voice Vote. Motion Carried. 5-0-2.

Hopkins- strike agenda item #14, Sign Ordinance in lieu of Chairman Germane being absent. Add a Public Hearing on 1A Architecture Standards.

5. APPROVAL OF APRIL 28, 2005 PLANNING COMMISSION MEETING MINUTES-

Move to approve the April 28, 2005 Planning Commission meeting minutes. Motion Newsom. Second Hopkins. Voice Vote. Motion Carried. 5-0-2.

Corrections: P.6 Second paragraph third sentence- strike current add currently. Will read: No tenants are currently planned and there is no knowledge of potential building locations, number or size. P.6 Third paragraph third sentence- strike regarding and add regrading. Will read: After regrading is completed, the storm water will be routed to the same location. P.6 Fourth paragraph first sentence- strike area before environmental. Will read: Commissioner Bickel cited a publication from Livingston County Planning Department that indicates this area is a sensitive environmental area. P.7 Last paragraph third sentence- strike SPC add SPA. Will read: The SPA consists of mixed use development as opposed to total single family development. P.9 Under McKenna provided comments from their April 7, 2005 letter fourth bullet- strike basis add easement. Will read: Street has a 66 wide easement. P.11 Second paragraph- strike as add and. Will read: Commissioner Bickel believed there could be a greater mix of uses through design and the project can be an asset to the community if done correctly. P.12 Last paragraph- Strike Tow add Trow, strike Wood add Woods, Strike on 100 acres. Will read: Informal Committee: On April 27, 2005, a meeting was held with Trow Bridge Echo Woods Bergin Road. The plan is for 170 homes.

6. APPROVAL OF MAY 5, 2005 SPECIAL JOINT PLANNING COMMISSION & TOWNSHIP BOARD MEETING MINUTES-

Move to approve the May 5, 2005 Special Joint Planning Commission & Township Board meeting minutes. Motion Hopkins. Second Bickel. Voice Vote. Motion Carried. 5-0-2.

Corrections: P.2 Under Natural Features- strike looking at other ordinances and checking woodlands. Will read: Committee is currently researching township websites for ordinances for Woodlands and Wetlands preservation.add thus far. Will read: Eighty-one surveys have been

returned thus far. Strike The and add Several, strike will and add do. Will read: Several ordinances do not apply to land under 5 acres, or land used for agricultural purposes. Strike The ordinance and add Some ordinances. Will read: Some ordinances will only address trees 8-10" in trunk diameter and some special landmark trees. Strike prevents and add requires notification when. Will read: The current township ordinance requires notification when more than 25% of the trees be removed. P.2 Under Architecture standards- add development. Will read: Proposed establishing a committee to look at larger retail establishments, like big boxes and have McKenna develop standards we can require that would not prevent development but require them to use higher grade building materials and design standards. P.3 Under Land division- Strike permits add permit(twice). Will read: even if the parcel being created does not meet township ordinance and therefore would not qualify for a land use permit. The township needs to keep track of these parcels so that a land use permit will not be issued for one of these parcels.

7. APPROVAL OF MAY 12, 2005 PLANNING COMMISSION MEETING MINUTES-

Move to approve the May 12, 2005 Planning Commission minutes.

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

Corrections: P.2 number 10. Spelling correction: Commission. Will read: 10. PLANNING COMMISSION BY-LAWS. P. 2 Last paragraph- strike former and add formed. Will read: Subcommittee Chairman Germane expressed thanks to the other Planning Commission members who formed the By-Laws Subcommittee, Jeff and Alex, for their dedicated work and assistance. P.3 Second paragraph- strike as and add on, strike chairman. Will read: Chairman Fox, who has also served on the Subcommittee mentioned the advantages and disadvantages of writing it as a separate ordinance. P.4 Under 12a. Strike Estate Residential and add Rural Residential. Will read: Some of the most critical issues is in the Rural Residential CP designation(3 acre minimal housing area) and the range of housing lot sizes in the ZO SRE district depending on whether sewer is available or not.

8. CALL TO THE PUBLIC- Jacqueline Cwik- Distributed a letter thanking the Planning Commission for their "efforts and considerations in regarding the many concerns surrounding new development." She cited the attendance of Chairman Germane at the Livingston County Watershed Management Short Course as an example, asking the Planning Commission to continue to be vigilant in protecting and preserving our "natural assets and our watershed". John Malejan- 1685 Shoreline Drive- Stated his concern that the developers of Round Lake Woods(Planned Development Application #369-313, agenda item #13) will not hold up to the commitment they make to the township in regard to the protection of Round Lake. He requested that the township set their agreement "in stone" so the lake will be protected when the developers leave. David Henry- Distributed a letter outlining existing Round Lake residents concerns. "1. Environmental analysis is required for preliminary review per section 29.05B of the Hartland Township Ordinance. It has not been provided. 2. Wetlands preservation and lake access prohibition. These commitments are not specifically stated, outlined, and labeled on the preliminary plans. 3. Storm water management. 4. Soil erosion control. 5. Buffering. Township needs to balance the aesthetic amenities to Round Lake Woods with the utility this wetland provides for water quality/flood controls to the existing resident/taxpayers, and North Ore Creek watershed."

PUBLIC HEARING

OLD AND NEW BUSINESS

9. APPLICANT: JOSEPH S. NOVITSKY & JANIECE R. MAXWELL/BULK PETROLEUM SPECIAL USE APPLICATION #225 IN CONJUNCTION WITH SITE PLAN # 381 ZONED GC(GENERAL COMMERCIAL) "Hartland C-Store & Mad Max Express Oil & Lube" Gas station, convenience store, Car wash & Oil change facility. Planner Barb indicated that he had been informed that Mr. Novitsky was no longer with the project, and he not had contact with either applicant. Postpone to June 23, 2005.

10. APPLICANT: LUDMILLA GESS SIGN APPLICATION #522 ZONED GC(GENERAL COMMERCIAL) SECTION 28 WALL SIGN "LUDMILLA'S BOUTIQUE"- Ms. Gess was present with Julie Banish of Sign a Rama. Commissioner Rataj-No comments. Commissioner Hopkins asked if this meets the size requirement? Commissioner Rataj-and Planner Barb stated that this sign meets our ordinance requirements.

Move to approve sign application # 522, Ludmilla's Boutique. Motion Bickel. Second Rataj. Voice Vote. Motion Carried. 5-0-2.

11. APPLICANT: MIKE YURICK SITE PLAN # 388 MAJOR/MINOR TO SITE PLAN # 261 PDLI(PLANNED DEVELOPMENT LIGHT INDUSTRIAL) SECTION 28 HARTLAND TOWN CENTER- Wayne Perry of Desine Inc. was present.

Mr. Perry- Mr. Yurick is requesting three changes to the existing site plan. 1. Creating an outdoor seating area between parcel A and parcel B used to service the Irish Pub. This seating area will be fenced in and be accessed from the building. 2. To add dumpster capacity. The addition of new tenants has created problems. The same construction materials will be used to match the current site. 3. To be approved for an already existing cooler on the North side of parcel B and located on the North East side of the building.

Commissioner Rataj questioned whether there would be live music and entertainment. Mr. Perry replied that to the best of his knowledge there would not be.

Commissioner Hopkins questioned whether the additional seating constituted an addition to the square footage of the building. Mr. Perry stated that the proposed area is currently a concrete sidewalk and essentially they are just putting a fence around it, though the seating capacity will change.

Commissioner Hopkins also addressed the fact that our ordinance does not permit standing metal and that constructing the metal cooler also constitutes a change in exterior building materials.

Ms. Neary from McKenna Associates stated that changing the original use and character of the existing development constitutes a major change. Outdoor seating is changing the concept of use. Commissioner Bickel inquired as to whether the additional space constituted an additional five percent of floor area. Because of the extra seating and the liability of the owner to the individuals using the space, she felt that this should be a major change dependant upon the percentage of space being used.

Mr. Perry questioned the Planning Commission's interpretation of the ordinance.

Commissioner Fox suggested planting an extra row of shrubs instead of using a wood fence as screening for the seating area. He also addressed the fact that according to their approved site plan, the materials used to screen the existing dumpster are not the same as those on the original

site plan. He suggested changing the materials to comply with the original approved site plan. Commissioner Newsom addressed his concern that there are unanswered questions including whether or not there will be live entertainment also adding that the courtyard was not intended to be utilized as outdoor seating. These concerns should be dealt with as a major change.

Move to consider Site Plan # 388 a major change to Site Plan # 261. Motion Hopkins. Second Newsome. Voice Vote. Motion Carried. 4-1-2.

Mr. Perry-Do we need to define the reason? Commissioner Hopkins-Article 33.02 K. 4, A and B.

**12. APPLICANT: WAYNE HOMES SITE PLAN APPLICATION # 389
MAJOR/MINOR CHANGE TO SITE PLAN # 268 ZONED OS(OFFICE SERVICE)**

SECTION 22 - Mr. Portelli- We would like to convert two of our existing model homes to Light Office use which in turn requires us to add handicap ramps to each building as well as a handicap accessible bathroom to each. Wayne homes has been given approval by the county to use the existing septic system on site.

Commissioner Hopkins-Is there a reason why these buildings are not currently hooked up to water and sewer?

Mr. Portelli- Poor planning on our part.

Commissioner Bickel- It appears that by adding water and septic to this site it would require a major change as opposed to a minor.

Mr. Portelli- We will be adding a settlement tank and a lift pump to the existing system but the net usage has not changed.

Commissioner Newsom- Question for McKenna, according to Section 33.02A isn't this a change in use?

Amy- From showroom to office space, yes.

Planner Barb- The original site plan included a conceptual redesign plan which designated these buildings as office space. Minor Changes Item J includes accommodation of essential services.

Sewer service is most certainly an essential service. The applicant is only here to get approval for handicap ramps. If there are other issues such as sewer they should be addressed at a later date.

Chairman Fox- It is in the best interest of the applicant for us to table this item so they may reapply with all of the items needed. We cannot determine this a major or minor change at this time.

Commissioner Newsom asked how to address the change in use.

Amy- The change in use is the major issue here. It changes things such as parking. Model homes do not require parking, offices do.

Chairman Fox again suggested that the applicant take back the application and with the help of staff, decide whether this is major or minor change and resubmit the same application as a site plan approval after addressing all of the items necessary.

Move to table application #389 Major/Minor change to Site Plan #268. Motion Hopkins. Second Bickel. Voice Vote. Motion Carried. 5-0-2.

**13. APPLICANT: IVANHOE-HUNTLEY HOMES LLC PLANNED DEVELOPMENT
APPLICATION # 369-313 "ROUND LAKE WOODS" SECTION 28 216 MULTI-
FAMILY(18 BUILDINGS 12 UNITS PER BUILDING) CONDOMINIUMS PLANNED
DEVELOPMENT 50.99 ACRES- TABLED FROM THE 11/18/04 PC AGENDA-Paul**

Knuth from Ivanhoe-Huntley was present with Mark Highlen from Wasniak & Associates, Mike Anderson from Ivanhoe-Huntley, Alan Green from Dykema Gossett, and Brad Strader from LSL Planning.

Mr. Knuth- We are proposing a condominium project located at M-59 and Blaine Rd. We have followed the recommendations of the Planning Commission and reduced the density by 12 units, increased the active open space, increased landscape and buffering, and added additional brick to follow the category 1 architectural standard.

Ms. Maracello from McKenna- We are advising the Planning Commission to make a recommendation for preliminary approval to the Township Board with three conditions:

1. That Blaine Rd. be improved by adding a center lane from Blaine Rd. Intersection South past the Blaine Rd. entrance.
2. The final site plan includes architectural details of retaining walls and landscape to soften the appearance from public roads to the satisfaction of the Planning Commission.
3. We receive comments from the Livingston County Road Commission and MDOT concerning the plan dated March 25, 2005.

Commissioner Newsom- Are the units upper level or do they have first floor access.

Mr. Knuth- All units are accessible from the first floor.

Commissioner Newsom- What kind of clients are you expecting to attract?

Mr. Knuth- We are expecting to attract first time home buyers, some retired people, very few children, couples with one or two at the most.

Commissioner Newsom- Moving on, the elevations look nice. How are you going to approach the Raparian Rights of the development?

Mr. Knuth- We will approach it in a few ways. We pledge to restrict access to the lake. The only access we are asking for is through the boardwalk. We do not want to bring it right up to the lake and we are happy to comply with McKenna in staying twenty-five feet away. The purchaser will be notified in writing that they do not have access to the lake in a pamphlet given to them at time of deposit. They will sign a document at time of closing and receive copies of the master deed and the by-laws, which are both recorded at the county. It will also be included in the Planned Development agreement with the township. These restrictions cannot be changed unless the township is in agreement and it is amended.

Commissioner Newsom- I was not a Planning Commissioner at the last review but I was in the audience and I remember discussion of a Vortex system. I do not see it on the plans.

Mr. Highlen- We have a system in place but we have removed the vortex. All of the water including roof drains into our basin and it percolates through a rain garden at the bottom of the pond before it goes into a perforated pipe then to the outlet structure which has a restriction and then drains into the lake.

Commissioner Hopkins- How long does it take for the water to drain?

Mr. Highlen- We have to calculate the type of strata we put in there. We have to find a balance between the kinds of filter materials used, type of plants used and amount of perforations in the pipe. Generally speaking about 48 hours. If it stays longer it can start to compromise the plant life. The water outlets upstream from the wetland where we have created a modified rain garden that looks like a dry riverbed then it splits into three legs to slow the velocity and eliminate the fear of erosion at the edge of the wetland.

Commissioner Bickel- Has there been consideration in donating the conservation easement to the Livingston County Conservancy.

Mr. Knuth- We have not approached that yet. At final approval we will propose the entire easement to be a preservation easement according to the PD agreement or consider donating the land to the conservancy.

Commissioner Hopkins- How does your donating the easement effect the site plan?

Mr. Knuth- It becomes part of the PD agreement with the township and the conservancy has some requirements including a funding mechanism to enforce the terms of the conservation easement.

Move to recommend preliminary approval for Site Plan # 369-313 Ivanhoe- Huntley Tax Id #'s 08-28-201-001 through 08-29-201-054 also 08-28-200-017 and 08-28-200-009 under the conditions of the McKenna letter dated May 17, 2005 in its entirety and the Williams & Works letter dated May 23, 2005 in its entirety, also under the conditions that the notation on the prints read that the boardwalk would be approved based upon DEQ approval and at the discretion of the township, and install double silt fences where silt fences are required and stabilize the soils as soon as possible. Motion Bickel. Second Newsom. Voice Vote. Motion Carried. 5-0-2.

14. SIGN ORDINANCE

This Agenda item was temporarily removed due to Commissioner Germane's absence.

15. CALL TO THE PUBLIC

Terri Lynch-Caris- 1493 Shoreline Dr., voiced her concern that the exclusively two bedroom one car garage homes proposed by Ivanhoe-Huntley will produce a high turn over rate and that numerous owners will cause people to over look the original intent of the master deed and the by-laws which prohibit residents of the development to have access to Round Lake. She recommends a proposal that would create a more sustainable community, which would include various types of homes.

Katie Schleuter- Is concerned that the types of equipment used to construct the boardwalk would disturb the wetlands. She also stated that seeding the rain garden does not always work and that it would be better to seed and use plugs in case seeds did not take. She also questioned who would maintain the rain gardens.

Alberta Falter- Posed the question of rain garden effectiveness. Will the water be clean enough to discharge into the lake? Who is ultimately responsible for the maintenance? Ms. Neary- It is the responsibility of the homeowners association and the county.

16. COMMITTEE REPORT

Commissioner Bickel- The Natural Features Committee has set a final date for our community education program. It is to be held on June 16, 2005 at 7 P.M. at the Hartland Township Music Hall. Speakers are: Mike Gabin, a Natural Resources Educator from Michigan State University, Beth Dunman a Biologist, Mike Homier an attorney, Dan Swallow representing VanBuren Township, and Joe Ludwig a Director of Landscape Architecture with McKenna.

They will be discussing Woodland ordinances and how they impact the wetlands and water features as well as the viability and importance and what woodland ordinances mean to Hartland Township. There was an informal scheduled for May 14, 2005 but the applicant did not show up.

**SET PUBLIC HEARING DATE FOR 1A ARCHITECTURE GROUP TEXT REVISION
TO THE ZONING ORDINANCE SECTION 33.10**

Move to set public hearing for June 30, 2005 for the purpose of 1A Architecture Group text
revision to Zoning Ordinance Section 33.10.

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

17. ADJOURNMENT- Chairman Fox adjourned the meeting at 10:43 P.M.

These minutes are a preliminary draft until final approval.

Submitted by,

J. Rardon
Recording Secretary

M. Germane
Planning Commission Secretary

Next Meeting: June 9, 2005 @ 7:30 P.M.
June 23, 2005 @ 7:30 P.M.