

1. Call to Order - THE MEETING WAS CALLED TO ORDER BY AT 7:00 PM

2. Pledge of Allegiance

3. Roll Call

PRESENT: Joe Colaianne, Thomas Murphy, Larry Fox, Jeff Newsom, Sue Grissim, Michael Mitchell
ABSENT: Keith Voight

4. Approval of Meeting Agenda

a. Motion to approve the agenda

Chair Fox amended the Agenda by moving item 8.a. to 7.a. Public Hearing.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Mitchell, Commissioner
SECONDER:	Jeff Newsom, Vice Chairman
AYES:	Colaianne, Murphy, Fox, Newsom, Grissim, Mitchell
ABSENT:	Voight

5. Approval of Meeting Minutes

a. Planning Commission - Special Meeting - Jan 12, 2017 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Jeff Newsom, Vice Chairman
SECONDER:	Thomas Murphy, Commissioner
AYES:	Colaianne, Murphy, Fox, Newsom, Grissim, Mitchell
ABSENT:	Voight

6. Call to Public

7. Public Hearing

a. Rezoning #361 Hartland Glen Development LLC

Chair Fox opened the Public Hearing at 7:04 PM.

Chair Fox read the request: Hartland Glen Development, LLC has submitted a rezoning application to rezone Tax Parcel No. 4708-26-100-019, 4708-26-100-00 and 4708-26-100-012 approximately 73 acres of their property that contains approximately 386 acres. The rezoning request is to change an approximate 73-acre portion of their property from CA (Conservation Agricultural) to HDR (High Density Residential).

Director Langer indicated on the maps the location of the parcels to be rezoned.

- Two smaller parcels are single family residential.
- Larger property is the northern 73-acre portion of the existing Hartland Glen Golf Course.
- Properties are currently zoned CA (Conservation Agriculture).
- Concept Plan indicates a residential development in the HDR (High Density Residential) zoning category.
- Rezoning requires a Public Hearing by the Planning Commission, a recommendation by the Planning Commission, and a decision by the Township Board.

The Applicant, Mr. Isam Yaldo, introduced his team, Dave Nona, Partner; Dan Callan, Consultant; and stated the following:

- Commended the Planning Department for the thorough and comprehensive report.
- Hartland Glen Golf Course originally came with 144 taps.
- Committed to 720 taps for land in and around the golf course some of which was lost.
- Following litigation, they currently have 602 Residential Equivalency Units (REUs) and must find a way to use them for residential purposes.

Shannon Wehner, Lone Tree Road, Milford

- Owns property across the street from Hartland Glen.
- Like the remote nature of the area.
- Concerned about the remaining portion of the property behind the rezoning.
- No one will want to buy her house in the future with a subdivision across the street.
- Lone Tree, a private road that she and two other property owners maintain, will come into play when the southern portion of the site is developed.
- Concerned about taxes, schools, potential rentals, high density, and wildlife displacement.
- Thinks the zoning should be less than HDR.

Gloria Poy, Cundy Road, Hartland

- CA is the lowest tax rate and is surprised that Hartland Glen is zoned CA since it is a business.
- CA zoning was put in place for a reason, area is a watershed.
- Concerned about drainage onto her wetland property from a large development.
- Suggested Michigan Department of Environmental Quality (MDEQ) do a wetland study.
- Concerned about the effect on the environment, density, safety, wildlife, schools, the water table and her well.

Sherrie Dalton, Cundy Road, Hartland

- Shares the other concerns already mentioned.
- Concerned about the effect on the lake, traffic, road, and home values.
- Master Plan calls for Medium Density.
- If a community well is required, she would propose an impact study be done.

Craig Whipple, Bobbie Street, Hartland

- Concerned with traffic, road conditions, watershed, drainage/run off, truck traffic, and public safety/lack of police coverage.
- Area is changing.

Linda Harwood, Maxfield Boulevard, Hartland

- Agrees with previous comments.
- Concerned they will put in trailers once it is rezoned.
- Concerned about danger, traffic, noise, property values, taxes, density, types of structures that could be built, her water and sewer.
- Highly against this proposal.

Donovan Atkins, Maxfield Boulevard, Hartland

- Concerned with construction traffic, road conditions, and traffic.
- Need to consider construction traffic and compensation for road damage during construction.

Doug Sarsen, Cundy Road, Hartland

- Concerned about wetlands, drainage and traffic.
- High Density does not fit in with Hartland Township.
- Many risks but not much benefit.
- Concerned for his well and the water table.

Bill Rains, Highland Road, Hartland

- Appreciates the rural atmosphere of the area and is opposed to a zoning change.
- Specifically opposed to the small lots and a large number of homes.
- Not opposed to development, but would like to see larger lots.
- Agrees with the previous statements made by his neighbors.
- Not the right move for Hartland.

Sean Angott. Wilson Lane, Hartland

- Encouraged everyone to read the Future Land Use Plan.
- Feels that it is not being adhered to as it should.
- There are other proposals on the horizon that are larger than this one that will impact the area.
- Concerned that it is not being viewed as a whole.
- High Density at this location could result in as many as 800 lots.
- Medium Urban Density Residential would give them 140 - 200 lots which is what they are asking for; why go to High Density?

Chair Fox closed the Public Hearing at 7:40 PM.

Chair Fox directed the Planning Commission to the Staff Memorandum.

Section 7.4.3.A. Consistency with the adopted Comprehensive Plan.

Director Langer explained the difference between the Zoning Map and the Future Land Use Map (FLUM).

- FLUM is the goal the Township is shooting for 20 years in the future.
- It does not mean that anything not in line with the FLUM should automatically be rezoned.
- There may be other considerations, such as infrastructure, that must be considered.
- FLUM is a tool the Township uses to give a vision of what the Township is looking for.
- Future Land Use Plan gives a basis for the zoning so that it is not arbitrary; the zoning classifications are part of a plan.
- Future Land Use categories and zoning categories are two different things and they do not always match up.
- Current zoning is CA (Conservation Agricultural) an agricultural category but also a residential category. For single family it requires a minimum lot size of two acres and 200 feet of lot width. The proposed category of HDR (High Density Residential) is primarily for single family residential use with a minimum lot size of 8400 square feet and 70 feet in lot width.
- Lots in the HDR category are generally served with some kind of public water and/or sanitary sewer system.
- The HDR category is not consistent with the FLUM but it is consistent with adjacent properties to the west, and the land to the east is in a Special Planning Area which is difficult to determine as there may be density bonuses granted.

Commissioner Colaianne stated it is important to understand that the Comp Plan does not technically create rights. What creates rights is the Zoning Map. Anyone can come in for a rezoning. The idea is to have a balance of uses; a township cannot restrict some categories and uses entirely. Property owners have a right to investment backed expectations for their land. This density is being requested because sanitary sewer is available at this location. The request can be modified but all of the different attributes must be considered as that is what the law requires; that is what the Future Land Use Map is all about. The FLUM is reviewed every five years or so and changes with the community. The packet Director Langer has put together has identified the items the Planning Commission must consider and eventually the Township Board.

Chair Fox agreed and added good community planning puts the most intense uses near the infrastructure that can handle it; in this Township that would be M-59 and Old US 23. He encouraged examining the map to find out what the different colors represent as well as the density and intensity of uses in those areas. "Rural character" is found away from those areas. It is within the applicant's rights to ask for a specific density or zoning classification.

Commissioner Colaianne stated this plan is a conceptual plan; it is not being reviewed today. If the rezoning is granted, any project would still have to go through the Site Plan Review process to be approved.

Chair Fox explained the proposal shown tonight is not necessarily the proposal that will come forward if the rezoning is granted; it is a concept. What needs to be considered is all of the permitted uses in the requested HDR zoning category or any special uses that would require an additional review process. He continued to clarify HDR (High Density Residential) is a single family zoning category; no mobile homes or multifamily developments are permitted in that category.

Commissioner Grissim stated the HDR zoning category on the Zoning Map and the HDR classification on the FLUM are not the same; if the rezoning is granted, would it ever switch over to the HDR listed on the FLUM? Chair Fox replied it would not. The zoning is being changed. In the Comp Plan, there is a Medium Urban Density Residential category and a Medium Suburban Density Residential category. When referring to "Medium" clarification is needed.

Director Langer explained a chart comparing the different single family residential Comp Plan categories and the different single family residential Zoning categories.

Chair Fox stated in considering the lot size range, one cannot take the entire acreage of a parcel and divide it by the minimum lot size to determine how many lots are possible; there are other considerations that must be taken out, such as wetlands and roads.

Director Langer added the names of the different categories shown on the different maps are quite similar and it can be very confusing.

Chair Fox reiterated the request is to rezone the property. If the property is rezoned, they will follow the rules for that zoning district as listed in the Zoning Ordinance; at that point, you do not look at the Future Land Use Map but only the requirements for the HDR zoning district.

Chair Fox and Director Langer reviewed the FLUM and the designations for the surrounding properties.

Commissioner Newsom asked the Director to compare the requested zoning district with what is already present in the Township. Director Langer stated the only other area zoned HDR is the Millpointe development. He continued stating it would be his preference that no concept plan is submitted with a rezoning request as it tends to get people focusing on that particular plan which may never be put forward as a development plan. Once the property is rezoned, the owner may come in with a completely different proposal.

Commissioner Newsom asked how this plan compares with the Fiddler Grove development. Director Langer replied that project is difficult to use in comparison as it was developed as a Planned Development which has some flexibility in design and density if a substantial public benefit is proposed.

The Planning Commission briefly compared some existing projects to gain a perspective of lot size.

The Applicant stated he would compare his first phase of the project with the Heritage Meadows development.

Commissioner Colaianne asked what the lot width for that development is. The Applicant stated they are 80 feet. Commissioner Murphy asked what the lot width for this development is. The Applicant stated for Phase I they are 80 feet; after that is established the next phase are planned for 70 feet in order to utilize some the 602 sewer taps.

The Applicant continued stating the following:

- There are 85 acres of regulated wetlands and 10 to 12 acres of unregulated wetlands.
- The main entrance is straight from Hartland Glen Road to M-59; Cundy Road ends at Hartland Glen Road resulting in little traffic on Cundy Road.
- Zoning being requested is basically the same zoning as shown on the Comp Plan for Heritage Meadows and for all the properties on Maxfield Road.
- The rear of the golf course property will not be developed for a long time; at a minimum, an 18-hole golf course will be maintained.
- No matter what zoning is approved, there will be leftover sewer taps; they do not have the land to do it.
- No storm water will drain onto any other property.

Chair Fox stated this request is for 73 acres; certainly others will want to know what the plan is for the remaining property with the 602 REUs. If any future development of the remaining land is desired, it would require another appearance before the Planning Commission so one does not necessarily lead to the other. This request is for 73 acres, not for the entire 300 plus acre parcel.

Commissioner Murphy asked how many sewer taps would be used for a development at the current zoning. The Applicant did some calculations and stated 155 one-acre lots.

Commissioner Murphy asked if the property was zoned CA when it was purchased. The Applicant replied it was but the plan was to develop it into a golf course community and even after the litigation, the previous planner stated on the record 1000 residential units could be constructed. He continued stating they are not asking for anything that is not reasonable.

Section 7.4.3.B. Compatibility with the site's physical, geological, hydrological and other environmental features.

Director Langer stated the following:

- The 85 acres of wetland is primarily south of the rezoning site.
- The water features and possible wetlands mentioned are indicated on the plan but to his knowledge, none have been determined to be regulated or unregulated by the MDEQ nor is it a requirement of a rezoning to do so.
- Current use is a golf course; the desire is to change the use to a high density single family residential use essentially eliminating a portion of the golf course.
- The Planning Commission will need to decide if the requested rezoning category is constant and compatible with the existing land makeup which is a golf course.

Chair Fox asked when is it appropriate to request the wetlands to be identified as regulated or unregulated. Director Langer replied at the time of development.

Commissioner Newsom stated it is important to have these studies done for many reasons already discussed. If the rezoning is granted and an environmental impact study is done at the time of development, we have a little bit of insurance that, if it reveals some areas of impact, they may not be able to develop it the way they want to. We will have the capability to scope it differently once they come with a site plan for review.

Director Langer stated it might help if you think hypothetically if this property were rezoned tonight and became effective tomorrow morning, what impact would that have on the property? None; nothing has happened. Switching the zoning category has no impact on the actual property. When the applicant comes back with a development proposal, then the impact of that proposal would be determined.

Chair Fox stated the Applicant must be confident it is not regulated wetland because the concept plan would not work.

Commissioner Newsom suggested rather than dividing this property up into a 73-acre portion and another 200 plus acre portion, maybe we should look at the whole property instead and talk about cluster developments. It is a large property and does affect the watershed in that area. Maybe it should be portioned into 25 percent pieces five years at a time, we might do better looking at it comprehensively.

The Applicant stated they have a flagged and surveyed wetland map done by the previous owner when they planned to develop the property. They made sure that they are not encroaching on any of the wetlands that are regulated in this phase; however, it is impossible to determine what they need to do with the rest of the property because only time will tell. They anticipate the first phase is a 7 to 10-year project to develop, build and sell the homes. He does know, in the south section, the water table is high and it would be very expensive to develop; it may need to remain a golf course. This overall plan is very long-term. The rezoning area is a nicely isolated nine holes with a road that leads to the rest of the golf course, a developable property.

Commissioner Newsom stated it is not the only phase; they need to look at the long term plan twenty-plus years out. If there is more information that could be provided, it would help the Planning Commission in making their decision today.

The Applicant stated they have the old plan the previous owner had that encompassed another 70 acres that has been lost showing 1000 units with major changes to the golf course itself. They do not have the financial ability to change anything with the golf course at this point. Making changes to a golf course is very expensive. They could provide the earlier plan but big chunks of it are gone.

Commissioner Newsom stated he was more specifically referring to the wetlands inventory and environmental impact study. The Applicant responded that could be provided.

Chair Fox agreed they would be interested in seeing that. It may be too far out in the future in the commitment of a development plan, but the Planning Commission could at least take a look at the wetlands portion. If in the future, the Applicant or someone else decides to develop any more at this location, it might be interesting to see a more comprehensive plan for the balance of the site. Taking a look at the wetlands is not a bad thing for the whole site, but seeing it for this piece would be satisfactory.

The Applicant stated he could have it to the Planning Department on Monday.

Section 7.4.3.C. Reasonable return on investment with current classification of CA.

Chair Fox inquired as to how the Applicant came by 602 REUs.

The Applicant stated:

- There was a major plan to develop the golf course into an active adult community.
- There was a preliminary plan at the time; the developer was under contract, so they engaged with the Township to buy 25 percent of SAD 4. They committed to it at the time.
- Those 720 taps were subdivided into five parcels each having 144 taps.
- The developer walked away, the economy tanked, homes were selling at 30 cents on the dollar, and they ended up losing four of the five parcels.
- They ended up with 383 acres of the golf course, two homes and 144 taps.
- The lots lost were bought by others who had the shock of their life when they saw what was imposed upon them with the sewer assessment.
- Eventually, the lots ended up in possession of the Township.

- Based on what the Township determined could be developed on the golf course, the Township took the majority of the balance of the 720 taps and put them on the tax bill for Hartland Glen Golf Course. From the 720, he ended up with 602; the other 118 are on other parcels on the south. It was the Township's judgment that 602 units could be constructed on this property; four million dollars in sewer assessment.

Commissioner Mitchell asked Director Langer why the Township would calculate how many REUs the entire parcel could handle. Chair Fox stated Director Langer was not here at the time and asked the Applicant if he could answer the question.

The Applicant stated the Township had a bond and had to make payments on the bond. Somebody had to commit to those taps and make payments through the tax bill so the Township could pay for the bond money, or maybe the County. The obvious person to go to for payment is the person with the big parcel who committed to the 720 taps to begin with. The Township won the case in court.

Chair Fox asked for clarification as to why the taps were split up among five parcels one of which is 10 acres; one could not put 144 units on the one that is 10 acres. The Applicant responded that was done by the Township Attorney in the agreement.

There was a brief discussion by the Planning Commission about the litigation and the process ending with Director Langer stating the bottom line is the Applicant has 602 REUs assessed to the property that he pays a substantial amount for and cannot recoup that money with a zoning category of CA; he will need, if not the HDR category, something close to that to recoup his investment.

Chair Fox stated if in fact there is a utilization of 602 taps for this property, the expectation is to see a denser project along M-59 and less dense further back. It would make sense that it would flow from more dense to less dense as it gets farther away from the M-59 corridor; that is how, in his mind, a zoning map works. The Applicant stated he wanted to do multi-family apartments on the piece close to M-59 but the Township is saturated with apartments.

Commissioner Grissim stated she would like to support Commissioner Newsom's comments about viewing the entire site as a whole. The Ordinance speaks to cluster developments, working with the land, preserving the natural corridor, having open space for wildlife to move, etc. She feels, in order to move forward, they need to view the site holistically in order to understand how to achieve the Applicant's hardship with the 602 REUs while also looking at the area as a whole to look at the best use. It makes sense to put more development toward the location of the infrastructure, but we need to look at it holistically for many reasons.

Chair Fox stated he agrees but his internal struggle is that this request is for 73 acres, not 383; any property owner can request a rezoning for a piece of their property and that is the only part being considered. He agrees with looking at the wetland in its totality but he does not agree with looking at a whole plan because that is not what is being requested.

Commissioner Grissim stated that his hardship is the 602 REUs for the whole place so to split off 10 or 20 acres is difficult to reason with.

Commissioner Mitchell agreed stating one is subconsciously reviewing the whole parcel and it does not add up so you know where it is headed.

Chair Fox concurred.

Commissioner Mitchell continued he also agrees with Chair Fox that only the requested 73 acres are to be considered but in fact, it is the whole parcel.

Commissioner Murphy asked is it possible only the 73 acres can be rezoned and the balance of the property to remain CA. Chair Fox replied that is all he is asking, he does not know how to evaluate 310 acres that are not part of the request because there is no plan.

Commissioner Newsom stated his point is to have the wetlands more professionally evaluated and that is not something we are prepared to do tonight.

The Applicant brought out a plan that was placed on camera.

Commissioner Newsom stated this is only the first phase; they need to understand what is planned for the rest of the property. The Planning Commission is only looking at a small portion of it and it is not good enough for him to make a decision on the rezoning at this point. There is not enough information.

Section 7.4.3.D. Compatibility of all potential uses allowed in the proposed HDR District with surrounding uses and zoning.

Director Langer summarized the HDR information in the Zoning Ordinance and the permitted uses. He also referred to the Zoning Map to highlight surrounding zoning classifications. For the most part, Staff feels the HDR zoning category and the uses permitted is consistent with the surrounding uses.

Section 7.4.3.E. Capacity of infrastructure and other public services and street system.

Director Langer stated generally public services means public water; public sewer, sanitary and storm sewer; and streets. Street access available is Cundy Road and an existing private roadway within the golf course that the Applicant intends to use as part of his development. Sanitary sewer has already been discussed; he has 602 REUs available. Public water is not available but Staff did contact the Livingston County Health Department. Individual wells could be problematic but there is an option for a community well which would satisfy that requirement; however, no documentation has been submitted for this particular element. Chair Fox asked if it was a requirement at this point. Director Langer stated not unless the Planning Commission decides in order to meet that criteria, information must be provided.

Commissioner Newsom asked how far the public water line extends in that part of the Township. Director Langer stated it is quite a distance away near Clark Road.

Chair Fox asked the Applicant what his plan is for providing water to the development. The Applicant stated he intends they will have individual wells and comply with all the requirements. If that is not possible, they will explore a community well. Chair Fox pointed out the HDR zoning requires only a 10-foot side yard setback but the County needs 12 feet to move their equipment in and out to serve the wells so the wells cannot be in the backyard. The Applicant stated he would make sure the structures were placed to allow the County the required access.

Section 7.4.3.F. Capability of the street system to accommodate the expected traffic generated by uses allowed in the requested zoning district.

Director Langer stated this determination is difficult as a traffic impact study is not required for a rezoning; however, there is access to Cundy Road which is very near M-59. Without input from a traffic engineer, it is difficult to know what percentage of cars would go west on Cundy Road and what percentage would travel out to M-59 but it is presumed the vast majority would proceed to M-59. Since this is a concept plan there have been no discussions with the Michigan Department of Transportation (MDOT) regarding the impact this development would have at that location or if MDOT would require any modifications; those conversations happen at the point of development but generally speaking, this project is accessible to a street network. Some improvements may be required.

Chair Fox asked if Hartland Glen Drive goes on to Cundy or M-59. The Applicant stated Cundy Road ends at Hartland Glen Drive; Hartland Glen Drive intersects with M-59.

Section 7.4.3.G. Apparent demand for uses permitted in the HDR District.

Director Langer stated we rely on the Applicant to provide some documentation as part of their presentation to identify if there is a demand for this type of residential development; however, the write-up from the Applicant did not address this item. If the Planning Commission desires, it can request the Applicant to provide some documentation regarding demand.

Chair Fox asked the Applicant, notwithstanding the 602 REUs driving the rezoning, what makes him think people want to buy this type of housing? The Applicant replied they did a study of Hartland Township and found there are only two developments that are comparable. They feel confident they will be successful; a golf course community is very desirable.

Section 7.4.3.H. Ability to comply with zoning regulations.

Director Langer stated this is not particularly applicable to this case; Staff sees no reason why a development and any of its permitted uses could not be constructed in full compliance with the Zoning Ordinance on this site.

Section 7.4.3.I. Appropriateness of the requested zoning district.

Director Langer stated this is for the Planning Commission to examine how appropriate the requested HDR zoning category is at this location and if it is consistent with the surrounding properties.

Section 7.4.3.J. Amendment of permitted or special uses versus rezoning.

Director Langer stated Staff does not see any concerns with any of the permitted uses or special use permit uses allowed in the HDR category; it appears this current request would be consistent with this criteria.

Section 7.4.3.K. Exclusionary and Spot Zoning Issues.

Director Langer stated “Exclusionary” and “Spot Zoning” are two terms used generally in planning; Staff used some outside sources to aid in defining these terms in the staff report. Spot Zoning is where a small area is zoned in such a way that it is isolated and is not consistent with any of the surrounding properties. Exclusionary Zoning is almost the opposite of that where certain uses are totally excluded within the boundaries of the Township. Staff does not see any concerns with the Applicant meeting these criteria.

Section 7.4.3.L. Submittal of similar request within one year.

Chair Fox stated the Applicant has not submitted anything within one year.

Section 7.4.3.M. Other Factors.

Chair Fox stated he is struggling with how to deal with 380 acres in a 73-acre request.

Director Langer suggests it is best to answer the question you have been asked and the question is would you rezone these 73 acres from CA to HDR. Whatever you do, make sure you are just answering that question.

Commissioner Mitchell asked if it is the Applicant’s intent to develop these 73 acres in a couple of phases or multiple phases. The Applicant stated at a minimum two phases; if the first 48 lots go well, they will move on to the next phase. Chair Fox clarified that would include coming back for the subdivision site plan review and all that is required for that process.

Chair Fox asked if the Planning Commission would be willing to allow these 73 acres to be rezoned. He continued by reminding the Planning Commission they do not have to decide tonight, but if they choose not to decide, they need to determine when they will come back and make a decision so that all parties are informed before they leave.

Commissioner Colaianne stated the Township Board typically does not make a decision the same night as a public hearing; they will often take the time to address some of the questions and concerns voiced during the meeting or even request more information be provided. It would be his suggestion that they wait to make a decision at a later date and also get Commissioner Voight’s perspective as well.

Commissioner Mitchell agreed stating he could render a decision tonight but he would prefer to postpone. During this discussion new information was presented and he would like the opportunity to do some additional research; it would be in the best interest of all parties to postpone a decision.

Commissioner Murphy agreed stating it is hard to differentiate between the 73-acre parcel and the balance of the property in question. In general, he is not ready to make a decision.

It was the consensus of the Planning Commission to postpone a decision and come back in two weeks at the February 23, 2017 meeting.

RESULT:	POSTPONED [UNANIMOUS]	Next: 2/23/2017 7:00 PM
MOVER:	Michael Mitchell, Commissioner	
SECONDER:	Thomas Murphy, Commissioner	
AYES:	Colaianne, Murphy, Fox, Newsom, Grissim, Mitchell	
ABSENT:	Voight	

8. Old and New Business

None

9. Call to Public

Gloria Poy, Cundy Road, Hartland

- Feels there is a certain amount of financial pressure to rezone this property.
- The residents in the area should not be punished due to the property owner’s bad investment.
- The whole acreage should be taken into consideration because of the watershed and wetlands in the area.
- She owns property that contains a connecting wetland and has concerns.

Doug Sarsen, Cundy Road, Hartland

- Regarding access, he feels due to the placement of the lots, traffic will increase on Cundy Road.

Shannon Wehner, Lone Tree Road, Milford

- Asked if the rezoning is not approved what will happen to the land. Is it going to be abandoned and then we will face this again with someone else?

Commissioner Colaianne stated there are two possibilities; he could walk away from the property and someone else would have to deal with the same issues, or he could take us to court. Zoning creates rights on a property. When an applicant gets a denial on a zoning change, a judge gets to make the decision and they may look at it very differently than the Planning Commission and the Township Board. Comments from the public are taken very seriously but they also have to consider the property owners’ rights within the parameter of the law.

Chair Fox stated they all should be concerned; if they did walk away from the property, those 602 REUs will sit there with it. He stated we try hard to do everything possible to make things work. You can tell we are all in deep thought.

Randle Samuels, Maxfield Road, Hartland

- Asked if there is a plan to redefine the HDR designation to allow higher density?
- What is the Township's concern?

Director Langer explained the difference between the HDR Zoning District and the HDR Future Land Use designation. The Planning Commission restated the reasonable return on investment discussion and a property owner's right to use his property within the zoning classification and request a different zoning.

Sherrie Dalton, Cundy Road, Hartland

- Repeated her concerns about the lake and the runoff.
- Concerned about the impact on everything outside of the development.

Gail Offen, Maxfield Road, Hartland

- Expressed her support for more studies to be done regarding the watershed and the lakes.
- Understands the fear of property rights but if you are going to grant these rights, then also grant the residents the ability to know exactly what is going to happen and what the impact will be.
- Expressed a concern that the Farmer's Market has disappeared from the visibility they had before and would like to see them enjoy the patronage they had in a more visible location. Many vendors dropped out this past year. She would like to see it on a future agenda and assist in finding a new location.
- The Highland Farmer's Market may not happen this year which makes the Hartland market even more valuable.

Commissioner Colaianne encouraged her to speak to the Township Board and gave a summary of recent discussions. Commissioner Murphy stated the Ordinance Review Committee is looking at that issue and is trying to come to a decision as soon as possible. The Township understands the value of the Farmer's Market.

Sarah Sarsen, Cundy Road, Hartland

- Concerned about the "high density" in the HDR designation. Understands investments were made and things change but high density is a concern. Would like to see medium density.

Chair Fox stated there are two residential designations with higher density than HDR.

Chair Fox thanked the public for coming to the meeting and sharing their thoughts. The Planning Commission does listen to what you say and represents everyone.

10. Planner's Report

Director Langer reported the following:

- The Ordinance Review Committee has met and is looking at the Farmer's Market issue.
- The market is permitted under the Special Events Ordinance.
- This ordinance limits the market to a public or quasi-public property.
- The Farmer's Market believes if they do not have a more visible location they will cease to exist.
- There are no suitable public or quasi-public properties with high visibility on M-59 that would be suitable.
- The Township Board must take action.
- Treasurer Horning raised the issue at a recent Township Board meeting.
- The goal is the Township Board may be directing the Planning Commission to look at that issue in the near future.

11. Committee Reports

None

12. Adjournment

a. Motion

A motion was made by Commissioner Colaianne and seconded by Commissioner Newsom. Motion carried unanimously. The meeting was adjourned at approximately 8:15 PM.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Joe Colaianne, Trustee
SECONDER:	Jeff Newsom, Vice Chairman
AYES:	Colaianne, Murphy, Fox, Newsom, Grissim, Mitchell
ABSENT:	Voight

Submitted by,



Keith Voight
Planning Commission Secretary