

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, Commissioner Petrucci and Commission Germane. Also present: David Nicholson of McKenna Associates and Deputy Planner Scott Barb.

4. **APPROVAL OF JANUARY 8, 2004 PLANNING COMMISSION AGENDA** – Move to approve the January 8, 2004 Planning Commission agenda as amended. Motion Petrucci. Second Colaianne. Voice Vote. Motion Carried. 7-0-0.

Delete item #11 Foldenauer Farms

Per the request of the applicant, move item #9 to the end of the meeting.

5. **APPROVAL OF DECEMBER 18, 2003 PLANNING COMMISSION MINUTES** – Move to approve the December 18, 2003 Planning Commission minutes as presented. Motion Germane. Second Phillips. Voice Vote. Motion Carried. 7-0-0.

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

PUBLIC HEARING

OLD AND NEW BUSINESS

7. **APPROVAL OF 2004 PLANNING COMMISSION MEETING SCHEDULE** – There may be further discussion about the April 8th meeting date being right before Good Friday. Move to approve the 2004 Planning Commission meeting schedule as amended. Motion Petrucci. Second Kalenauskas. Voice Vote. Motion Carried. 7-0-0.

8. **APPLICANT: FAT BROTHER PRODUCTIONS / D.L. MADIGAN ZONING COMPLIANCE CERTIFICATION #1047 TO DETERMINE WHETHER APPLICATION IS A “USE BY SPECIAL APPROVAL”** – Donna Madigan, Mark Madigan and John Madigan were present.

Donna Madigan – As a 20 year resident of the area, Ms. Madigan is seeking to establish an art gallery that will include New Age painting, sculpture, jewelry and clothing. Several private rooms in the building will be used for original design art tattoos. The building is located in the Hilltop Plaza 2 miles east of US 23. The NSC (Neighborhood Services Commercial) zoning does not specifically address this type of business.

Mr. Nicholson – Per section 23.03.E this is a use by special approval if the Planning Commission determines this use to be appropriate in NSC zoning. Sec. 23.02.D Personal Services appears to be the most similar use. Health issues related to tattooing are regulated by the County Health Department. Another suggested district would be GC (General Commercial).

Ms. Madigan pointed out that an art gallery is an allowed use in NSC. There will be other items for sale for hot rod enthusiasts. It is possible that body piercing will also be offered.

Commissioner Petrucci advised them that they would also have to comply with the sign ordinance. Mark Madigan – They are not proposing a biker tattoo joint. It will appeal to a more upscale clientele that is already established. The two gentlemen present have 15 years of experience between them and have an established clientele for their services.

The basement would be used for storage.

Commissioner Colaianne – Growth is coming to the area. He questioned if the residents would approve this use at this location. Would GC be more appropriate?

Commissioner Germane – Hours of operation? Planning on 11-9 p.m. , 5-6 days per week.

Commissioner Phillips – This may be considered an adult use and not appropriate for this location.

Bob Wyrobek – As the landlord of the space in question, Mr. Wyrobek supported their application. He has researched them and visited the current site in Brighton and found it to be clean and well run. There will be no signage advertising tattooing.

Move to determine Fat Brother Productions Application for Zoning Compliance Certificate #1047 not to be a special use for NSC zoning under Sec. 23.02.B Art Gallery and 23.02.D Personal Services. Also reference Sec. 33.06.B.1 and B.2. This approval is per their representation of their business. Motion Kalenauskas. Second Germane. Voice Vote. Motion Fails for lack of a majority. 1-6-0. Nay Phillips, Fountain, Petrucci, Colaianne, Germane and Douglass.

Mr. Nicholson – The PC cannot interpret this as a permitted use – it can only be a special use.

Move to determine applicant Fat Brother Productions file #1047 for a Hartland Township Zoning Compliance Certificate be determined as a use permitted by special approval per Sec. 23.03.E in the NSC district. Motion Phillips. Second Germane. Voice Vote. Motion Fails for lack of a majority. 4-3-0. Nay Colaianne, Douglass, Kalenauskas and Petrucci.

John Madigan – The art gallery is a major part of the business.

The applicant can request a rezoning of the site to GC or go to the GC district.

Chairman Fountain – If this use is allowed at this site, other areas of NSC could be requested for the same use.

Move to determine that the use of a combination of an art gallery and tattoo business is a use by special approval per Sec. 24.03.U of the ordinance – uses of the same nature or class. Motion Colaianne. Second Petrucci. Voice Vote. Motion Carried. 5-2-0. Nay Kalenauskas and Fountain.

10. APPLICANT: R & D HOMES L.L.C. / RIZZO AND DRAUGELIS SITE PLAN APPLICATION #349 SECTION 22 ZONED OS (OFFICE SERVICES) HARTLAND PROFESSIONAL OFFICES

– Mr. Nicholson – The lighting issues have been resolved and the parking addressed. Subsection 5.01.B.6 Addresses deferred parking.

Samples were displayed of the materials to be used in the modular structure.

Move to recommend approval of Site Plan Application #349 for R & D Homes LLC / Rizzo and Draugelis . The Planning Commission has deferred one parking space until the site is connected to the public sanitary sewer per section 5.01.B.6 of the ordinance. Motion Phillips. Second Kalenauskas. Voice Vote. Motion Carried. 6-1-0. Nay Colaianne.

12. APPLICANT: MELODY PAIGE SPECIAL USE APPLICATION #215 IN CONJUNCTION WITH SITE PLAN #339 SECTION 8 FAMILY CEMETERY – Ms. Paige was present.

Mr. Nicholson – This application was sent to the new Township Engineers after having been reviewed by the previous engineering consultants.

Commissioner Kalenauskas – Tetra Tech MPS was to complete the applications in progress at the time of their termination of services. This should not have gone to Williams and Works. Deputy Scott Barb agreed.

There was a discussion of topography. The land is flat and there are minimal grade changes to the site. Grading was done in 6 in. increments and approved by the DEQ and the Health Department. Move to recommend approval of Special Use Application #215 in conjunction with Site Plan Application #339 dated December 5, 2003 for Melody Paige in Section 8 for a Family Cemetery. Tax Id. # 08-08-300-017. Motion Colaianne. Second Phillips. Voice Vote. Motion Carried. 7-0-0.

Trustee Phillips advised seeking a final letter on this application from Tetra Tech MPS for the file.

Move to address item #9 before Item #13. Motion Germane. Second Phillips. Voice Vote. Motion Carried. 7-0-0.

9. APPLICANT: MORGANROTH / BROWNIES SIGN – RON BROWN SIGN APPLICATION #455 WALL OR MONUMENT SIGN FOUNTAIN SQUARE – Mr. Brown and Mr. Morganroth were present.

Commissioner Germane reviewed the sign application. It is for permanent, lighted letters to be placed on a wall on the north side of the site behind the Mobil station.

The ordinance allows only one sign per parcel and the tall sign already exists.

Mr. Nicholson – This will be a second sign. If it is determined to be incidental, there will be many additional signs in the Township seeking “incidental” approval.

Commissioner Colaianne – The tall sign does not advertise the plaza itself, only the tenants.

Mr. Nicholson – It is the choice of owner what to place on the sign. The Township does not regulate the content of the sign under free speech.

Move to table item #9. Motion Kalenauskas. Second Phillips. Voice Vote. Motion Carried. 7-0-0.

Place on the next agenda.

13. APPLICANT: VERIZON WIRELESS SIGN APPLICATION #358 MAJOR / MINOR CHANGE TO SITE PLAN #187 GOLDEN TRAILER – The plan is to place a back up power generator at the site for Verizon. Section 33.02.K.5 applies.

Move to determine Site Plan Application #358 to be a minor change to Site Plan #187. Motion Colaianne. Second Germane. Voice Vote. Motion Carried. 7-0-0.

It was noted that boat storage is taking place on the Golden Trailer site and should be reviewed for compliance.

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

15. COMMITTEE REPORTS

Colaianne – Move to have a meeting of the Capital Improvement subcommittee on January 15, 2004 at 7:00 p.m. Motion Colaianne. Second Petrucci. Voice Vote. Motion Carried. 7-0-0.

The numbering system for the site plans and changes to site plans needs improvement. Is there an update on the Stockwell Academy situation? Scott Barb – The file has been forwarded to the Township Attorney for review.

Fountain – Distributed a Comprehensive Plan Maintenance Strategy for yearly review and update of the plan. Comments have been received from Trustees Wyland and Hill.

Germane – What action can be taken on the Golden Trailer situation? Chairman Fountain – It is just another problem such as the unapproved signs all over the Township. Commissioner Petrucci – With new large commercial developments coming into the Township, the sign section of the ordinance needs review and updating.

A sign ordinance review committee was established with members Germane (Chairman), Kalenauskas and Petrucci. They will meet, review and report to the PC.

Petrucci – Have all the items of the approval of the cell tower at Hartland Towing been addressed? These included landscaping, signage, screening and the bill board. Commissioner Douglass – It is a problem that no one is checking these sites for site plan approval compliance. Commissioner Phillips – The Township Engineers are supposed to check for compliance with the site plan before the performance bond is refunded.

Add to the active issues list – final site plan inspection.
Mr. Nicholson left at 10:36 p.m.

Fountain – The Brighton Farmer Jack is closing. Big Box vacant buildings could become a problem in the future.
There is a good article on roads in the Planning and Zoning News November 2003 issue.

16. ADJOURNMENT – Move to adjourn. Motion Colaianne. Second Germane. Voice Vote. Motion Carried. 7-0-0.

The meeting was adjourned at 10:42 p.m.
These minutes are a preliminary draft until final approval.

Submitted by,

Christine A. Polk
Recording Secretary


D. Kalenauskas
Planning Commission Secretary

Joint meeting Township Board / Planning Commission – January 15, 2004 7:30 p.m.
Next Meeting January 22, 2004 - 7:30 p.m.

ACTIVE ISSUES LIST

1. 7-12-01 Review size allowed for wall signs based on linear feet.
2. 2-21-02 Review Temporary Accessory Endeavor Permits – operating on private property.
3. 3-14-02 Review and revise subdivision regulations
4. 10-24-02 Accessory structures on stacked lots
5. 11-4-02 Discussion on Lighting Ordinance
6. 3-13-03 Speed Limits
7. 9-11-03 Accessory Buildings on parcels created without a principal structure
8. 10-9-03 Review and revise Article. 9 of the Zoning Ordinance
9. 11-13-03 Review height of temporary signs (post height)
10. 11-13-03 Review LI including buffering requirements for adjacent residential
11. 1-8-04 Determine final inspection responsibility for site plan compliance