

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

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL** – Members present: Chairman Fountain, Vice Chairman Douglass, Secretary Kalenauskas, Commissioner Colaianne, Commissioner Phillips and Commissioner Petrucci. Commissioner Germane arrived at 7:37 p.m. Also present: David Nicholson of McKenna Associates and Deputy ZA Lutz.

4. **APPROVAL OF APRIL 8, 2004 PLANNING COMMISSION AGENDA** – Add as item #13a. – Set special meeting with Board April 20, 2004.
Move to approve the April 8, 2004 Planning Commission Agenda as amended. Motion Petrucci. Second Colaianne. Voice Vote. Motion Carried. 6-0-1.

5. **APPROVAL OF MARCH 25, 2004 PLANNING COMMISSION MINUTES** – Page 2, item #8 change spelling to “Hitchens”.

Move to approve the March 25, 2004 Planning Commission minutes as amended. Motion Kalenauskas. Second Phillips. Voice Vote. Motion Carried. 6-0-1.

6. **CALL TO THE PUBLIC** – There being no response, the call to the public was closed.

PUBLIC HEARING

OLD AND NEW BUSINESS

7. **SET DATE FOR PUBLIC HEARING: APPLICANT ROB MECHIGAN SITE PLAN APPLICATION #363 IN CONJUNCTION WITH SPECIAL USE APPLICATION #223 SECTION 21 ZONED GC (GENERAL COMMERCIAL) CAR WASH AND OIL CHANGE CENTER – PROPOSED PUBLIC HEARING DATE: MAY 13, 2004** – Move to set a public hearing on May 13, 2004 for applicant Rob Mechigan on Site Plan Application #363 in conjunction with Special Use Application #223. Motion Colaianne. Second Phillips. Voice Vote. Motion Carried. 6-0-1.

8. **APPLICANT: ROBERT WYROBEK REZONING APPLICATION #310 SECTION 23 REZONING FROM NSC TO GC (NEIGHBORHOOD SERVICE COMMERCIAL TO GENERAL COMMERCIAL)** - Mr. Wyrobek was present. After having lost a tenant for his property due to the NSC zoning, he is requesting rezoning to GC to keep his property a viable business location.

Commissioner Colaianne noted that this location was close to the proposed special planning area at Pleasant Valley and GC would be compatible with that proposed use.

Commissioner Kalenauskas requested an explanation of NSC and how it differs with GC. Mr. Nicholson - NSC offers commercial service to the immediate neighborhood and General Service Commercial offers services to the community as a whole. Commissioner Kalenauskas – If that is the case, this parcel is between a busy thoroughfare (M59) and a golf course. It is not the same as having a location in the settlement area of Hartland where patrons could easily walk to it.

Commissioner Douglass – NSC zoning is not being actively expanded in the Township with just a few scattered locations.

Mr. Wyrobek – Calls are being received from potential renters that cannot lease under the restrictions of NSC. His potential tenant has found a location in another Township costing him lost rent on his building. Pointed out that the site on Old 23 where Michele's restaurant is located was changed from NSC to GC. Feels his site qualifies for the same change since it is located on busy M59.

Move to recommend approval of Rezoning Application #310 NSC to GC (Neighbor Hood Service Commercial to General Commercial) for applicant Robert Wyrobek. Motion Colaianne. Second Petrucci. Voice Vote. Motion Carried. 5-2-0. Nay Douglass and Phillips.

Mr. Nicholson advised changing the proposed comprehensive plan to conform with this zoning change before it is adopted.

9. APPLICANT: JANE L. NEWMAN REZONING APPLICATION #311 SECTION 29 REZONING FROM CA TO SR (CONSERVATION AGRICULTURAL TO SUBURBAN RESIDENTIAL) - Ms. Newman was present. The parcel is located at the corner of Rolling Hills and Bergin Road.

Move to recommend approval of Rezoning Application #311 CA to SR for Jane L. Newman. Tax Id. # 08-29-300-011. Motion Phillips. Second Petrucci. Voice Vote. Motion Carried. 7-0-0.

10. APPLICANT: BRIGHT STAR SIGN / WALDEN & ASSOCIATES SIGN PERMIT #472 SECTION 21 ZONED PDGC (PLANNED DEVELOPMENT GENERAL COMMERCIAL) WALL SIGN "PET SUPPLIES" – Abraham was present. Commissioner Germane – This is a new business west of Farmer Jack in the Shops of Waldenwoods. Jeff Thompson has approved the sign.

Move to approve Sign Application #472 for Bright Star Sign. Motion Germane. Second Phillips. Voice Vote. Motion Carried. 7-0-0.

TABLED FOR REVIEW 12/18/04

11. APPLICANT: PAMELA A. GREEN / TOM GREEN / DESINE - MR. PACHOTA METES AND BOUNDS APPLICATION #690 SECTION 31 ZONED CA (CONSERVATION AGRICULTURE) 19 PARCELS IN CONJUNCTION WITH PRIVATE ROAD APPLICATION #124 2,700 FEET IN LENGTH PROPOSED NAME "J.R. FARMS" – Mr. Pachota was present.

The current site plan is significantly different from the original plan.

Mr. Nicholson referenced the April 5, 2004 review from engineers Williams and Works and the McKenna review letter of April 7, 2004. There are a complex set of issues involved. The applicant is showing 4 shared driveways providing access rather than a private drive as shown previously. There is a recent unpublished court decision on access for land divisions concerning municipalities defining access requirements, construction and maintenance. The engineering consultant recommended approval of the divisions. Mr. Nicholson noted a potential hazard having the side by side private drives. The separation of the drives at the street make it look like a boulevard entrance. Drivers could see this as inbound on the right and outbound on the left when in fact both would be two way traffic.

Commissioner Kalenauskas - There is also no cul de sac to provide turning for fire or emergency vehicles.

Mr. Pachota felt that the Planning Commission was not receptive to the original plan and there was no other way to do the splits. The Road Commission has approved the driveway accesses and he feels there will be no confusion about the driveway use. There will be a 12 ft. grass greenway between the drives with the utilities in that space.

Mr. Nicholson – The recommendations from the planner and engineer did not make the original plan impossible. The engineers requested additional information on the private road plan, a phasing schedule, future use to the south, easement information, maintenance agreement for the easement, final construction plans and permits and approvals. The planning review requested information on wells and septic, wetland investigations, covenants and restrictions, Public Act 116, sight distance review, schedule of improvements and the community mailbox locations. Nothing was said forbidding the private road, just requesting the information needed to fulfill the ordinance requirements.

Mr. Pachota saw the length of the road as an insurmountable design issue. The road commission usually does not allow a single access road to be longer than 750 ft. This road would be 2300 feet. Mr. Green spoke from the audience stating that they could not afford to put in a looping road to serve their 19 parcels.

Commissioner Colaianne read Section 109 Sub Section 1 of the Land Division Act.

Chairman Fountain – There is water along Hacker Road where the drives are located. Mr. Pachota has spoken to the Drain Commission and there are no drains or drainage easements so the landowners are responsible for the water situation. The drives will go around the low wet area.

Commissioner Kalenauskas – The multiple driveway plan appears unsafe.

Dan Callan stated from the audience that Mr. Green is not happy with the review comments and costs associated with the original plan he proposed.

Chairman Fountain did not recall a negative tone toward this plan at the prior meeting. He apologized to the applicant if that was his perception.

Move to recommend approval of Metes and Bounds Application #690 for Pamela A. Green / Tom Green / Desine Inc. – Mr. Pachota per the State Land Division Act. Tax Id. # 08-31-300-001 and 08-31-300-004. Prior to the issuance of land use permits, the applicant will comply with the items on page 2 of the Williams and Works review letter of April 5, 2004 regarding access. Motion Phillips. Second Germane. Voice Vote. Motion Carried. 6-0-1. Nay Colaianne.

Commissioner Douglass noted that the 5 and 6 acre parcels shown would not be able to be split in the future since each shared drive would carry the maximum number of parcels allowed under the ordinance. A private road would be needed to make any further splits.

Mr. Pachota – The applicant is withdrawing Private Road Application #124.

Commissioner Colaianne advised that Land Divisions have to be approved if they comply with the Act but that does not guarantee land use permits will be issued per local ordinance.

12. APPLICANT: MATT LEE / STEVE PAYTER METES AND BOUNDS APPLICATION #695 SECTION 35 ZONED CA (CONSERVATION AGRICULTURE) IN CONJUNCTION WITH PRIVATE ROAD APPLICATION #125 – Mr. Lee and Mr. Payter were present.

The question with this application is the status of Lone Tree Road to the site. Mr. Payter stated that it is a County Section Line Road. In 1989 there was a motion filed to abandon the road but it

failed. The Road Commission waived the right to the road and will not review it. He was told it was decertified by the County. The developer has plans to improve the road to his development. Commissioner Colaianne – The County has to make a resolution to give up rights to the road. An individual cannot make the decision to waive rights to the road for the County. Attorney Homier should be consulted on “decertification” and what the Township should require from the County on this issue.

Mr. Nicholson – There has been past controversy on Lone Tree Road and the current status. The County still has the easement. Other landowners with frontage and access to the road may also have input on what will be done with it. If the developer proceeds with improvements before this issue is settled, the County could come in and determine them not to be up to specs. The application is not complete until the information on the status of Lone Tree Road has been received from the County.

Commissioner Germane walked the site and noted standing surface water on about 20 acres. The applicant felt this would disappear with road improvement and grading. Since there are large old trees on the site, the applicant felt that the water was a recent development and could be caused by run off from an adjoining area.

The applicant was advised to get documentation from the County allowing use of their easement for access and development with demonstration of access.

Move to table Site Plan Application #695. Motion Kalenauskas. Second Phillips. Voice Vote. Motion Carried. 7-0-0.

13. APPLICANT GARY CORNILLAUD METES AND BOUNDS APPLICATION #696 SECTION 16 ZONED LC (LIMITED COMMERCIAL) – Mr. Cornillaud was present. The Boss Engineering drawing dated April 5, 2004 is the one being used.

The checklist is complete.

Move to recommend approval of Metes and Bounds Application #696 for Gary Cornillaud per the State Land Division Act. Tax Id. # 08-16-101-055. Motion Kalenauskas. Second Colaianne. Voice Vote. Motion Carried. 7-0-0.

13a. SET SPECIAL MEETING APRIL 20, 2004 – The Planning Commission has been invited to the April 20, 2004 Board meeting to hear the sewer system update from engineer Steve Williams of Williams and Works. Any members who can make it should attend.

Move to set a special Planning Commission meeting with the Township Board on April 20, 2004. the Board meeting starts at 7:00 p.m. Motion Kalenauskas. Second Petrucci. Voice Vote. Motion Carried. 7-0-0.

14. CALL TO THE PUBLIC – There being no response, the call to the public was closed.

15. COMMITTEE REPORTS

Fountain – Information is available on the Affordable Housing Seminar in Lansing. The Township will pay for registration, mileage and parking.

Phillips – The DDA Workshop will be at MTech the last two Fridays in April with the wrap up session on May 21.

Kalenauskas – Letters were received from Milford and Hartland Consolidated Schools that they had received the proposed comprehensive plan. Comments were also received. Mr. Nicholson advised that these should appear in the appendix of the plan.

Letters are going out inviting input for the sign ordinance review committee. Commissioner Colaianne suggested posting the meetings held at the Township Hall.

Fountain – Mr. Homier and Mr. Nicholson are working on a new process for land division approvals.

Douglass – The County does not always support good planning concepts at the Township level.

Colaianne – Access to land divisions have to be considered with the land divisions. Access should be a consideration before the land division itself. Mr. Colaianne will discuss this with Mr. Homier.

Germane – A time will be set for the sub committee meeting on signs and members notified.

16. ADJOURNEMENT – Move to adjourn. Motion Colaianne, Second Douglass. Voice Vote. Motion Carried. 7-0-0.

The meeting was adjourned at 9:54 p.m.

Submitted by,



Christine A. Polk
Recording Secretary

D. Kalenauskas
Planning Commission Secretary

Next meeting – April 20, 2004 with Township Board – 7:00 p.m.
April 22, 2004 – 7:30 p.m.