

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

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL** – Members present: Chairman Fountain, Secretary Kalenauskas, Commissioner Phillips, Commissioner Colaianne and Commissioner Petrucci. Commissioner Germane arrived at 7:47 p.m. and Commissioner Douglass arrived at 8:02 p.m. Also present: David Nicholson of McKenna Associates, Township Attorney Homier, Deputy ZA Lutz and Supervisor Rhodes.

4. **APPROVAL OF MARCH 4, 2004 PLANNING COMMISSION AGENDA** – Move to approve the March 4, 2004 Planning Commission agenda as amended. Motion Colaianne. Second Phillips. Voice Vote. Motion Carried. 5-0-2.

Delete item #6.

Change Item #5 to “February 26, 2004 minutes” not “agenda”.

5. **APPROVAL OF FEBRUARY 26, 2004 PLANNING COMMISSION MINUTES** – Move to approve the February 26, 2004 Planning Commission meeting minutes as presented. Motion Kalenauskas. Second Petrucci. Voice Vote. Motion Carried. 5-0-2.

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

## **PUBLIC HEARING**

## **OLD AND NEW BUSINESS**

8. **GUEST: MICHAEL HOMIER FROM FOSTER, SWIFT, COLLINS & SMITH, PC DISCUSSION ON LAND DIVISION** – Mr. Homier made a presentation on the State Land Division Act of 1997. The current law took effect in March of 1997. The act is confusing. There is very little case law to reference on the current statute. Mr. Homier reviewed the Subdivision Control Act of 1967. The current act is a revision of the 1967 law. Metes and bounds / land divisions are the most common with platted subdivisions occurring much less often.

The definitions in the Act are important to understand. Such terms as parcel, tract, parent parcel, subdivision, accessible, lot, outlot and others are defined for purposes of the Act.

Fees for land divisions must be reasonable for the services rendered.

Land division and zoning are separate. Land Divisions must be decided on the basis of compliance with the requirements of the Land Division Act. Approval under the Act does not mean that the land division complies with local zoning ordinance. Approval under the Land Division Act does not guarantee that a land use permit will be issued.

Mr. Homier advised removing Article 31 from the Zoning Ordinance.

The 45 days for approval begins with the receipt of a complete application by the municipal authority. The Act allows regulation of length to width ratio, frontage requirements and other issues.

Mr. Homier advised revision of Article 31 to a stand alone ordinance and revising the language to comply with the 1997 Land Division Act.

The Assessor should determine compliance with the Land Division Act. Zoning can also review the application in order to advise the applicant that even though there may be approval under the Land Division Act, there could be zoning issues with the application under Hartland Township's Land Division Ordinance.

The Planning Commission does not need to be involved in Metes and Bounds application approvals.

Mr. Nicholson – Other areas have Assessing, Zoning and the Supervisor handle land divisions. An administrative report can be generated and distributed to the Planning Commission. This will leave the Planning Commission with more time to work on ordinance review and other issues.

Mr. Homier highlighted text items that he recommended removing from Article 31 to reconcile it with the provisions of the Land Division Act.

Chairman Fountain requested Mr. Homier to prepare an estimate for the Board on the cost of the work he will need to do to amend and update Article 31 and the Zoning Ordinance.

Mr. Homier will advise the Board as to the necessity of getting this done.

Items #9 and # 10 on the agenda will be addressed in Mr. Homier's report.

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

**12. COMMITTEE REPORTS**

*Douglass* – There was an informal meeting on the property south of M-59 and east of Blaine behind Burger King. It is a platted sub that would have to be vacated. There are extensive wetlands. The request is for condos. A Planned Development was suggested.

Commissioner Germane left at 9:18 p.m.

**13. ADJOURNMENT** – The meeting was adjourned at 9:20 p.m.

These minutes are a preliminary draft until final approval.

Submitted by,

Christine A. Polk  
Recording Secretary



D. Kalenauskas  
Planning Commission Secretary

Next Meeting – March 11 @ 7:30 p.m.