

**HARTLAND TOWNSHIP**

Dept. of Township Services  
3191 Hartland Road  
Hartland, MI 48353  
(810) 632-7498  
FAX (810) 632-6950



Don Rhodes Supervisor	Joe Colaianne Trustee
Ann M. Ulrich Clerk	William Fountain Trustee
Kathleen Horning Treasurer	Larry Hopkins Trustee
	Joe Petrucci Trustee

**Attention  
Hartland Township Residents**

**THE HARTLAND TOWNSHIP PLANNING COMMISSION HAS SCHEDULED A PUBLIC HEARING:**

**APRIL 14, 2005  
7:30 PM  
HARTLAND TOWNSHIP HALL,  
3191 HARTLAND ROAD,  
HARTLAND, MI.**

**IT IS FOR THE PURPOSE OF HEARING COMMENTS FOR APPLICANT BULK PETROLEUM / JANIECE MAXWELL**

**HARTLAND C STORE & MAD MAX EXPRESS OIL & LUBE  
SPECIAL USE APPLICATION #225 IN CONJUNCTION WITH SITE PLAN #381.**

**THEY WILL BE CONSIDERING APPLICANTS' REQUEST TO CONSTRUCT A GAS STATION, CONVIENCE STORE, CAR WASH, & OIL CHANGE FACILITY IN THE NORTHEAST CORNER OF M-59 AND OLD US 23, SECTION 21, ZONED GC (GENERAL COMMERCIAL).**

**THE PROPOSED SPECIAL USE APPLICATION MAY BE VIEWED PRIOR TO THE HEARING, AT THE TOWNSHIP HALL, MONDAY THROUGH FRIDAY, 8:00 AM TO 4:00 PM. YOU MAY ALSO SUBMIT WRITTEN COMMENTS CONCERNING THE PROPOSED SPECIAL USE TO THE TOWNSHIP ZONING AND PLANNING DEPARTMENT AT 3191 HARTLAND ROAD, HARTLAND, MI 48353, OR CALL 810-632-7498 BETWEEN THE HOURS OF 8:00 AM AND 4:00 PM, MONDAY THROUGH FRIDAY.**

Posted 3/24/05

**Denise Lutz  
Deputy Zoning Administrator**

**HARTLAND TOWNSHIP**  
Dept. of Township Services  
3191 Hartland Road  
Hartland, MI 48353  
(810) 632-7498  
FAX (810) 632-6950



Don Rhodes Supervisor	Joe Colaianne Trustee
Ann M. Ulrich Clerk	William Fountain Trustee
Kathleen Horning Treasurer	Larry Hopkins Trustee
	Joe Petrucci Trustee

## **Attention Hartland Township Residents**

**The Hartland Township Planning Commission will conduct a Public Hearing on Thursday, April 14, 2005 at 7:30 pm in the Hartland Township Hall, 3191 Hartland Road, Hartland, MI.**

**Subject:           Rezoning Application #315  
                      Rezone from Industrial (I) to Light Industrial (LI)**

**Applicant:       H & L Properties LLC  
                      Mike Horan**

**The Public Hearing will be for the purpose of hearing comments regarding the proposed rezoning of approximately 4.64 Acres, in Section 33, as described in the legal description.**

**The proposed rezoning application may be viewed prior to the hearing, Monday through Friday, 8:00 AM to 4:00 PM. You may also submit written comments concerning the proposed rezoning to the Township Zoning and Planning Department at 3191 Hartland Road, Hartland, MI 48353, or call 810-632-7498 between the hours of 8:00 AM and 4:00 PM, Monday through Friday.**

**Denise Lutz  
Deputy Zoning Administrator**

1. **CALL TO ORDER** – Chairman Fox called the meeting to order.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL** – Members present: Chairman Fox, Vice Chairman Bickel, Secretary Germane, Commissioner Hopkins, Commissioner Newsom, Commissioner Rataj and Commissioner Kalenauskas. Also present: Amy Neary and Alexis Marcarello of McKenna Associates and Planner Barb.
4. **APPROVAL OF APRIL 14, 2005 PLANNING COMMISSION AGENDA** – Move to approve the April 14, 2005 Planning Commission agenda as amended. Motion Hopkins. Second Newsom. Voice Vote. Motion Carried. 7-0-0.

Remove Item #5 - Meeting minutes of April 7, 2005.

## 6. **CALL TO THE PUBLIC**

*Mike Ryan* – 163 West Peterson – Mr. Ryan is president of the Pleasant Valley Homeowners Association which includes East and West Peterson. Mr. Ryan expressed concern about the impact that Rezoning Application #315 will have on the residents of his association. There is currently a great deal of noise coming from the site and the residents oppose an increase in business at the site.

*Jacqueline Cwik* - 1560 Shoreline Drive – The stormwater issue in the Township and specifically the Round Lake area is an ongoing concern for residents. MDOT maps show the runoff going into the Round Lake wetlands and then the lake itself. The prefiltration area on the west side of US 23 has been destroyed. Ms. Cwik brought educational materials for the Commission to review on other areas and the techniques they use to address this issue. There is a potentially serious problem with the amount of water coming into the lake in the form of stormwater runoff. Water quality and the protection of the aquifer for drinking water are serious issues that need to be addressed.

## **PUBLIC HEARING**

### **7. PUBLIC HEARING - APPLICANT: MIKE HORAN / WAYNE PERRY – DESINE REZONING APPLICATION #315 SECTION 28 REZONING I (INDUSTRIAL) TO LI (LIGHT INDUSTRIAL) – Wayne Perry of Desine Inc. was present.**

Chairman Fox opened the hearing at 7:39 p.m.

Ms. Marcarello of McKenna described the LI and I zoning with LI being the less intense zoning use. Page 79 of the Hartland Township Comprehensive Plan addresses this as well. Section 33.05 lists the 8 criteria to be considered for rezoning. Ms. Marcarello referred to the April 1, 2005 review letter from McKenna Associates.

Mr. Perry reviewed the application for rezoning 4.6 acres to construct a building for leasing tenant space to light industrial users.

Chairman Fox opened the hearing to questions from the public.

*Mike Ryan* – 163 West Peterson – Mr. Ryan questioned why the residents were notified of this. Planner Barb responded that anyone within 300 ft. of the rezoning request site was notified of the

hearing. Mr. Ryan produced a sheet that he stated had been placed in his mail box but not mailed to him. Planner Barb examined it and stated that it was not on Township letter head, had not been mailed and did not come from the Township. He had no idea who had distributed this but it was not Hartland Township.

Chairman Fox opened the hearing to questions from the Commissioners.

Commissioner Kalenauskas – The zoning designation goes with the land.

Planner Barb stated that plans for the site had been described as one building with possibly 3 tenants.

Mr. Perry described it as possible two buildings with multiple tenants. They will consider what works best on the site.

Chairman Fox closed the Public Hearing at 7:50 p.m.

Chairman Fox advised everyone that the Planning Commission does not usually make a decision on the night of the public hearing.

Move to place applicant Mike Horan Rezoning Application #315 Industrial to Light Industrial on the April 28, 2005 agenda. Motion Rataj. Second Kalenauskas. Voice Vote. Motion Carried. 7-0-0.

**8. PUBLIC HEARING – APPLICANT: JOSEPH S. NOVITSKY AND JANIECE R. MAXWELL / BULK PETROLEUM SPECIAL USE APPLICATION #225 IN CONJUNCTION WITH SITE PLAN APPLICATION #381 SECTION 21 ZONED GC (GENERAL COMMERCIAL) HARTLAND C-STORE & MAD MAX EXPRESS OIL & LUBE GAS STATION, CONVENIENCE STORE, CAR WASH & OIL CHANGE FACILITY – Joseph Novitsky was present.**

Chairman Fox opened the public hearing at 7:51 p.m.

Ms Marcarello of McKenna Associates summarized the reviews for the site plan (February 14, 2005) and special use (April 7, 2005). The site is about 3 acres on the north east corner of Old US 23 and M 59. Concerning the site plan, there should be clarification of the lot area and the front lot lines. This is a corner lot with roads on two sides and road easements on the other two sides. The reviews included the bay doors, screening, landscaping, carwash stacking, parking, internal circulation, door locations, number of doors, drive connection, drive location, traffic study, sidewalks, bike path, landscape preservation and other issues related to the site.

The special use addresses standards for the site and compatibility.

Mr. Novitsky stated that there was a GWPIPP (Ground Water Pollution Incident Protection Plan). It was recommended that revisions be made to the plan.

Ken Foster, an agent of Bulk Petroleum, came forward with Mr. Novitsky. He stated that the current plan is the result of three informal meetings with the Township. He feels it meets the 8 criteria and has only 2 fronts since the easements are private. MDOT approved the exit onto M59 with no left turn allowed.

Mr. Novitsky received an approval from Livingston County today. He strongly expressed his displeasure with the site plan process in Hartland Township. He went on at length about how this plan came from corporate, how other entities handle approvals and that they were giving the community an asset in the style of the building. The MDOT line of sight that cuts across the corner

prohibits anything that is or will grow to be more than 3 ft. tall. The owner of the road easement to the north and east will not grant the site access to his driveway. Mr. Novitsky felt that all the uses shown were necessary to make the site economically feasible.

Chairman Fox opened the hearing to questions from the public.

*Jacqueline Cwik* – 1560 Shoreline Drive – This site has been an eyesore for years. The property has long been a gas station. There are ground water contamination issues with this site that are not completely resolved. Where is the outlet for the retention pond? Where does the released stormwater runoff go? Mr. Novitsky responded that it was a detention pond and the release is to the MDOT storm sewer and they would get a permit for this. Ms. Cwik noted that those storm water lines go directly to Round Lake. She also noted that so far there has been no discussion of the on site contamination. Mr. Foster responded that the site was being monitored by the DEQ with numerous monitoring test wells on the site. The new equipment installed on site will have the latest in pollution protection technology.

*Mike Ryan* – 163 West Peterson – Mr. Ryan gave his opinion that the applicant was trying to cram too much on a site this size. The parcel is not large enough to handle all this activity. Mr. Novitsky countered that the requirements of the ordinance take up 50% of the site. Mr. Foster noted they had not requested any zoning variance.

*Dale Lemke* – owner of the Mobil station on the south side of M59 – Adding another station will create a saturation situation of this business type. There is a car wash and oil change already approved east of US 23, another station already exists east of US 23 and there is the high probability that another gas station and similar uses will go in the old Oasis site. Hartland Township is a bedroom community with people who shop outside of Hartland where they work. Bulk Petroleum has a long term battle with the DNR and DEQ over their very polluted site. There has been litigation and the problem is still not fixed. A state of the art gas station will not cause new ground water contamination but the contamination of the past has migrated to the south and is now on Mr. Lemke's property. As far as the "no left turn" onto M59, this does not work at any site in the Township where it is currently used.

*Bob Cartwright* – Shoreline Drive – Pollution that reaches Round Lake will devastate this headwater lake. Wants more details on how Round Lake will be protected from the pollution created by this site.

*Katie Schluetter* – Round Lake resident – A huge concern is what is below the surface of this site. Mr. Foster could not comment on the past pollution but stated that the contaminated soil on site would be dug and removed. Ms. Schluetter was more concerned with the existing contamination and the potential for it to continue to move through the groundwater toward Round Lake and being spread through the ground water. She agrees that there is a saturation point for a community to be able to support this type of gas station / oil change/ car wash business.

Janiece Maxwell would be the owner of the facility and is a Hartland resident.

Chairman Fox opened the hearing to questions from the Planning Commission.

Commissioner Germane requested copies of the soil and ground water monitoring reports on the site. Planner Barb requested a copy of the Livingston County response the applicant had received today.

Commissioner Kalenauskas – The gas station at this site is ok. M59 and Old 23 are the frontages for the site, not including the easements on the other two sides. Why does the applicant need 24

pumps? Mr. Foster stated there were 12 pumps but Ms. Neary corrected him and he agreed that there were 24 pumping stations at 12 pumps.

Commissioner Rataj saw access and circulation as issues on this site with the uses shown. The design of the building is good.

Commissioner Hopkins – There are too many pumps. Removing some would go to improving the circulation on the site and clear the entrance off of M59. Some of the uses proposed on the site fall under Article 10 of the ordinance since they are not principle permitted uses. Landscape screening falls short of what is needed to comply with the ordinance. Mr. Novitsky agreed to add plantings to screen although they want the building to be visible from the street. The central site for the car wash and oil change allows the best circulation.

Commissioner Newsom – Consider moving the carwash and oil change to the north. Mr. Novitsky felt this caused access and circulation problems. Commissioner Newsom would like to see elevations that include the proposed canopy from the building to the pump islands.

Commissioner Bickel – what kind of food is planned? Mr. Foster – No fast food chain, just beverages, hotdogs and snacks. Mr. Foster also stated that they did studies on income, age and growth for the area and determined that they needed the 24 pumping stations shown.

Chairman Fox – There are access issues with this site and the 4 uses create traffic concerns.

Commissioner Germane – There have been other plans for this site that are less intense than this one. In the past, the owner of the easements to the north and east would not approve access from this site to use those easements.

Chairman Fox closed the public hearing at 9:20 p.m.

Chairman Fox advised everyone that the Commission does not usually act on an item on the night of the public hearing.

Commissioner Kalenauskas reminded the applicant that he was advised that informals are done to save the applicant multiple trips before the full Commission and later the Board but those involved do not speak for the entire Commission. The other Commissioners may have concerns other than what is expressed in the informals and the applicant has to address those concerns.

Move to place Site Plan Application #381 and Special Use Application #225 on the May 12, 2005 Planning Commission agenda per the request of the applicant. Motion Kalenauskas. Second Germane. Voice Vote. Motion Carried. 7-0-0.

#### OLD AND NEW BUSINESS

9. APPLICANT: PHILLIP HECK SITE PLAN APPLICATION #385 MAJOR / MINOR CHANGE SECTION 28 ZONED LI (LIGHT INDUSTRIAL) – Mr. Heck was present. He is seeking to add 2400 sq. ft. to his 5000 sq. ft. building. Planner Barb noted that this is indeed a major change and advised the applicant to come in and discuss the issues involved.

Move to determine Site Plan Application #385 to be a major change in the form of a proposed addition increasing the building floor space by 48%. This determination is per Section 33.02.K.48 as a major change. Motion Hopkins. Second Bickel. Voice Vote. Motion Carried. 7-0-0.

**10. APPLICANT: REPUBLIC BANK / JOHN DONDONANVILLE SITE PLAN APPLICATION #379 SECTION 29 ZONED NSC (NEIGHBORHOOD SERVICE COMMERCIAL)** – Mr. Dondonanville of Talon Development was present. The site is 1.6 acres and Republic Bank is seeking to build a new bank since the lease is soon to be up in their current location.

Ms. Marcarello summarized the April 1, 2005 McKenna review of the plan. The complete status of E. Rockhill drive has to be determined. Is it a private road? Has it been vacated? Does it need to be vacated? Other items were access, parking, future connection easements, spacing, pedestrian access, landscaping, plant spacing, 2 basins on site, architectural standards / façade waiver, separate sign review.

Mr. Dondonanville – East Rockhill does not show on the title. It was part of the old farm and can be removed with the consent of Mr. Mattioli. It was agreed to seed the area with vegetation but not sod. The applicant is seeking approval tonight. He agreed to place an easement for connection to the east but would prefer not to pave it at this time. The spacing of the driveway will be addressed. MDOT want the pedestrian access (sidewalk) out of their right of way and placed on private property so they do not have to remove it and replace it when further construction is done on M59. Mr. Dondonanville feels the plan meets the landscaping requirements. Ms. Marcarello requested water tolerant plantings along the front pond which is a 40 ft. wide, 3 ft. deep detention area. Ms. Marcarello pointed out that the large detention pond to the rear serves 2/3 of the site and the front pond serves the front 1/3. Upon a question of why the ponds were so large and sized to a worst case scenario, Mr. Dondonanville stated that per an agreement with Mr. Mattioli, the small adjoining parcel to west would be allowed to use the detention ponds on the bank site in exchange for being allowed to remove E. Rockhill. This would allow more space to develop the parcel if the pond used were off site.

The Georgian Colonial style proposed for the bank building requires trim as shown in the photo reviewed by the Commission. The sign will meet the ordinance in a separate application.

Mr. Dondonanville would address the Williams and Works comments. He felt that these items could only be addressed after site plan approval while others were necessary and would be done.

Ms. Neary – The oversized basins have a slope of 1 to 5.

Commissioner Kalenauskas – The trees shown seem attractive, the oversize detention ponds are acceptable and the access drive easement to the east does not have to be paved at this time.

Commissioner Bickel – The rear detention pond will probably not be wet all the time. She advised the applicant that the sign approval is not part of the site plan approval process and the applicant agreed that he was aware of this.

Ms. Marcarello – Plantings are most visible and attractive on a flat area. In the front, they should be on the flat area near the sidewalk rather than on the slope. Mr. Dondonanville agreed to add one burning bush in between each of those shown. He also agreed to add 3 groups of 3 burning bush plants along the north edge of the parking lot.

Commissioner Hopkins – Stagger the pines on the east side to give a more natural look. The sanitary sewer easement is recorded and both parties are aware of it. Mr. Dondonanville will provide the maintenance schedule as required by Williams and Works.

Chairman Fox – The Fire Marshal addressed fire suppression in his review. Two heads will be in the furnace room. Commissioner Fox agreed that the easement to the east need not be paved at this time.

Commissioner Germane – Removing E. Rockhill will remove one access to the development behind the site. Planner Barb – The remaining drive will accommodate the traffic to the development.

The applicant was advised that the Township Board would not make an approval with any conditions outstanding so the final package for them had to be complete with no outstanding items..

Items to be addressed include but are not limited to:

McKenna item 6b – east easement

Add 2 burning bushes to the west parking lot

Stagger the spruces on the east

Add 3 groups of 3 burning bushes along the edge of the front parking lot on the north

Address drainage issues

M-59 sidewalk easement

Address driveway standards

Architectural standards waiver

Williams and Works review of April 4, 2005 and Livingston County drain permits

Move that the Planning Commission recognize that due to the bank architectural image of Georgian Colonial construction that the Commission grants a façade waiver per Section 33.1.0.J. Motion Germane. Second Hopkins. Voice Vote. Motion Carried. 7-0-0.

Move to recommend approval of Republic Bank Site Plan Application #379 with the conditions that follow.

1. 4 burning bushes be added to the west side.
2. 9 burning bushes be added to the front landscaping along the north parking lot.
3. Stagger the spruce trees on the east property line
4. Easement for the 5 ft. sidewalk will be placed on the applicants' property
5. The drive on the east will be removed and the site restored.
6. The 2 page review from Williams and Works dated April 4, 2005 which deals with drain issues will be addressed. Motion Kalenauskas. Second Germane. Voice Vote. Motion Carried. 6-1-0. Nay Hopkins.

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

11. BY-LAWS – Move to place the by-laws on a future agenda. Motion Germane. Second Rataj. Voice Vote. Motion Carried. 6-1-0. Nay Kalenauskas.

## **12. CALL TO THE PUBLIC**

*Katie Schluetter* – Wants the Township to focus on what is under the Bulk Petroleum site. There are state reports from MDOT and other agencies on the migrating pollution from the Bulk Petroleum site. This issue needs to be pursued.



### 13. COMMITTEE REPORTS

*Bickel* – The Natural Features committee has the survey ready to be distributed at various sites in the Township.

*Hopkins* – The May 5<sup>th</sup> joint meeting was posted for 7:30 p.m. Does the Commission want to go with this time or change it to 7:00 p.m.? Consensus to go with 7:00 p.m.  
If possible, e-mail the colored versions of the Private Road ordinance for review.

*Germane* – By-laws and Private Roads need a date.

*Kalenauskas* – Hartland Insurance received approval from the Board.  
The issue of easements keeps coming up and should be addressed. Road frontage easements are a recurring problem.  
Riparian Rights has gone to the attorney for review and when back will be distributed to the Commission for review.

*Fox* – The April 28, 2005 agenda is full.  
Signs, Private Roads and By-laws need to be finalized.

A work session was set for April 21, 2005 at 7:30 p.m. to address these issues.

At the joint meeting with the Board some items for discussion could be the natural features ordinance, the ordinance alignment committee and land division issues.

**14. ADJOURNMENT – Move to adjourn. Motion Hopkins. Second Bickel. Voice Vote. Motion Carried. 7-0-0.**

The meeting was adjourned at 11:11 p.m.

These minutes are a preliminary draft until final approval.

Submitted by,

Matt Germane  
Planning Commission Secretary

## ACTIVE ISSUES LIST

1. 3-3-05 – (A) - Temporary Accessory Endeavor Permits – per Board direction.
2. 3-3-05 – (C) – Accessory structures on stacked lots
3. 3-3-05 – (B) – Lighting ordinance and Article 7 Sidewalks – Plan from McKenna
4. 3-3-05 – (C) – Accessory buildings on parcels without principal structure
5. 3-3-05 – (C) – Develop timeline for Hazard Mitigation
6. 3-3-05 – (C) – Ambient noise levels
7. 3-3-05 – (A) – Natural Features Ordinance – in committee
8. 3-3-05 – (A) – Master Plan / Ordinance Alignment including LI buffering, transitional uses, usable buildable land, redefine open space, setbacks from easements and driveways and lot sizes.
9. 3-3-05 – (B) – Clarify definitions of architectural building materials and review percentages of use for various materials.
10. 3-3-05 – (A) – Signs – in committee
11. 3-3-05 – (A) Private Roads – in committee
12. 3-3-05 – (A) – Riparian Rights – in committee
13. 3-3-05 – Planned Development – more benefits for Township
14. 3-3-05 – (B) – Engineering standards for stormwater and runoff