

**HARTLAND TOWNSHIP
PLANNING COMMISSION MEETING
AT THE TOWNSHIP HALL
JULY 24, 2003
7:00 PM**

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF JULY 24, 2003 PLANNING COMMISSION AGENDA
5. APPROVAL OF JULY 10, 2003 PLANNING COMMISSION MINUTES
6. APPROVAL OF JULY 17, 2003 SPECIAL PLANNING COMMISSION MEETING MINUTES
7. CALL TO PUBLIC **PLEASE APPROACH FRONT CENTER MICROPHONE**

PUBLIC HEARING

- | | | |
|--|---|----|
| 8. APPLICANT: HARTLAND TOWNSHIP
AMEND THE CURRENT ZONING ORDINANCE | ZONING AMENDMENT APPLICATION #301
ARTICLE 29 PLANNED DEVELOPMENT DISTRICT (PD) | TC |
| 9. APPLICANT: HARTLAND TOWNSHIP
TO AMEND THE CURRENT ZONING ORDINANCE | ZONING AMENDMENT APPLICATION #302
ARTICLE 14 RESIDENTIAL RECREATIONAL (RR) | |

OLD AND NEW BUSINESS

10. APPLICANT: R. & D. HOMES, L.L.C. / RIZZO & DRAUGELIS SITE PLAN APPLICATION #349 SECTION 22 ZONED OS (OFFICE SERVICE)
11. APPLICANT: KM INVESTMENTS OF HARTLAND-BRAD KLINTWORTH / BUD BENNETT-RM MOTORSPORTS SITE PLAN APPLICATION #350 SECTION 28 ZONED LI (LIGHT INDUSTRIAL)

TABLED *Revised Plans received 7/17/03*

12. APPLICANT: FOLDENAUER FARMS / HARTLAND ASSOCIATES SITE PLAN #243 IN CONJUNCTION WITH SPECIAL USE APPLICATION #185 EXPIRED SITE PLAN
 - REVIEW OF SITE PLAN IN CONFORMANCE WITH ARTICLE 33 SECTION 33.02 J EXPIRATION OF SITE PLAN
 - LOT 15 SET-BACK (See ZBA information included in packet)

13. ALL TO PUBLIC
14. COMMITTEE REPORT
15. ADJOURNMENT

AUGUST 7, 2003

PLANNING COMMISSION SPECIAL JOINT MEETING WITH HARTLAND TOWNSHIP BOARD
NEXT REGULAR SCHEDULED MEETING AUGUST 14, 2003
SCHEDULED MEETING AUGUST 28, 2003

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

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL** – Members present: Chairman Fountain, Commissioner Petrucci, Commissioner Germane and Commissioner Colaianne. Absent: Commissioner Phillips, Vice Chairman Douglass and Secretary Kalenauskas. Also present: David Nicholson of McKenna Associates and ZA Kuhn. Supervisor Rhodes came into the audience.

4. **APPROVAL OF JULY 24, 2003 PLANNING COMMISSION AGENDA** – Delete item #6. Item # 12 has been added to the agenda.

Move to approve the July 24, 2003 Planning Commission agenda as amended. Motion Colaianne. Second Petrucci. Voice Vote. Motion Carried. 4-0-3.

5. **APPROVAL OF JULY 10, 2003 PLANNING COMMISSION MINUTES** – Move to approve the July 10, 2003 Planning Commission minutes as presented. Motion Germane. Second Petrucci. Voice Vote. Motion Carried. 4-0-3.

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

PUBLIC HEARING

8. **APPLICANT: HARTLAND TOWNSHIP ZONING AMENDMENT APPLICATION #301 AMEND THE CURRENT ZONING ORDINANCE ARTICLE 29 PLANNED DEVELOPMENT DISTRICT (PD)** – Chairman Fountain advised the audience that the Planning Commission does not usually act on an item at the time of the public hearing.

Mr. Nicholson gave a brief summary. There is a need to create more flexibility in the PD zoning to include mixed use. There has been input from various sources in the community. Planned Development zoning is the only contract zoning that is recognized as being legal by the State of Michigan.

Commissioner Colaianne wished to make the point that zoning and land use are not the same thing. They are different concepts.

Mr. Nicholson – Density in the new PD is based on the master plan rather than on zoning designation as is the case in the current language. There is also a density bonus included in Sec. 29.03.C.

Chairman Fountain called for questions and comments from the audience.

John Enos – A planner with Carlisle / Wortman spoke representing Mr. Crouse and Hartland Township Supervisor Don Rhodes. Mr. Enos stated that the proposed Article 29 was well written. He distributed his memo of July 21, 2003 to the Commission. He reviewed his written comments on open space, pattern book, lakefront setbacks, maximum building height, parking, landscaping pedestrian circulation and access.

The PD section gives Waldenwoods several options for development.

Frank Crouse – Waldenwoods – Mr. Crouse distributed his letter to the Commission. He wants a constructive plan for the comprehensive development of Waldenwoods. He concluded that PD will not work for his whole property and he does not see the benefits to Waldenwoods. The bonus

density is not clearly defined. PD would not be applicable to a property as large as Waldenwoods. He agreed that it could be used with individual projects such as Shops at Waldenwoods as they are done but did not cover all the situations possible on the property as a whole. He also wanted it stated that the Township had to commit to the contract with the developer.

Commissioner Colaianne asked if there could be a separate, legal master plan for Waldenwoods? Mr. Nicholson responded that there could not and it would be illegal.

Mr. Enos – There could be a bubble or sub area designated.

Mr. Crouse objected to the concept of unified ownership. Mr. Enos agreed that this was a good concept to be included in this section even though he could not convince Mr. Crouse of this. Mr. Enos also noted that most ordinances have this and it was not unusual for Hartland to include it. Mr. Crouse felt that the Township just wanted to do what was the easiest for itself.

Commissioner Colaianne – Changes occur in property, ownership and circumstances over time. The PD designation makes it easier to deal with those changes since the designation stays with the property.

Michael Horowitz – Pleasant Valley/M59 LLC – The work the PC has done is a good starting point. Issues will come up and can be resolved at that time. Negotiating a Planned Development between a developer and the Township can result in a better plan for both parties. It is time to move along with this issue. Some of the issues from Mr. Crouse are dealt with in the ordinance. It is possible for developers to work with this ordinance.

Andy Giovannetti – Premier Properties Group Ltd. – Distributed and reviewed suggestions dated July 24, 2003 on changes to the text. They included some text changes, some corrections and deleting some repetition.

Wayne Perry – Desine Inc. – The proposed PD is much more flexible. Driveways and private roads are limited to residential.

The public hearing was closed at 8:00 p.m.

PUBLIC HEARING

9. APPLICANT: HARTLAND TOWNSHIP ZONING AMENDMENT APPLICATION #302 TO AMEND THE CURRENT ZONING ORDINANCE ARTICLE 14 RESIDENTIAL RECREATIONAL (RR)

– Chairman Fountain advised the audience that the Planning Commission does not usually act on an item on the at the time of the public hearing.

Mr. Nicholson – A committee of 3 Planning Commission members worked with Mr. Crouse on changes to the RR zoning designation as it now stands. RR describes the 1400 acres of Waldenwoods. Specific circumstances created this district. It was included in the sanitary sewer district with CA zoning in 1984. In 1998, changes were made to the RR zoning. There is a possibility that this zoning could be requested by other developments in the future.

Commissioner Colaianne – Repeated his question first made on June 5, 2003 – Does this allow for higher density than any other zoning in the township? Mr. Nicholson responded – Yes, in his opinion it is the highest density. Commissioner Colaianne – Could mobile homes be placed in this zoning designation? Mr. Nicholson – Yes. If the property were to change hands, the Township would have major problems dealing with this issue with potential new owners.

Mr. Crouse responded that this would not have higher density than MR. Open space on his property is created due to the wetlands and other features. He feels that the 1984 agreement created “vested zoning” for him.

Mr. Crouse wrote a memo dated July 3, 2003 and it is to be included in the record for this public hearing as well as the July 10, 2003 Planning Commission minutes.

Mr. Crouse stated that mobile homes could not be considered for his property since it was not zoned for that. Mr. Nicholson stated that by statute, manufactured homes can be placed anywhere that a stick built house can be placed.

Commissioner Colaianne – The Township has to be cautious about an accusation of contract zoning. There is no consent judgment, no resolution by the township Board on this matter from 1984. Other developers are watching what is being done here and third party issues could arise from decisions made.

The public hearing was closed at 8:30 p.m.

Recess 8:30 p.m.

Resume 8:40 p.m.

OLD BUSINESS

10. APPLICANT: R & D HOMES, L.L.C. / RIZZO & DRAUGELIS SITE PLAN APPLICATION #349 SETION 22 ZONED OS (OFFICE SERVICE) – Anthony Rizzo, Ed Draugelis and Vidis Vitins were present. The site is south of M59 and one mile east of US 23. This is a non conforming site upon which they wish to place a model home. Mr. Rizzo builds modular homes.

Mr. Nicholson – The McKenna review letter dated July 10, 2003 addresses the issues with the property including the setbacks, landscaping, lighting, access management, site plan details and sidewalks. Use of the site and access to the site are the most important issues.

There is an existing culvert at the access point.

A July 2, 2003 letter from the fire department recommends rotating the parking 90 degrees.

The applicant was advised that a sign permit is a separate application process and is not considered with the site plan.

Parking is shown in the front yard setback. 80 ft. is the normal setback while 50 ft. is shown on this plan.

Move to table Site Plan Application #349 for R & D Homes, L.L.C. /Rizzo & Draugelis, Tax ID# 08-22-401-010. The proposal could not be approved as presented due to non conformity issues and should go to the ZBA for action. If a variance is granted, it can come back to the Planning Commission for review. Motion Colaianne. Second Petrucci. Voice Vote. Motion Carried. 4-0-3.

11. KM INVESTMENTS OF HARTLAND – BRAD KLINTWORTH / BUD BENNETT – RM MOTORSPORTS SITE PLAN APPLICATION #350 SECTION 28 ZONED LI (LIGHT INDUSTRIAL) – Brad Klintworth was present. There are grade problems with the sight and private drive restrictions with the LDM driveway adjacent to this parcel. They are seeking a reduced front yard setback with the detention basin in the back and parking in the rear. Footnote L of the Schedule of Regulations allows the PC to modify the front yard setback. It would make sense to put the detention basin in the rear since that is the natural fall of the property and the drainage pattern would be to the rear.

Move to approve a reduced rear setback for a revised site plan for KM Investments / RM Motorsports Tax Id.# 08-28-100-025. The reduced setback shall be no less than 50 ft. and the revised site plan will be reconsidered at a future meeting. Motion Colaianne. Second Petrucci. Motion withdrawn. Second withdrawn.

Move to table Site Plan Application #350 for KM Investments of Hartland / RM Motorsports. Tax ID.# 08-28-100-025. The plan will be revised consistent with comments of the Township Planner, Township Engineer and the Fire Department reviews. The revised plans will be considered for a reduced front setback and to allow the detention basin and the parking to be placed in the rear. Motion Colaianne. Second Germane. Voice Vote. Motion Carried. 4-0-3.

12. HERITAGE MEADOWS – Mr. Yaldo was present. Mr. Yaldo received original approval for 84 homes. He could only build 63 homes because of the limitations of sewer capacity availability. His original site plan is past the time limit in the ordinance. His position is that he would have built the number of homes he was approved for if there had been capacity. It was the township that prevented him from doing so and therefore his approval should remain valid. He will not be making any changes to the plan as approved. This is a planned development. Chairman Fountain questioned who will check the site plan against the what is on the site to be sure that it has indeed been built so far as shown on the plan.

Mr. Nicholson pointed out that the Township relies on the Township Engineer and the County Building Department to review the site plan for compliance. The McKenna review of August 11, 1997 addresses this site.

Commissioner Germane – The streetlights approved at a later time are not shown on this plan.

Chairman Fountain – Is there a performance bond still in effect?

Move to table Heritage Meadows site plan reapproval to allow for inspection of the site per the site plan to assure that the site in compliance with the site plan approved by the Township Board. Motion Colaianne. Motion fails for lack of a second.

Supervisor Rhodes suggested establishing an escrow fund to pay for the reviews. A written report should be submitted to the Township by the Engineer.

Move to table Site Plan Application #225 for Triangle Development / Sam Yaldo for reapproval of Planned Development Site Plan. The Township Engineers will review the site for compliance with the original site plan and submit a written report to the Planning Commission for consideration of reapproval of the site plan. Motion Colaianne. Second Germane. Voice Vote. Motion Carried. 4-0-3.

13. APPLICANT: FOLDENAUER FARMS / HAARTLAND ASSOCIATES SITE PLAN #243 INCONJUNCTION WITH SPECIAL USE APPLICATION #185 EXPIRED SITE PLAN – Mr. Kujala and Mr. McGuire were present.

There is a July 23, 2003 review from McKenna. A variance was approved for Lot 15.

Move to recommend approval of re-submitted Site Plan #243 for Hartland Associates L.L.C. in conjunction with Special Use Application #185. This is subject to the review of the master deed by the Township Attorney. The master plan will include the revised graphic exhibits and the

substitution of another tree variety for green ash due to the current ash infestation. Motion Germane. Second Colaianne. Voice Vote. Motion Carried. 4-0-3.

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

15. COMMITTEE REPORTS

ZA Kuhn – If a site plan expires without commencing, does the special use also expire? Mr. Nicholson stated that the special use runs with the land.

Colaianne – The Fire Chief and the DPW Director should be invited to the Capital Improvement Plan presentation.

Petrucci – Sewer update? Supervisor Rhodes replied that the contracts with the Townships and Counties involved are being signed and it is very encouraging.

ZA Kuhn also noted that the land use permits for the demolition of the old truck stop were signed today.

The Clerk signs and stamps site plans. A stamp could be created that notes the Planning Commission has recommended approval of the site plan with the date.

Germane – Requests approval to attend a Land Planning Seminar in Lansing on August 6, 2003 from 8:30 a.m. to 4:30 p.m. at a cost of \$50.00 plus travel. Chairman Fountain approved this request.

Notification of master plan amendments have been received from 3 townships. Mr. Nicholson replied that they were just informational but anyone interested could attend the meetings.

Hartland should confirm that they received the master plan information.

Highland Township has no sewers. Would it be possible to consider hooking the 700-800 unit development planned for Clyde Road / Hickory Ridge through Hartland to Genesee to help with costs for Hartland? ZA Kuhn and Supervisor Rhodes felt this would entail a massive amount of work and delay the project for Hartland. Hartland must go forward now to address issues that go back for years.

Move to have a meeting on August 21, 2003 at 7:00 p.m. Motion Petrucci. Second Colaianne. Motion Carried. 3-1-3. Nay Germane.

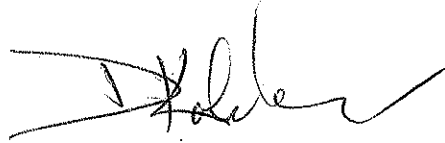
16. ADJOURNMENT – The meeting was adjourned at 10:35 p.m.

These minutes are a preliminary draft until final approval.

HARTLAND TOWNSHIP PLANNING COMMISSION
JULY 24, 2003 – TOWNSHIP HALL – 7:00 P.M.

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Submitted by,



Christine A. Polk
Recording Secretary

D. Kalenauskas
Planning Commission Secretary

Joint Meeting Planning Commission / Township Board – August 7, 2003
Next Meetings – August 14, 2003
 August 21, 2003
 August 28, 2003