

**HARTLAND TOWNSHIP  
PLANNING COMMISSION MEETING  
AT THE TOWNSHIP HALL  
SEPTEMBER 25, 2003  
7:00 PM**

**AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF SEPTEMBER 25, 2003 PLANNING COMMISSION AGENDA
5. APPROVAL OF AUGUST 28, 2003 PLANNING COMMISSION MINUTES
6. APPROVAL OF SEPTEMBER 18, 2003 PLANNING COMMISSION MINUTES
7. CALL TO PUBLIC      PLEASE APPROACH FRONT CENTER MICROPHONE
8. SET A DATE FOR A PUBLIC HEARING      APPLICANT: WALDEN & ASSOCIATES      SITE PLAN #354  
PDGC AMENDING THEIR PD AGREEMENT Site Plan #270

**PUBLIC HEARING**

9. APPLICANT: HARTLAND TOWNSHIP      ZONING AMENDMENT #304      AMENDING ORDINANCE 37, ARTICLES 3, 25, 28, & 30

**OLD AND NEW BUSINESS**

10. APPLICANT: MICHAEL ZIELINSKI      METES & BOUNDS APPLICATION #679      SECTION 11  
(See Attached letter from Assessor)
11. APPLICANT: BEAUCHAMP LANDSCAPING / DESINE-WAYNE PERRY      MAJOR CHANGE IN SITE PLAN #325 SECTION 33
12. PRESENTATION FROM CROSSWINDS COMMUNITIES / DESINE- WAYNE PERRY      "FOX RIDGE CONDONINIUMS"  
PER SECTION 33.02 E & PRELIMINARY REVIEW
13. SET A DATE FOR A PUBLIC HEARING      APPLICANT: CROSSWINDS COMMUNITIES / DESINE- WAYNE PERRY  
SITE PLAN #352      SECTION 20 & 21      ZONED PDMR (PLANNED DEVELOPMENT MULTIPLE DENSITY  
RESIDENTIAL)      FOX RIDGE CONDONINIUMS
14. DISCUSSION ON COMPREHENSIVE PLAN
15. CALL TO PUBLIC
16. COMMITTEE REPORT
17. ADJOURNMENT

1. **CALL TO ORDER** – The meeting was called to order by Chairman Fountain. He announced that the first meeting in October would begin at 7:30 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL** – Members present: Chairman Fountain, Vice Chairman Douglass, Commissioner Phillips and Commissioner Kalenauskas. Commissioner Germane arrived at 7:05 p.m. and Commissioner Colaianne arrived at 7:34 p.m. Also present: David Nicholson of McKenna Associates and Deputy ZA Lutz.

4. **APPROVAL OF SEPTEMBER 25, 2003 PLANNING COMMISSION AGENDA** – Add the September 11, 2003 minutes as item #5a. Delete item #6 September 18, 2003 minutes. Move to approve the September 25, 2003 agenda as amended. Motion Kalenauskas. Second Phillips. Voice Vote. Motion Carried. 4-0-3.

5. **APPROVAL OF AUGUST 28, 2003 PLANNING COMMISSION MINUTES** – move to approve the August 28, 2003 Planning Commission minutes as presented. Motion Kalenauskas. Second Phillips. Voice Vote. Motion Carried. 5-0-2.

5a. **APPROVAL OF SEPTEMBER 11, 2003 PLANNING COMMISSION MINUTES** – Move to approve the September 11, 2003 Planning Commission minutes as amended. Motion Douglass. Second Kalenauskas. Voice Vote. Motion Carried. 5-0-2.

In the motion in item #11 change it to read “recommend approval to” and in the next paragraph make the same change of “by” to “to”.

7. **CALL TO THE PUBLIC**

*Dan Callan* – Mr. Callan was not able to stay for the Comprehensive Plan discussion but wished to present some ideas for the Commission to consider. There have been concerns expressed with expanding the PLIT area at Clyde Road and US 23. Mr. Follmer owns property at Bergin Road and Old 23 with frontage on Old 23. He suggested that the 181 acres be zoned LI to help balance the need for more tax base in the Township. There would be low impact on the surrounding property with the natural buffers that exist such as wetlands.

*Michelle Cannaert* – Does not want the Clyde / US23 PLIT expanded to include her area and does not want the sewer expansion.

8. **SET A DATE FOR A PUBLIC HEARING APPLICANT: WALDEN & ASSOCIATES SITE PLAN #354 PDGC AMENDING THEIR PD AGREEMENT SITE PLAN #270** – Move to set a public hearing for Walden Associates Site Plan #354 PDGC for the purpose of amending the PD agreement for Site Plan # 270 on October 23, 2003. Motion Kalenauskas. Second Phillips. Voice Vote. Motion Carried. 5-0-2.

**PUBLIC HEARING**

**9. APPLICANT: HARTLAND TOWNSHIP ZONING AMENDMENT #304 AMENDING ORDINANCE #37 Articles 3, 25, 28 and 30** - These are text amendments to the ordinance.

Mr. Nicholson reviewed the August 18, 2003 memo summarizing the changes including eliminating HSC and reserving Article 25 for future use, expediting approval for temporary, emergency shelter and modification of shared driveway maintenance agreements

*Gregory Halnyj* – Lives at Timbercreek and Hartland Road – Will changes allow someone to access a private road if the residents on that road do not want it. Mr. Nicholson stated that the ordinance distinguishes between a shared drive and a private road. A shared drive can only serve a maximum of 4 dwellings. A private road can serve more. This change in the ordinance should not impact this situation.

*Cecilia Michaelak* – Who is responsible for enforcing the maintenance agreements required by the Township? Mr. Nicholson stated that the private property owners are responsible for maintenance. There are circumstances where the Township could enforce compliance such as when emergency vehicles cannot access locations on the road. The Township could fix the road and assess the residents.

Ms. Michaelak was advised to consult with the Zoning Administrator on her question about splits and easements.

Commissioner Phillips asked if there would be sample maintenance agreements for the residents to review. Mr. Nicholson – Some attorneys advise against this in order to avoid any future liability issues involving the Township. Check with the Township attorney.

The public hearing was closed at 7:34 p.m.

**10. APPLICANT: MICHAEL ZIELINSKI METES AND BOUNDS APPLICATION #679 SECTION 11** – Wendy Parsons of Boss Engineering was present. Deputy ZA Lutz explained that the Assessor noted D as the parent parcel, not D1. Ms. Parsons has revised the drawing. Commissioner Germane – The length to width ratio was always non conforming at less than the 200 ft. required in CA.

Mr. Nicholson – Parcel D1 has been notated as the remnant of the parent parcel. The parcel was nonconforming before the split. This will bring it closer to conformity.

Move to have the record reflect that Metes and Bounds Application #679 as previously approved by the Planning Commission is now represented with D1 as being the remnant of the original parent parcel for this land split. Motion Colaianne. Second Douglass. Voice Vote. Motion Carried. 6-0-1.

**11. APPLICANT: BEAUCHAMP LANDSCAPING / DESINE – WAYNE PERRY MAJOR CHANGE IN SITE PLAN #325 SECTION 33** – Mr. Perry and Mr. Beauchamp were present.

Mr. Perry – The property is PDLI. A text amendment was made to the ordinance to allow outdoor storage. Mr. Beauchamp wants to remodel and expand the building, add stormwater

detention, change the entrance and make other changes. The storage is currently in the setback and the proposal is to bring it out slightly from the lot line.

Mr. Nicholson – 9-4-03 review letter – There are many issues existing from the original site plan such as parking in the setback, incursion into the MDOT setback, multiple entrances and storage bins in the setback. The applicant has taken advantage of the regulations and developed the site outside the approved site plan. The site should be brought into compliance with the existing approved site plan. There was no recommendation for approval of the current site plan application or the special use application.

The variances on special use granted by the ZBA were determined to be invalid. The PDLI zoning could allow for negotiations on some items requested.

Commissioner Colaianne – The applicant is currently in violation of numerous sections of the ordinance including setback violations, unpermitted vendors operating on the property, multiple entrances and many other violations. It appears that the philosophy of asking forgiveness for violations instead getting permission for changes is at work here. This applicant will do as he pleases no matter what the approval entails.

Chairman Fountain advised a committee to work with this applicant on resolving the issues.

Commissioner Colaianne – This applicant promised to address the issues with the site and then failed to do so.

Commissioner Douglass – The site is small with no room to expand and stay within the ordinance. The applicant pushed the original plan to suit his needs and violated the site plan approval and the ordinance. Placing anything in the MDOT setback cannot be approved by the Township. The applicant may have to admit that the site is too small for his needs and acquire more land or find another larger site.

Commissioner Colaianne – The violations listed in the 3-14-02 minutes have yet to be addressed and the applicant is back for more changes.

Mr. Beauchamp blamed former ZA Christensen for his non compliance with the site plan.

The committee will be Commissioner Phillips, Commissioner Germane and Commissioner Douglass who will act as Chairman. A meeting was set for Wednesday October 1 at the Township Hall.

Move to table Application #325. Motion Kalenauskas. Second Phillips. Voice Vote. Motion Carried. 6-0-1.

**12. PRESENTATION FROM CROSSWINDS COMMUNITIES / DESINE – WAYNE PERRY FOX RIDGE COMMUNITIES PER SECTION 33.02.E PRELIMINARY REVIEW** – Wayne Perry was present with Nicole Jaeger and Scott Day of Crosswinds.

The proposed development will be north of the current Shops at Waldenwoods. It is a 40 acre site and will have access to Old 23. The plan is for 272 attached condominiums with wetlands on the site, 80 ft. setbacks, 30 ft. roads, sidewalks, pathway system and connection to the water and sewer systems. There will be 6 unit buildings and 12 unit buildings. There will be varied rooflines and offsets and garages for each unit. The units will vary from 1150 sq. ft. to 1800 sq. ft. Two story units are planned.

Mr. Nicholson – The plans are very complete. The PC is allowed to grant relief from some ordinance issues as outlined in Footnote Y in the ordinance including maximum length and offset requirements.

Commissioner Phillips – Consult the school transportation department on bus routing requirements.

Scott Day – The units are multifamily but are usually purchased by newlyweds and empty nesters. The base price is \$150 - \$200,000.00 and \$175-\$225,000.00 with options.

Commissioner Douglass – Will the close proximity to the water tower negatively impact sales of the units. Mr. Day stated that they had no problems with the water tower and did not consider it an issue.

Additional parking areas are scattered through the development for overflow parking.

**13. SET A DATE FOR A PUBLIC HEARING APPLICANT: CROSSWINDS COMMUNITIES / DESINE – WAYNE PERRY SITE PLAN APPLICATION #352 SECTION 20 & 21 ZONED PDMR ( PLANNED DEVELOPMENT MULTIPLE DENSITY RESIDENTIAL) FOX RIDGE CONDOMINIUMS – Move to set a public hearing for Crosswinds Communities / Desine Site Plan Application #352 for October 23, 2003. Motion Phillips. Second Germane. Voice Vote. Motion Carried. 6-0-1.**

Recess – 8:50 p.m.

Resume 8:89 p.m.

**14. DISCUSSION ON COMPREHENSIVE PLAN** – Commissioner Kalenauskas reiterated his objections to the Board plan to move the PLIT north to the border with Tyrone. LI does not permit residential building. 2 of the 3 appraisers he consulted stated that buyers of residential property in LI would have to get a commercial loan to purchase. There is no reason to include the established residential in the PLIT. The area on the current land use map leaves out the residential and should be maintained. Mr. Callan's suggestion for the Bergin Road area is a good one. Mr. Barr's property should be the northern boundary of the area.

Commissioner Phillips - The land on the Tyrone side of the border is zoned for 3 acre residential.

Commissioner Colaianne – Consider removing Carlee June from the PLIT area. Proposal A makes tax base an important concern. Don't confuse zoning with land use.

Mr. Nicholson reiterated that this is not a zoning map and does not change any current zoning. Adjustments can be made to expand or reduce areas according to future needs.

There was discussion of moving the PLIT boundary east to Hartland Road. The pipelines on the west side of US 23 have to be considered. 1000 acres is considered a good base figure for the needed amount of LI.

Commissioner Kalenauskas – The Boyes property on Clark Road could be office / research.

Commissioner Douglass – The Commission is here to plan for the entire Township not just one area. Many fears come with change and many of those never come to pass.

Commission Colaianne – Scattered parcels of LI will not attract the needed kinds of business to develop tax base that will do the most good for the Township.

There was consensus to make the Follmer property on Old 23 LI, consider MR as a transition on the south side of the PLIT east of US23, remove Carlee June from the PLIT, eliminate the PLIT area on the border with Tyrone and have Mr. Nicholson determine the total LI acreage this would produce and revise the map. Text changes can be made once the map is complete.

Commissioner Phillips will check with the assessor to see how much of the current LI has development.

Move to set a Planning Commission meeting for October 2, 2003 at 7:30 p.m. for discussion of the Comprehensive Plan. Motion Kalenauskas. Second Germane. Voice Vote. Motion Carried. 6-0-1.

**15. CALL TO THE PUBLIC**

*Dawn Schiller* – Change is coming. M59 is vacant. LI opens options for industry. Distributed info on Lyon Township environmental problems with Continental Aluminum.

**16. COMMITTEE REPORTS – Nothing.**

**17. ADJOURNMENT – Move to adjourn. Motion Germane. Second Douglass. Voice Vote. Motion Carried. 6-0-1.**

The meeting was adjourned at 10:15 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 – October 2, 2003 7:30 p.m.  
October 9, 2003 7:30 p.m.