

HARTLAND TOWNSHIP PLANNING COMMISSION MEETING
OCTOBER 27, 2005-TOWNSHIP HALL-7:30 P.M.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL – Present: Chairman Fox, Commissioner Germane, Commissioner Bickel, Commissioner Rataj, Commissioner Newsom, Commissioner Hopkins, and Commissioner Hill.

4. APPROVAL OF OCTOBER 27, 2005 PLANNING COMMISSION AGENDA

Move to approve the October 27, 2005 Planning Commission agenda as amended. Motion. Second. Voice Vote. Motion Carried: 7-0-0. Corrections: Delete Item #5 and add as Item 12A to set a Public Hearing for Metro PCS, Site Plan Application #400 in conjunction with Special Use Application # 228.

6. CALL TO THE PUBLIC

7. APPLICANT: METRO DETROIT SIGNS/SHOPS AT WALDENWOODS SIGN APPLICATION #540 SECTION 20 ZONED PDGC (PLANNED DEVELOPMENT GENERAL COMMERCIAL) WALL SIGNS "TARGET" AND "PHARMACY"

Paul Deters of Metro Detroit Signs was present.

Move to approve Sign Application #540 for Metro Detroit Signs. Motion Newsom. Second Hopkins. Voice Vote. Motion Carried: 7-0-0.

8. APPLICANT: AARON LAWRENCE METES & BOUNDS APPLICATION #739 SECTION 14 ZONED CA (CONSERVATION AGRICULTURE)

The applicant was tabled at the October 13, 2005 Planning Commission Meeting. The missing approvals from the Livingston County Road Commission and written approval from the neighbor to cut brush was needed. All requirements have been met.

Move to approve Metes & Bounds Application #739 for Aaron Lawrence tax ID # 08-14-100-008 per the Hartland Township Land Division Ordinance #57. Motion Hill. Second Newsom. Voice Vote. Motion Carried: 7-0-0.

9. APPLICANT: RUTH WYCKOFF METES & BOUNDS APPLICATION #741 SECTION 3 ZONED CA (CONSERVATION AGRICULTURE)

Wayne Perry from Desine Engineering was present.

Commissioner Hopkins questioned Mr. Perry about the legal issues with the private easement on the neighbor's property and whether or not it has been resolved.

Move to approve Metes & Bounds Application #741 for Ruth Wyckoff Tax ID #08-03-300-024 per the Hartland Township Land Division Ordinance #57 provided that access to the property is verified by the Township Attorney. Motion Hopkins. Second Hill. Voice Vote. Motion carried: 7-0-0.

10. APPLICANT: GLEN WILKINSON METES & BOUNDS APPLICATION #742 SECTION 22 ZONED CA (CONSERVATION AGRICULTURE)

Jack Smith from Garlock Smith Land Surveying was present.

The Planning Commission requested that the applicant provide a correct Tax ID number and a copy of the Life Lease and an explanation of what the Life Lease meant.

Chairman Fox- When the applicant dies, the property reverts back to one parent parcel. Attorney Homier said in a conversation with Chairman Fox and the applicant that the Life Lease has no bearing on the Land Division. The Township has received a new survey with a correct Tax ID number, and a copy of the quick claim deed dated 1966. The information provided is sufficient for the Land Division request.

Move to approve Metes & Bound Application #742 for Charles & Lucille Wilkinson Trust Tax ID #08-22-100-003 per the Hartland Township Land Division Ordinance #57. Motion Hopkins. Second Germane. Voice Vote. Motion Carried. 7-0-0.

11. APPLICANT: JERRY STOCKMAN METES & BOUNDS APPLICATION #744 SECTION 22 ZONED CA (CONSERVATION AGRICULTURE)

Dan Schrauben, Professional Engineering was present.

Chairman Fox- The assessor approves the number of parcels requested. The Township Planner has stated that the application meets the Land Division Act requirements with notes regarding parcels B and E.

Planner Barb- Parcel B meets the depth and width requirements as defined by our ordinance.

Parcel E does not meet the depth to width ratio. However, our Land Division Ordinance contains the condition that if the parcel contains special topographical conditions then consideration can be made to exceed the length to width ration if necessary.

Commissioner Hopkins- I understand that our ordinance gives us the ability to vary it, but it does not state that we have to vary it. The thing that concerns me is that people with wet lands on their property start using this as an avenue to not meet the depth to width ratio. It looks like parcel E has more areas within it that are less restrictive, wetland wise, than what parcel A is. To say that we *should* vary it, I myself have a problem with this variance. The one land division that I recall we used this for, there was no other usable land on that parcel and it resulted in the back two-thirds of the property would never be of any use. It looks to me that on this parcel there could be another division in the future that would result in areas that were able to support a house.

Fox- The drive is all a part of parcel E. Why would it be that way?

Planner Barb- Had the driveway existed as parcel B the front would be either 66 or 33 wide and would not have been eligible for a land division.

The applicant does not want parcel A to use the shared driveway because construction of a private road would then be required.

Commissioner Bickel- Commissioner Bickel is concerned about the impact on the environment; there are significant natural features on this property.

The MDEQ has already given approval for the stream crossing.

Commissioner Germane- mentioned that the topography changes greatly where the road construction is to occur; the MDEQ requires a box culvert to cross the river. The actual area on many of the parcels available for house construction is very limited due to the limits of the 100-year flood plain.

Mr. Schrauben- The property is largely wooded and will be purchased by people who like trees.

Commissioner Newsom- Asked the applicant what he would like the Planning Commission to do. The applicant stated that he would like an approval because he feels that the information provided is sufficient for the approval.

The Planning Commission felt there were several items yet to be more clearly evaluated and since we are not close to the 45-day window requiring action, the consensus was to table this application.

Move to table Metes & Bounds Application #744 for Jerry Stockman Tax Id # 08-22-100-012 until November 10, 2005. Motion Hopkins. Second Newsom. Voice Vote. Motion Carried: 7-0-0.

12. APPLICANT: HOVNANIAN HOMES SITE PLAN APPLICATION #399 MAJOR/MINOR CHANGE SECTION 22 ZONED OS (OFFICE SERVICE)

The original Site Plan had a brick wall to block the view from the neighbor's property. Rather than using narrow brick he wants to use concrete with split face block. A capstone will also be added similar to the original design. The current neighbor's like the proposed concrete with split face block wall and accept the change in product.

Move to approve Site Plan Application #399 for Hovnanian Homes as a minor change per Section 33.02.5A of the Hartland Township Zoning Ordinance. Motion Newsom. Second Hopkins. Voice Vote. Motion Carried: 7-0-0.

12A. SET A PUBLIC HEARING FOR METRO PCS SITE PLAN APPLICATION #400 IN CONJUNCTION WITH SPECIAL USE APPLICATION #228

Move to set a Public Hearing for Metro PCS for November 17, 2005 for Site Plan Application #400 and Special Use Application #228 on James Golden property for co-location of antennas and construction of electronic equipment cabinets. Motion Newsom. Second Hill. Voice Vote. Motion Carried: 7-0-0.

13. APPLICANT: HARTLAND TOWNSHIP PLANNING COMMISSION ZONING AMENDMENT #320 AMENDING ARTICLE 2, CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.02 DEFINITIONS AND ARTICLE 3, GENERAL PROVISIONS, SECTION 3.25 SHORELINE AND LAKE PROTECTION PROVISIONS TO INCLUDE SUPPLEMENTARY SHORELINE REGULATIONS "RIPARIAN RIGHTS"

Commissioner Hopkins- I spoke with Attorney Homier following the October 13, 2005 Planning Commission meeting and told him that we tabled the shoreline Lake Provisions Protection amendment to get further clarification from him in regards to his review letter dated October 5, 2005, specifically regarding his comments for the paragraph Sect 3.25.A.4. He stated that he had no problem with the exemption. Section 3.25 represents a valid regulation under the Township Zoning Ordinance pertaining to all versions he had forwarded to us. The provisions in Article 3.25 are in harmony with the purpose and intent of the proposed revision, which is to limit access and protect the lakes. His concerns were with the enforcement issue not with the validity of the ordinance. With the addition of the wording in version 3, he feels the issue with enforcement has been dealt with. I requested a follow up letter that I do believe you have all received. It is dated October 20, 2005.

Commissioner Bickel- After our last discussion I have spoke with Scott and Rolly and they do not see a problem with changing the title from shoreline and lake protection to riparian rights. The way it is titled we are implying that we are protecting the shoreline and the lake, which is not consistent with the content of the ordinance.

The consensus of the Planning Commission is not to change the title.

Move to recommend approval of Zoning Amendment Application # 320 for the Hartland Township Planning Commission to amend Articles 2 & 3, construction of language and definitions, and Article 3.25, shoreline and lake protection provisions, "version 3" which contains 3.25.4 that states the regulations of this section should not apply to any lot or parcels with providing lake access but only with adequate proof provided to the Township that all of the following conditions have been met. Motion Hopkins. Second Newsom. Voice Vote. Motion Carried: 7-0-0.

14. NATURAL FEATURES CONTINUATION AND OUTLINE OF EXECUTIVE SUMMARY DISCUSSION

Chairman Fox- We added this discussion to tonight's agenda to provide feedback to the Natural Features Committee on how to proceed and how the outline should be changed.

Commissioner Rataj- Applauds the efforts of the committee but his recommendation is to drop it now and pursue it at a future date. He believes that the current ordinance is sufficient to work with developers.

Commissioner Hill- Stated that she was fairly new but she has noticed that when the topic is discussed, there are personality changes and emotions flare up. She also believes that the Planning Commission should hold off until next year.

Commissioner Rataj- Sited the problems that are happening in Brighton. Pulte Homes took a wooded site and built a really nice development.

Commissioner Hopkins- Stated that the issue is causing heated emotion on the Planning Commission and may affect the Commission as a whole. I feel that it should be tabled for the time being and looked at again in the future.

Commissioner Newsom- agrees with the other Planning Commission members. He feels that the Natural Features Committee should be redirected to a broader scope that would encompass the recommendations put forth in the Phase II Stormwater Management Program the staff is working on and other things. The work that has been done is beneficial.

Chairman Fox- His opinion runs parallel with the other four commissioners. He feels this issue has impacted his relationship with Commissioner Bickel. This is one of the items we agreed was important. His awareness is much higher now, and he thinks that delaying it is in the best interest of the Planning Commission.

Commissioner Germane- It is beneficial to delay and see what happens in Brighton in regards to the woodlands ordinance. However, it is important that we not back down on important issues just because it is an emotional subject. He recommends the sub-committee continue to make changes to the current ordinance and provide the "executive summary" to the other PC members to share the knowledge gained by the Natural Features Subcommittee.

Commissioner Bickel- Agrees with Commissioner Germane's suggestion that the Planning Commission consider changing the existing ordinance as the next best step. She understands the feelings identified by the other Commissioners. We are not applying our ordinance the best that we could.

It is the consensus of the Planning Commission to wait until next year to take further action.

15. CALL TO THE PUBLIC

Eleanor Conway- Cannot understand why the Planning Commission is making decisions based upon other community's problems. There are many communities that have these types of Ordinances. It is old fashioned for us not to take action. She resigned as a member of the Natural Features Sub-committee should further action occur next year.

Joe Augusta, Tyrone Lake Association- Is encouraged that the Planning Commission took action on the shoreline ordinance.

Katie Schleuter- Also commented on the Planning Commission's action on the "riparian" ordinance changes but recognizes that the change won't be official until the county provides comment and the Township Board takes actions. She is disappointed that work by the Natural Features Subcommittee has been delayed but recognizes that the Phase II Stormwater Best Management Practices will have a bearing on what the township does in the future to protect our natural resources.

Bob Cartwright- Congratulated the Planning Commission on the shoreline ordinance. The original consensus of the Planning Commission was to proceed with the natural features issues without any timetable. The public is worried about what the future will bring. Delaying will not solve anything; we need a guideline for the future. We don't need a war or radical change; we need direction. Many beautiful places have become black top. We are now going the wrong way. Any decision will be scrutinized.

16. COMMITTEE REPORT

The Planning Commission thanked Commissioner Hopkins for his work on the Shoreline Protection Ordinance.

17. ADJOURNMENT

Move to adjourn at 9:15 P.M. Motion Hopkins. Second Newsom. Voice Vote: 7-0-0.

This is a Draft until Final Approval.

Submitted By,

Jennifer Rardon
Recording Secretary

Matt Germane
Planning Commission Secretary