

HARTLAND TOWNSHIP PLANNING COMMISSION  
TOWNSHIP HALL  
NOVEMBER 09, 2000 AT 7:30 PM

**AGENDA**

1. ROLL CALL
2. APPROVAL OF NOVEMBER 09, 2000 AGENDA
3. APPROVAL OF OCTOBER 26, 2000 MINUTES
4. CALL TO THE PUBLIC

**PUBLIC HEARING**

5. APPLICANT: JERRAD BEAUCHAMP SPECIAL USE APPLICATION #196 IN CONJUNCTION  
WITH SITE PLAN APPLICATION #300 OUTDOOR STORAGE FOR AN APPROVED LANDSCAPE  
BUSINESS SECTION 33
6. APPLICANT: NEXTEL COMMUNICATION SPECIAL USE APPLICATION # 197 IN CONJUNCTION  
WITH SITE PLAN APPLICATION #297 FOR COLOCATION ON EXISTING TOWER AND TO CONSTRUCT  
AN OUT BUILDING SECTION 34

**OLD & NEW BUSINESS**

7. APPLICANT: NADER / GAWRONSKI SITE PLAN APPLICATION #294 TO CONSTRUCT  
ADDITIONS TO EXISTING BUILDING SECTION 22 SOUTH OF M59
8. APPLICANT: WIL-PRO DEVELOPMENT CO. TEMPORARY DIRECTIONAL SIGN PERMIT #372  
SECTION 28
9. APPLICANT: STEWART OLDFORD METES & BOUNDS APPLICATION # 594 SECTION 05
10. APPLICANT: PARSHALLVILLE POND / STEWART OLDFORD SITE PLAN APPLICATION # 272  
FINAL APPROVAL TO CONSTRUCT RESIDENTIAL UNITS SECTION 5
11. APPLICANT: KEVIN CHRISTENSEN SITE PLAN APPLICATION # 301 CONSTRUCT A  
RESIDENTIAL POND SECTION 22
12. APPLICANT: JACKIE SCHELLER REZONING APPLICATION # 287 CA TO SR SECTION 23
13. APPLICANT: WALDEN & ASSOCIATES LLC METES & BOUNDS APPLICATION #595 SECTION 20
14. APPLICANT: HAROLD SARTOR METES & BOUNDS APPLICATION #597 SECTION 05
15. CALL TO THE PUBLIC
16. COMMITTEE REPORTS
17. ADJOURNMENT

MEETING NOVEMBER 16, 2000

**HARTLAND TOWNSHIP PLANNING COMMISSION REGULAR MEETING  
NOVEMBER 9, 2000 - TOWNSHIP HALL - 7:30 P.M.**

**1. ROLL CALL** - The meeting was called to order by Chairman Fountain at 7:30 p.m. Members present: Chairman Fountain, Vice Chairman Douglass, Secretary Kalenauskas, Commissioner Phillips, Commissioner Petrucci and Commissioner Kuhn. Absent: Commissioner Germane. Also present David Nicholson and Amy Neary of McKenna Associates, ZA Christensen and Kevin Christensen.

**2. APPROVAL OF NOVEMBER 9, 2000 AGENDA** - Motion to approve the November 9, 2000 Planning Commission agenda as presented. Motion Kuhn. Second Kalenauskas. Voice Vote. Motion Carried. 6-0-1.

**3. APPROVAL OF OCTOBER 26, 2000 MINUTES** - On page 3 in item #13, in the motion, it should read, "Motion to recommend approval " on the pond.  
Motion to approve the October 26, 2000 minutes as amended. Motion Kalenauskas. Second Phillips. Voice Vote. Motion Carried. 6-0-1.

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

**5. PUBLIC HEARING - JERRAD BEAUCHAMP SPECIAL USE APPLICATION #196 IN CONJUNCTION WITH SITE PLAN APPLICATION #300 OUTDOOR STORAGE FOR AN APPROVED LANDSCAPE BUSINESS SECTION 33** - Mr. Perry was present and reviewed the application. Salt storage will be in a covered concrete bin. Chairman Fountain called for questions from the audience. There were no questions. The public hearing was closed at 7:40 p.m.

**6. APPLICANT: NEXTEL COMMUNICATION SPECIAL USE APPLICATION #197 IN CONJUNCTION WITH SITE PLAN APPLICATION #297 FOR COLOCATION ON EXISTING TOWER AND TO CONSTRUCT AN OUT BUILDING SECTION 34** - Dan Nauman from Nextel was present. The 145 ft. Ameritech tower is located on Commerce Road. There will be an equipment shelter built. Chairman Fountain called for questions from the audience. There were no questions. The public hearing was closed at 7:45 p.m.

**OLD & NEW BUSINESS**

**7. APPLICANT: NADER / GAWRONSKI SITE PLAN APPLICATION #294 TO CONSTRUCT ADDITIONS TO EXISTING BUILDING SECTION 22 SOUTH OF M59-** Keith Gawronski, Edward Ashor and Phillip Nader were present. Tetra Tech has approved the engineering issues. There are still outstanding items from the McKenna letter.

Motion to recommend approval of Site Plan Application #294 for Nader / Gawronski

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with the following conditions:

1. The existing westerly drive is to be used until such time that the adjacent east parcel is developed. At that time, the easterly drive will become shared. The westerly drive will be closed at the owner's expense.
2. Applicant will add landscaping on the south property line per Sec. 7.03.A.4.
3. Add a notation that the six foot decorative fence will also surround the detention pond.
4. Add identification of the owners of the adjoining parcels.
5. Remove the northeast parking space.

Motion Kuhn. Second Kalenauskas. Voice Vote. Motion Carried. 6-0-1.

**8. WIL-PRO DEVELOPMENT CO. TEMPORARY DIRECTIONAL SIGN PERMIT #372 SECTION 28** - Marshal Blau and Dave Willacker were present. Mr. Kuhn reviewed the sign proposed for the southwest corner of M59 and Old US 23. There are four issues with the sign.

1. Placement in relation to the setbacks.
2. A letter of credit is needed.
3. Only two styles of lettering are allowed.
4. There are no color notations on the drawing.

Motion to table Temporary Direction Sign Permit Application #372. Motion Kuhn. Second Petrucci. Voice Vote. Motion Carried. 6-0-1.

**9. APPLICANT : STEWART OLDFORD METES AND BOUNDS APPLICATION #594 SECTION 05** - John Crane, Pat Keogh and Dan Howell were present. An opinion has been received from the Township Attorney that the Zoning Ordinance does not prohibit placing a driveway over the outlot.

There was discussion of the compatibility of the proposed lot with the other parcels in the settlement district.

Move to have the Zoning Board of Appeals make determinations to the following questions:

1. Must the Hartland Township Board abide by the procedures and rules and methods established in the Township Zoning Ordinance?
2. Is an approved motion by the Township Board that contradicts or is in conflict with the Township Zoning Ordinance enforceable and binding?
3. In particular, can the Township Board take action to give preliminary approval to a site condominium development without the Ordinance required documentation (i.e.; professionally prepared environmental and traffic impact assessments and any other requested assessments). Ref. 3.30 D.1. and 33.02.1?
4. Does the Shared Private Driveway Standard apply to developments in the Parshallville STR district?
5. Based on Hartland Township Zoning Ordinance 37, is a failed motion the same as a denial?

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6. Under Zoning Ordinance #37, can the Township Board grant preliminary approval for a site condominium development without a Planning Commission recommendation for approval? Ref. 34.03.C.2 and C.6.

7. For the STR Districts, is it solely the Townships responsibility to determine the sizes and shapes of lots for a development? Ref. 1.05 inclusive and 15.01 and 15.05.E, 32.01 and 32.02 - footnote C.

8. For the STR districts, are lot sizes and shapes to be based solely on the sizes and shapes of adjacent parcels? Ref 32.02 - footnote C.

Motion Kuhn. Second Kalenauskas.

After discussion, Mr. Kuhn amended his motion to include the following statement by Mr. Kalenauskas and Mr. Kalenauskas amended his second in agreement. See following three pages.

November 9, 2000

The very foundation on which this township operates, has been brought under scrutiny by the action of the Parshallville Pond applicants and the township board's action involving those applicants. Without the ordinance that governs the township of Hartland there is no reason for the township to exist. As an appointed member of the Hartland Township Planning Commission, I have taken an oath of office to uphold the ordinance. I am charged to follow the law that has been outlined in the ordinance and to insure a democratic process for all applicants and the citizens of the township. I have great concern that the ordinance was circumvented during the preliminary site plan approval process by both the applicant and the Township Board.

At the May 25, 2000, Planning Commission meeting, the applicant was informed of outstanding issues that needed to be resolved. The applicant requested a vote instead of being tabled. A motion to approve, failed and the applicant left. Mrs. Phillips suggested a vote to table because the packet was incomplete. I can only assume, from my point of view, that no action was taken since the applicant left the building. Technically, the applicant may never had closure to their application from the Planning Commission. According to Section 3.30, part "D", item #1, "***A full site plan and impact assessment***, meeting the requirements of Section 33.02, Site Plan Review, shall be submitted for preliminary condominium site plan approval by the Township Board, based upon a recommendation by the Planning Commission." There was never a recommendation given to the Board by the Commission. The paragraph continues with, "The Planning

Commission shall review the site plan following the procedures of Section 33.02 and make a recommendation to the Township Board *to approve, approve with conditions or deny.*"

I question whether any of those conditions were granted.

The next item I point out could be arbitrary, but I question the ethical conduct that pertains to a required document for preliminary approval, the Impact Assessment. The Planning Commission received from the applicant an Impact Assessment during the Final Site Plan procedures. The document had a cover letter dated September 12, 2000. The document contains a variety of letters that does not necessarily pertain to an Impact Assessment but are not objectionable to be included in such a document. It does contain a segment that addresses the traffic impact from the proposed site on the surrounding area. That is the *meat* of an impact assessment. The odd thing is, it is dated, January 5, 2000, five months prior to the applicant's representative's comment that it was not ready. To compound this issue farther, is the fact that the Township Board was willing to accept a verbal assessment from the applicant's representative at their July 18, 2000 meeting instead of a written document as the Planning Commission requested. The question to the applicant is, why was the traffic study not submitted in a timely fashion as was requested? The applicant has more than once made the insinuation that we, the Planning Commission, are stalling, but in truth, it is the Planning Commission that was waiting on the applicant. This particular document is covered under Section 33.02, Part F, item #33.

Further more, according to Section 33.02, Part H, "The Planning Commission may require reasonable changes in the proposed site plan." The applicant rejected Planning Commission suggestions numerous times stating that they felt their development met the requirements of the STR district. When in fact they submitted a different set of plans to the Township Board and was willing to change things that the Commission asked for but were refused. The board was notified of this in a correspondence from the Planning Commission dated, July 24, 2000. Bottom line on this issue is, the applicant's proposal to the board was different than what was presented to the Planning Commission and I feel that we, the Planning Commission, was circumvented from the processes as stated by the Ordinance. This is further exemplified in the context of Section 33.02, Part I, "The Township Board shall take no action on a site plan pending receipt of a written recommendation from the Planning Commission. The Township Board shall, upon written receipt of said recommendation, take final action relative to the site plan within a reasonable time period." I think it is clear to all present, what the definition of "SHALL" means in legal terms.

The actions by the applicant and the Township Board compels me to ask for a interpretation on these matters from the Z.B.A. because of the dangerous precedent that may be concluded as the result of the actions taken on this application. The integrity of the Township Zoning Ordinance is at stake.

D. Kalenauskas

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The amended motion by Kuhn. Amended Second By Kalenauskas. Voice Vote.  
Motion Carried. 5-1-1. Nay Fountain.

Approval of the motion to seek a determination of the Zoning Board of Appeals places any issues for the STR district in abeyance. Page 33-18 Sec. 33.04.D.6 of the Zoning Ordinance.

Item #9 is left on the table by virtue of the motion passed seeking a determination from the Zoning Board of Appeals. All action is stayed and no further action may be taken until there is a resolution by the ZBA.

**10. APPLICANT: PARSHALLVILLE POND / STEWART OLDFORD SITE PLAN APPLICATION #272 FINAL APPROVAL TO CONSTRUCT RESIDENTIAL UNITS SECTION 5** - Item #10 is stayed by the action taken on item #9 and is relevant per the applicant's (Crane) admission that the two items concern the same issues.

Item #10 is open and remains on the table until action is taken on item # 9 by the Zoning Board of Appeals.

Mr. Crane threatened legal action and to seek damages.

The Commission recognizes that action on item #9 requesting ZBA opinion on item #9 pertains to item #10 and item #10 is included in the ZBA request and cannot be decided until a determination is made by the ZBA.

Items 9 and 10 remain on the table but are stayed.

Recess 10:27 p.m.

Resume 10:39 p.m.

**11. APPLICANT: KEVIN CHRISTENSEN SITE PLAN APPLICATION #301 CONSTRUCT A RESIDENTIAL POND SECTION 22** - Mr. Christensen was present.

The following items need to be noted on the drawing.

1. The size of the proposed pond.
2. Note the destination of the spoils.
3. Note the slope of the sides.
4. Note the scale.
5. Submit the soils evaluation by the Livingston County Health Department.

Motion to table Site Plan Application #301 for Kevin Christensen. Motion  
Kalenauskas. Second Kuhn. Voice Vote. Motion Carried. 6-0-1.

**12. APPLICANT: JACKIE SCHELLER REZONING APPLICATION #287 CA TO SR SECTION 23** - Jackie Scheller was present. The changes requested by the Planning Commission have been added.

Motion to recommend approval of Rezoning Application #287 CA to SR for Jackie Scheller. Tax Id. # 08-23-100-010. Motion Phillips. Second Petrucci. Voice Vote. 3-3.



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Roll Call Vote.

Kuhn - no

Phillips - yes

Fountain - yes

Douglass - no

Petrucci - yes

Kalenauskas - no.

The application will be forwarded to the County.

Mr. Germane arrived at 11:03 p.m.

**13. APPLICANT: WALDEN & ASSOCIATES LLC METES AND BOUNDS APPLICATION #595 SECTION 20** - Jeff Thompson was present. The application is for splitting off the drug store site. The site would still be subject to the planned development restrictions and the PUD agreement.

Motion to recommend approval of Walden & Associates LLC Metes and Bounds Application #595 ,Section 20. Motion Petrucci. Second Kuhn. Voice Vote. Motion Carried. 7-0-0 .

**14. APPLICANT: HAROLD SARTOR METES AND BOUNDS APPLICATION #597 SECTION 05** - Mr. Sartor was present. The setbacks are shown and the drawings are to scale.

Motion to recommend approval of Metes and Bounds Application #595 for Harold Sartor in Section 5 for purposes of the Hartland Township Zoning Ordinance and the State Land Division Act. Motion Germane. Second Petrucci. Voice Vote. Motion Carried. 7-0-0.

**8. REVISIT ITEM #8** - Mr. Blau was present.

Motion to remove Sign Application #372 from the table. Motion Kuhn. Second Kalenauskas. Voice Vote. Motion Carried. 7-0-0.

The drawing has been revised to include the items requested by the Commission.

Motion to approve Sign Application #372 for Wil-Pro Development . Motion Kuhn. Second Phillips. Voice Vote. Motion Carried. 7-0-0.

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

**16. COMMITTEE REPORTS -**

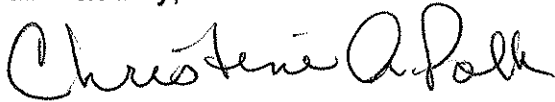
*Phillips* - There will be a Master Plan meeting for Highland Township in Pontiac on December 5 at 8:30 a.m.

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The meeting was adjourned at 11:18 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 November 16, 2000.