

**HARTLAND TOWNSHIP  
PLANNING COMMISSION MEETING  
AT THE TOWNSHIP HALL**

**JUNE 26, 2003  
7:00 PM**

**AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF JUNE 26, 2003 PLANNING COMMISSION AGENDA
5. APPROVAL OF JUNE 12, 2003 PLANNING COMMISSION MINUTES
6. APPROVAL OF JUNE 19 SPECIAL JOINT PLANNING COMMISSION AND TOWNSHIP BOARD MINUTES
7. CALL TO PUBLIC      **PLEASE APPROACH FRONT CENTER MICROPHONE**

**PUBLIC HEARING**

8. APPLICANT: HARTLAND UNITED METHODIST CHURCH / LINDHOUT ASSOCIATES/ DAVID RICHARDSON  
**SPECIAL USE APPLICATION #220**    IN CONJUNCTION WITH **SITE PLAN APPLICATION #345**    AN  
ADDITION TO THE EXISTING CHURCH

**OLD AND NEW BUSINESS**

9. DISCUSSION ON RR (RURAL RESIDENTIAL) WITH WALDENWOODS/FRANK CROUSE AND MCKENNA & ASSOCIATES / DAVE NICHOLSON\
10. SET A DATE FOR A PUBLIC HEARING      APPLICANT: TROY & SUZANNE BIDDIX      **REZONING APPLICATION #304**    REZONE CA (CONSERVATION AGRICULTURE) TO SR (SUBURBAN RESIDENTIAL)
11. APPLICANT: HARTLAND ASSOCIATES LLC    **SIGN PERMIT APPLICATION #436**    TEMPORARY REAL ESTATE SIGN
12. APPLICANT: BOB CHAPA      **SIGN PERMIT APPLICATION #437**    SECTION 28    FOUNTAIN SQUARE
13. APPLICANT: JOHN KOSS & JEANETTE HOLMAN      **METES & BOUNDS APPLICATION #672**    SECTION 05
14. APPLICANT: LOUIS WALDOCK      **METES & BOUNDS APPLICATION #673**      SECTION 33  
PLEASANT VALLEY GOLF & COUNTRY CLUB ESTATES
15. APPLICANT: FOLDENAUER FARMS / HARTLAND ASSOCIATES      **SITE PLAN #243**    IN CONJUNCTION  
WITH **SPECIAL USE APPLICATION #185**
  - REVIEW OF SITE PLAN      IN CONFORMANCE WITH ARTICLE 33 SECTION 33.02 J EXPIRATION OF SITE PLAN
  - PERFORMANCE BOND AMOUNT FOR THE UNFINISHED IMPROVEMENTS IN THE DEVELOPMENT
  - LOT 15      SET-BACK
  - ESCROW
16. CALL TO PUBLIC
17. COMMITTEE REPORT

**HARTLAND TOWNSHIP**

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Hartland, MI 48353

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Donald A. Rhodes  
Supervisor

Douglas Kuhn  
Trustee

Ann Ulrich  
Clerk

Donald Wyland  
Trustee

Vicinia J. Phillips  
Trustee

Kathleen A. Horning  
Treasurer

Donald A. Hill  
Trustee

**THE HARTLAND TOWNSHIP PLANNING COMMISSION HAS  
SCHEDULED A PUBLIC HEARING:**

**JUNE 26, 2003**

**7:00 PM**

**HARTLAND TOWNSHIP HALL,  
3191 HARTLAND ROAD,  
HARTLAND, MI.**

**IT IS FOR THE PURPOSE OF HEARING COMMENTS FOR  
APPLICANT HARTLAND UNITED METHODIST CHURCH  
SPECIAL USE APPLICATION #220 IN CONJUNCTION WITH SITE  
PLAN APPLICATION #345 TO CONSTRUCT A 5,017 SQUARE  
FOOT ADDITION ON 1.26 ACRES IN SECTION 16.**

**DENISE LUTZ  
TOWNSHIP DEPUTY ZONING ADMINISTRATION**

**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 Kalenauskas and Commissioner Germane. Vice Chairman Douglass arrived at 7:10 p.m. and Commissioner Colaianne arrived at 8:35 p.m. Absent: Commissioner Phillips. Also present: David Nicholson of McKenna Associates and ZA Kuhn. Supervisor Rhodes was in the audience.

**4. APPROVAL OF JUNE 26, 2003 PLANNING COMMISSION AGENDA** - Move to approve the June 26, 2003 Planning Commission agenda as presented. Motion Kalenauskas. Second Petrucci. Voice Vote. Motion Carried. 4-0-3.

**5. APPROVAL OF JUNE 12, 2003 PLANNING COMMISSION MINUTES** – Move to approve the June 12, 2003 Planning Commission minutes as presented. Motion Kalenauskas. Second Petrucci. Voice Vote. Motion Carried. 4-0-3.

**6. APPROVAL OF JUNE 19, 2003 SPECIAL JOINT PLANNING COMMISSION AND TOWNSHIP BOARD MINUTES** – Move to table to June 19, 2003 Joint Meeting minutes. Motion Germane. Second Kalenauskas. 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 UNITED METHODIST CHURCH / LINDHOUT ASSOCIATES / DAVID RICHARDSON SPECIAL USE APPLICATION #220 IN CONJUNCTION WITH SITE PLAN APPLICATION #345 AN ADDITION TO THE EXISTING CHURCH** – Terry Clark and Holly Oserhout of Lindhout Associates were present. The church is existing in the village. There is vacant land to the south. The proposal is for a 9000 sq. ft. addition with 32 parking spaces. It is agreed that this amount of parking is inadequate for the site. A storm water detention system will be added. There will be landscaping to buffer the surrounding residences. The basement will be unfinished. The addition will be designed reflect the design of the current church.

Supervisor Rhodes questioned if the Drain Commission had been contacted since the parking lot would cover the drain. Yes, the Drain Commission had been contacted and the old pipe will be replaced with 12 inch reinforced pipe to address this issue.

Mr. Nicholson stated that there have been discussions with the church representatives concerning design issues and the zoning ordinance text modification on parking.

The addition will have 4 x 4 siding and the existing building will eventually be changed to match the new.

There was no further response when Chairman Fountain called for further questions from the audience.

The public hearing was closed.

**OLD AND NEW BUSINESS**

**9. DISCUSSION ON RR ( RESIDENTIAL RECREATIONAL) WITH WALDENWOODS / FRANK CROUSE AND MCKENNA & ASSOCIATES / DAVID NICHOLSON – Mr.**

Crouse was present. Mr. Nicholson addressed some of the questions in the minutes of the June 5, 2003 minutes.

Mr. Nicholson - Does the Commission wish to make two family and multiple a use by right in RR or a special use as it is in the current ordinance?

The public hearing on RR can be scheduled prior to finalizing the language. There should be a draft copy for the public hearing but there could be changes as a result of information received at the public hearing. A draft should also be available at the Township prior to the public hearing so interested parties can review it.

Mr. Crouse stated that he needed more density to compensate for the 50% wetlands north of Crouse Road. The golf course was laid out to address this.

Mr. Nicholson will follow the changes in the June 5, 2003 minutes to revise the proposed text for Rural Residential.

Mr. Crouse feels that Planned Development would not be an advantage to them in their development plans. Mr. Crouse stated that he was having an independent firm review the PD ordinance from the Waldenwoods perspective.

Mr. Nicholson offered to e-mail John Enos a copy of the final draft of the Planned Development ordinance dated June 24, 2003.

Mr. Crouse felt that projects that may continue for 20 years are not addressed in PD or RR.

Mr. Nicholson pointed out that there will be no underlying zoning in the new PD. A development will be PD or RR not PDRR.

Commissioner Douglass pointed out that PD must be conceived so as to be applicable to the entire Township.

**10. SET A DATE FOR A PUBLIC HEARING APPLICANT TROY & SUZANNE BIDDIX REZONING APPLICATION #304 REZONE CA (CONSERVATION AGRICULTURAL TO SR (SUBURBAN RESIDENTIAL) – Move to set a public hearing for Troy and Suzanne Biddix for Rezoning Application #304 on August 14, 2003. Motion Germane. Second Douglass. Voice Vote. Motion Carried. 5-0-2.**

**11. APPLICANT: HARTLAND ASSOCIATES LLC SIGN PERMIT APPLICATION #436 TEMPORARY REAL ESTATE SIGN – Sandy Layne was present. He distributed a new sign design at the meeting. There is a correction on the drawing changing the distance from the center line of Bergin Road to 75 ft.**

The revised design includes photographs of horses and a representation of a house. The applicant was advised to keep to the two fonts and 3 colors for text as required by the ordinance. Photos are okay but the text is covered by the ordinance. The applicant agreed to this.

The application should be revised per the discussion and resubmitted.

Motion to table Sign Permit Application #436. Motion Petrucci. Second Kalenauskas. Voice Vote. Motion Carried. 4-1-2. Nay Fountain.

Sign Specialist Germane offered to review the sign prior to the meeting to address any changes necessary before the next meeting. The application should be submitted in a timely manner to allow for this to take place.

**12. APPLICANT BOB CHAPA SIGN PERMIT APPLICATION #437 SECTION 28 FOUNTAIN SQUARE** – No one was present for this application. This would involve changing the text on a nonconforming sign.

Move to refund the application fee. Based on the ordinance, it is inappropriate for the Planning Commission to review this. Motion Germane. Second Kalenauskas.  
Motion withdrawn. Second withdrawn.

Mr. Nicholson – The Commission cannot approve a non conforming sign.

Chairman Fountain – The Commission should require as much conformity as possible with the current ordinance.

Commissioner Germane – The ZBA made the decision on the sign under consideration.

Mr. Nicholson advised knowing exactly what the ZBA variance granted and what if any directions were included in the wording of the variance.

Move to table Sign Permit Application #437. Motion Germane. Second Kalenauskas. Voice Vote. Motion Carried. 5-0-2.

ZA Kuhn will distribute copies of the ZBA minutes with the variance wording.

**13. APPLICANT: JOHN KOSS & JEANETTE HOLMAN METES AND BOUNDS APPLICATION #672 SECTION 05** – Wayne Perry was present. 10 acres will be divided into 2 parcels of about 6 and 4 acres. There will be a private drive easement. The check list was signed by the assessor.

Move to recommend approval of Metes and Bounds Application #672 for John Koss and Jeannette Holman per the State Land Division Act and the Hartland Township Zoning Ordinance #37. Tax Id. # 08-05-300-009. Motion Kalenauskas. Second Petrucci. Voice Vote. Motion Carried. 5-0-2.

**14. APPLICANT : LOUIS WALDOCK METES AND BOUNDS APPLICATION #673 SECTION 33** – Mr. Waldock was present. He owns lots 17-23 with exclusive rights to use Outlot A that is the lake area in front of his property. Outlot A is under general ownership of the development but he has exclusive rights to use it. Mr. Waldock wishes to build a new home on lots 17, 18 and 19 and sell lots 20, 21, 22 and 23 in the future. The question is how he will go about transferring the exclusive rights to Outlot A usage, not ownership, with the sale of the 4 lots. The individual lots are under one tax Id. number.

Commissioner Colaianne – Outlot A is under common ownership and does not need to be divided. If he does not own all of Outlot A, he cannot convey ownership to anyone. There is an exclusive right to use the beach but not ownership of the beach.

Move to table Metes and Bounds Application #673 and consult with the assessor. It is the recommendation to refund the fee paid by the applicant if tax Id. Numbers are issued for lots 17, 18 and 19. Outlot A will not will divided. Motion Colaianne. Second Germane. Voice Vote. Motion Carried. 6-0-1.

This should be returned to the assessor for tax Id. numbers.

Commissioner Kalenauskas – Outlot A has nothing to do with setbacks or building envelopes. The platted lines are the boundaries and Outlot A cannot be used to determine them.

**15. APPLICANT: FOLDENAUER FARMS / HARTLAND ASSOCIATES SITE PLAN #243 IN CONJUNCTION WITH SPECIAL USE APPLICATION #185**

**-REVIEW OF SITE PLAN IN CONFORMANCE WITH ARTICLE 33 SECTION 33.02.J EXPIRATIONS OF SITE PLAN**

**- PERFORMANCE BOND AMOUNT FOR THE UNFINISHED IMPROVEMENTS IN THE DEVELOPMENT**

**- LOT 15 SETBACK** – Mr. Kujala and Mr. McGuire were present.

Mr. Nicholson summarized the McKenna review letter dated June 24, 2003. The last approval of this site plan was in 2000. Existing structures are not indicated on the plan. There is a setback issue. Deed restrictions are not indicated or noted as not applicable. Common area responsibilities are not indicated. Due to the ash infestation, tree type should be revised. Landscape irrigation is not shown. Lighting should be indicated.

Mr. Kujala – Barns were added in 2000 and the building in the setback is already built after the land was sold. Commissioner Kalenauskas noted that the errors were not caught by the Township before the building went in. Mr. Kujala stated that the bond has been increased to guarantee completion of the project. The signs shown on the site plan are installed even though no permits were applied for or granted.

Commissioner Douglass – The current status of the development has to be shown on the plans in order to consider approval.

Mr. Nicholson – The road is not complete, the landscaping is not complete and the site plan showed landscaping on property not controlled by Hartland Associates. Mr. Foldenauer did not remove the barns and therefore no landscaping was done.

Commissioner Colaianne – A current site plan is needed in order to see if the original site plan is being followed. Section 33.02 is in the ordinance to define the review process.

Mr. Nicholson – The McKenna review must follow the ordinance requirements. The Commission can review the plan as they see fit. A “public hearing” was referenced in the review letter and should be changed to “public meeting”. 2 or 3 years of modifications have been made to the site and should be shown and recorded so there is a record of what the Planning Commission is approving at this point.

It was determined that the applicant could indicate “existing home” on the lots that have been built. Detailed dimensions of houses and driveways need not be shown.

Commissioner Germane – The concept has not changed but the details need review.

Move to table Site Plan Application #243 in conjunction with Special Use Application #185 for Hartland Associates. Motion Colaianne. Second Douglass. Voice Vote. Motion Carried. 6-0-1.

The applicant should follow the June 24, 2003 McKenna review letter except on page 2 item 2 indicate “improved lots” or “existing homes” for those lots sold and built. Indicate the common structure that exist.

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

## 17. COMMITTEE REPORTS

*Kalenauskas* – The entire Crouse, RR, PD thing is not something that some Commissioners are comfortable with. Developers should not create or dictate the zoning ordinance for a single developer. There is a real problem with designing zoning for one individual.

Commissioner Colaianne – Apply Residential Recreational to the entire Township, not just the Crouse property and evaluate if this works for the Township.

Commissioner Douglass – Twenty years of change since the agreement have to be dealt with.

Supervisor Rhodes – After speaking with Mr. Crouse, Mr. Rhodes stated that the 1984 agreements were long range and Mr. Crouse stated that he was not notified of the changes. Mr. Rhodes noted that the Township has no zoning litigation insurance.

Commissioner Colaianne – Individuals that wish to develop are presumed to know the laws they are to be working under. The Commission and the Township should have a great concern with the perception that this is contract zoning. It appears that the “deal” struck in 1984 was for Crouse to receive a “package” for his property and he would withdraw his tax tribunal case. There is nothing from the regular courts, no consent judgment, no legal decision on this. There is just a “deal” for this zoning. RR should be applicable to the entire Township, not just one parcel. There should be more concern for third party developers to come in and expect the same treatment and sue for it if the Township reaffirms this “deal”.

Supervisor Rhodes – Mr. Crouse thought he had an agreement with the sub committee to get what he wanted.

Commissioner Colaianne – The committee can work with an applicant and make recommendations to the full Planning Commission but they cannot make an “agreement” with an applicant that binds the Township.

*ZA Kuhn* – Tie RR to large blocks of land.

There should be a map of the existing drains in the Township.

The Schaefer Club will be coming in with an application.

In reference to the Crouse issue, Mr. Nicholson noted that the Township did not rezone the Crouse property in 1998 and were therefore not required to notify him. It was a text change to the ordinance and individuals were not notified.

The Capital Improvement Plan presentation will be at the August 1 meeting.

*Germane* – Chairman Fountain approved Commissioner Germane to attend the Michigan Municipal League class on July 18, 2003 for a fee of \$65.00 plus related expenses such as transportation.

There was a budget amendment for sidewalks. Is the Township going to install them on Dunham Road for the schools? ZA Kuhn was not sure if this was on the site plan.

Has the Board approved the future land use plan distributed at the June 17, 2003 meeting? ZA Kuhn stated that it is on the June 29, 2003 agenda.

Is the employee handbook available? Yes but since the Commission is not considered “employees” they have not received one.

Does the Planning Commission have any responsibility for changes to the Civil Infractions Ordinance outlined by Township Attorney Homier? No.

HARTLAND TOWNSHIP PLANNING COMMISSION REGULAR MEETING  
JUNE 26, 2003 – 7:30 P.M. – TOWNSHIP HALL

6

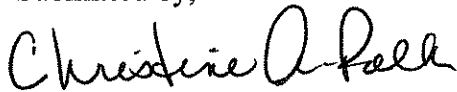
Commissioner Germane offered to review the by-laws, propose changes and distribute them for review by the Commission.

A list of positive articles on Hartland by the Detroit News was distributed.

**18. ADJOURNMENT** - The meeting was adjourned at 10:20 p.m.

These minutes are a preliminary draft until final approval.

Submitted by,



Christine A. Polk  
Recording Secretary



D. Kalenauskas  
Planning Commission Secretary

Next regular scheduled meeting – July 10, 2003