

**Springfield Township  
Planning Commission – Business Meeting  
Minutes of October 20, 2008**

**Call to Order:** Chair John Steckling called the October 20, 2008 Business Meeting of the Springfield Township Planning Commission to order at 7:30pm, at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350.

**Attendance:**

**Commissioners Present**

Frank Aiello  
Dean Baker  
Bill Leddy  
Laura Moreau  
John Steckling

**Commissioners Absent**

Ruth Ann Hines  
Roger Lamont

**Staff Present**

Nancy Strole  
Collin Walls

**Consultants Present**

Sally Elmiger  
Greg Need

**Approval of Agenda:**

- Commissioner Aiello moved to approve the Agenda as presented. Support by Commissioner Leddy. Vote on the motion: Yes: Aiello, Baker, Leddy, Moreau, and Steckling. No: none. Absent: Hines, Lamont. Motion carried.

**Public Comment:**

None.

**Consent Agenda:**

- Commissioner Aiello moved to approve the Consent Agenda as submitted, supported by Commissioner Moreau. Vote on the motion: Yes: Aiello, Baker, Leddy, Moreau, and Steckling. No: none. Absent: Hines, Lamont. Motion carried.
  - a) Minutes of September 15, 2008
  - b) Communications

## **Public Hearing:**

Chairperson Steckling stated there are two Public Hearings scheduled: 1) Master Plan Update and 2) Zoning Ordinance Amendment.

### **Master Plan**

1) Public Hearing opened 7:32pm. Chairperson Steckling stated the Master Plan has been worked on for several months and is presented by the Planning Commission. Copies have been publicly available. Public comments are:

Calvin Bordine, 9930 King & 8600 Dixie Hwy, no map in front of him. Please consider changing these inconsistencies: 1) line that would be on north side of the Bordine property – what is this line? There is a wetlands line that is not consistent with this line. Please consider moving that line to the wetlands boundary or eliminating that line. 2) Reconsider the zoning on the strip of property owned by Betty Moen, the line between C-2 zoning and planned mixed use. Mr. Bordine referred back to approaching the board in 1998 and asking that this whole piece of property be re-zoned C-2. At that time it was tabled. He asked to be changed to general cluster commercial to be consistent with the rest of the parcel. Property owned by the O'Neill family is inconsistent with adjacent zoning. Parcel across street from Bordine's owned by Dixie Baptist Church should be changed from Planned Mixed use to General Cluster Commercial

Todd Vanaman, Pastor Dixie Baptist Church, 8585 Dixie Highway, Clarkston, Springfield Township, and Resident at 9939 Davisburg Road, Springfield Township. The church has, asked for and recommended re-zoning to commercial the same areas as outlined by Mr. Bordine. Makes practical sense, best for the township provides an economic viability, fits in to the master plan for the future requests. All of Bordine site and 38 acres of Dixie Baptist Church should be changed to a commercial zoning. It makes sense. They have no plans of selling, moving or relocating at this time.

Public Hearing closed at 7:42pm.

### **Ordinance Amendment**

2) Public Hearing Opened at 7:42pm. Chair Steckling indicated the Zoning Ordinance Amendments; propose changes to Article XV, as well as Article II, XIV, XVI, XVIII & XIX. He stated that the proposed amendments have been worked on these last 3 months, and have been available for review in the township office. No public comments.

Public Hearing closed at 7:43pm.

## **Old Business:**

### **1) Master Plan Update**

Chairperson Steckling inquired about Master Plan update procedures and options to make changes.

Sally Elmiger stated you can make changes, but it doesn't have to be sent back to the communities or county. You can make changes and send it on to the Township Board for approval.

Regarding the Bridge Valley corridor, Chairperson Steckling inquired on the exact reasons for drawing the line where we did:

Sally Elmiger stated she drew the line at the top to the ridge on the Bordine property.

Chairperson Steckling stated the Master Plan isn't zoning. It is a land use plan.

Supervisor Walls suggested they look at the definitions, Planned Mixed Use does include commercial. Commissioner Aiello remarked that the exact intent of Planned Mixed Use was to allow for commercial development, in a flexible way.

Commissioner Baker stated the property mentioned by Calvin Bordine, owned by Betty Moen, is not depicted as a narrow strip of property.

Supervisor Walls stated Moen's driveway, is also the closest driveway to I-75 for the school. The driveway serves a dual purpose. Calvin Bordine's suggestion was appropriate that the strip of land should be the same as the school.

- **Commissioner Aiello moved to table action on the revised Master Plan so that Sally Elmiger can investigate and confirm that the line on Bordine's, is on the ridge line, and also to show the wetland line, and so the map can be revised to reflect Planned Mixed Use development for the drive servicing Cedar Crest and the Moen Residence. Support by Commissioner Baker. Vote on the motion: Yes: Aiello, Baker, Leddy, Moreau, and Steckling. No: none. Absent: Hines, Lamont. Motion carried.**

Commissioner Baker commented about the zoning of O'Neill's property and the property behind the Saturn dealership, and asked why they were done that way. He asked that the zoning lines be checked with aerial photos.

Commissioner Moreau stated that the property was looked at for conservation because it joined others and there were some land locked issues. Clerk Strole added that the property butts up against a residential development and contains a lot of wetlands and slopes and the Clinton River headwaters.

Commissioner Moreau stated that it would help to discuss the future use of a property, looking at it realistically as to what is there, and what could potentially be there. We're talking about high resource value, and the access into that area would also be a consideration.

Commissioner Baker suggested that the map have superimposed zoning and parcel lines on it to help with the discussion.

Commissioner Moreau asked if there are any site plans proposed for that site and requested to see any engineering drawings in place, stating that it would be helpful. She was told by Supervisor Walls that no site plans had ever been submitted to the Township for this property but he had seen concepts.

## 2) Zoning Ordinance Amendments

Chairperson Steckling outlined 3 options: send along to Township Board, make further changes, or table them.

- **Commissioner Baker moved recommendation to approve to Township Board, Amendments to Zoning Ordinance 26, Articles XV, II, XIV, XVI, XVIII & XIX, as presented. Support by Commissioner Moreau. Vote on the motion: Yes: Aiello, Baker, Leddy, Moreau, and Steckling. No: none. Absent: Hines, Lamont. Motion carried.**

## 3) Adult Uses

Attorney Need stated that pertaining to Adult Uses Zoning Ordinances; this is an area of the law that is very different from zoning laws that apply to most uses. Individuals or businesses that want to produce this kind of operation have certain first Amendment protection. Zoning and enforcement powers cannot be used to eliminate them from the community, totally. Studies done in other cities indicate a concentration of adult businesses can cause an increase in crime, decrease in property values and certain nuisance conditions. The courts say you can adopt regulations to address these uses, particularly these undesirable effects, but they have to meet certain tests. The community doesn't have to do their own study – they can rely on studies that have been done in other communities.

Attorney Need responded to the study's findings of the negative effects. Communities that regulate these uses use 1 of 2 models. Springfield Township and most suburban communities use the dispersion approach. The other model is called the Red Light district, an example would be Boston. The current ordinance provides the dispersion approach. The township must allow these uses to exist in certain areas. There is no formula or guidance provided by the courts. It is helpful however, to use those court cases as guidance as what we can and can't do. One aspect to look at is to amend the regulations to protect and include the dispersion, but leave enough sites open to pass the constitutional test. Also, the regulations have to be fairly objective.

What we attempted to do in revising the regulations, was modify the spacing requirements as noted and amends the approval process to take out the discretionary special land use approach.

With regard to time limits built into the ordinance and built into dealing with adult uses, the courts have said that you have to act on the application within a certain amount of time. If you don't, the application is automatically deemed approved.

Commissioner Steckling opened the floor for discussion.

Commissioner Baker commented that the current proposal and language suggests and allows for 1000' separation between adult businesses and 500' separation between

residential, school, daycare, church, library, etc – all the public uses. We can base our dimensioning on previously based court cases, but are not allowed to arbitrarily set a number. With the obligation to have an ordinance language that would not eliminate these businesses from existing, say we go forward with the proposed language. In the future, would we have to re-do our numbers to permit more places to come in?

Attorney Need responded that the township would have to review from time to time, to make sure there are an adequate number of sites, because circumstances change.

Commissioner Leddy commented that it is reprehensible that we can regulate anything that has harm to the environment, but we cannot regulate things that have harm to the people that live in the community.

Commissioner Aiello stated that he was struggling with the time limit and automatic approval. What is the advantage of the time limit that we are not seeing? Can the time limit be safely extended a bit? Attorney Need responded that even in the best of ordinances, there are areas that somebody can claim there is discretion still vested in the approving body. Courts have said, when you have discretion, you have to have time limits. Greg believes the time limit could be extended a bit.

Chairperson Steckling asked for clarification on the completed application language.

Commissioner Baker inquired if these court rulings also affect our sign ordinance? Attorney Need responded with the exterior must meet certain kind of limiting conditions.

Supervisor Walls stated that if this continues to be special land use, the hearing for the special land use is held by the Township Board, but this ordinance is drafted as if the hearing is held by the Planning Commission.

Attorney Need will re-visit the above language and completed application language, and definitions of the ordinance as well. He suggested the Planning Commission table this and he will return with new language that addresses Supervisor Walls' point.

Chairperson Steckling suggested revising definitions so that they meet recent court decisions. Commissioner Baker asked what zoning is it proposed to be allowed in. Supervisor Walls responded C-2. It already exists in C-2. This is an amendment upgrade to that. Commissioner Baker added that C-1 is typically located next to residential.

Supervisor Walls thanked Attorney Need and added that he thought his suggestion is a good one.

- **Commissioner Baker moved to table discussion on Adult Businesses to afford the township attorney to make modifications to the document that was presented, have discussion with relevant persons and then return to this body to make another presentation. Support by Commissioner Aiello. Vote on the motion: Yes: Aiello, Baker, Leddy, Moreau, and Steckling. No: none. Absent: Hines, Lamont. Motion carried.**

#### **4) Landscaping Provisions**

Chair Steckling stated the draft to amendment 16.06 was tabled last meeting. Sally Elmiger has drafted changes for consideration this evening.

Commissioner Baker thanked Consultant Elmiger for extensive editing and entire re-direction. This clarifies the intent and provides a process to manage this effort.

Commissioner Leddy inquired about the possibility of a fire hazard regarding the 18" height specification.

Commissioner Aiello asked why this is in the ordinance. He appreciates the intent, but it is unclear what this is adding to the ordinance.

Commissioner Moreau stated that it makes sense in a township where we are promoting natural landscaping. She said the revised language is much better. It is clearer. It makes reference to the CD that Springfield Township put together, and it achieved what we thought would make an improvement.

Commissioner Leddy asked how this affects a privacy fence or hedge row before they start their landscaping. Do they still have to have their 4 foot buffer? Sally Elmiger responded, that acts as the buffer.

Commissioner Baker stated that currently our ordinance creates more questions than answers. This clarifies the intent.

Commissioner Moreau added that Springfield Township is recognized, appreciated and respected for the natural areas and the dedication to native landscaping. She is glad to see it addressed. This is not cluttering our ordinances.

Commissioner Aiello added that a commitment to natural landscaping is something he believes strongly in.

Chairperson Steckling stated that the proposed language invites complaints to our Township Officials. He doesn't see the benefit, and suggests deleting some of the proposed language.

Commissioner Leddy asked how do you distinguish between a property owner who let's his lot grow and someone who has natural native plants in that area.

Sally Elmiger added that, to clarify, most of this applies to site plan review. This is really guidance for developers who are developing and are potentially removing a lot of native species in that development. Item number eleven was included because there was a concern if the township did encourage natural landscaping there would be no guidance for anyone. Plants play a very significant role in ecological performance, how wildlife uses a site, how water goes across the site, infiltrates into the ground.

Clerk Strole briefed the Commission on the origins of use of native plants as a planning tool in Springfield Township.

Supervisor Walls commented that the point of the provision is being missed by Commission members. The landowner chooses on their own to do the natural

landscaping. We give them this provision to give them guidance. It should not be looked at as a regulation.

Chairperson Steckling asked what the commission is going to do with this. For the record, he doesn't have a problem with the last part, only paragraph eleven.

Supervisor Walls stated that what we currently have is far worse than what is proposed.

Commissioner Baker confirmed which subsections have changes.

- **Commissioner Baker moved to set for public hearing at the earliest possible convenience, at the Clerk's office. Support by Commissioner Moreau. Vote on the motion: Yes: Aiello, Baker, Leddy, Moreau, and Steckling. No: none. Absent: Hines, Lamont. Motion carried.**

### **New Business:**

#### **1) The River – Concept Plan Review**

Chairperson Steckling requested that a representative from The River brief the Planning Commission.

In attendance was Alan Hall with Banahcorp and David Beer of Midwest Consulting.

David Beer stated that, looking at the House of Denmark property, there are two existing buildings with parking in both areas. There are also existing retention pond, landscape buffers, signs, pump station, sanitary and storm water management system. The church would like to occupy the front building for services and religious activities, and utilize the warehouse's existing office area's 7,600 square feet only, for office space. Front building modifications would be an auditorium, where current exhibit space is, to accommodate up to 600 people. They are running about 150 in services now. The church currently owns the 40 acres to the west. They also own 23 acres in Groveland Township on the west property line. This would complete their property. Alan Hall addressed future traffic study.

Supervisor Walls stated that this is a concept only, and they are not required to give detailed drawings on the infrastructure at this time. Randy Ford has four concerns at this time

- a) traffic – will have to be satisfied that major problems will not occur
- b) drainage
- c) screening – even though adjacent parcel is owned by the church, the ordinance is going to require screening due to it being zoned differently
- d) septic & water system

Commissioner Baker added that traffic needs to be investigated. The existing driveway entry is roughly 350' from the south exit of I-75, and there is concern with the volume of potential traffic and also drainage. He confirmed that there would only be office space in rear building, no basketball courts or indoor sports activities.

Commissioner Leddy agreed that the traffic study is important, but is not sure he agrees with the screening and drainage. He also suggested future lanes, to allow for growth.

Commissioner Aiello inquired as to potential use of the warehouse building as they expand. Include traffic entrance on site plan. He also mentioned the compression of time. Visits happening at one time as opposed to over several hours that would occur with commercial. Also should accommodate the screening for now, as opposed to what is going to happen in the future. Pay close attention to the need for additional trees in parking areas with additional paving and landscaping reviews.

Chairperson Steckling inquired as to the planned traffic alterations. Dan Hall responded that they hope to do it on the neighboring parcel

Chairperson Steckling asked the applicant whether there are finished drawings. Dan Hall stated that the drawings were submitted on Friday. He further added that the rear building would be used as a field house, and there are plans to build on the adjacent property. Regarding landscaping, the buffer is covered from the rise in the land.

## **2) Capital Improvement Plan**

Chairperson Steckling stated the commission reviews this every five years. A draft plan is in front of us that tells what the previous plans were, what has been done, what is set up for the future, priorities and approximate cost(s). He said Commission options include making suggestions to the township, agreeing with the plan, or none of the above.

Commissioner Moreau stated that in reviewing items on p. 4, long term fire station priorities, when we replace fire engine 11, anything we replace it with may not fit in Fire Station 1. If we're putting Fire Station 3 on our priority list and not looking at #1, that is a concern.

Supervisor Walls suggested that an architect or engineer could look at Fire Station 1.

Commissioner Moreau suggested that the capital improvement plan for Fire Station #1 should consider whether an addition can be constructed or whether a new station is needed. She further asked what the life expectancy for Engine 11 is and how much time do we have? Long range or immediate concerns are certainly not to be neglected. Regarding pathways, she said there is still a problem not having safe and consistent walkways, where there are kids walking to school. She would like to see pathways as a more immediate priority.

Supervisor Walls outlined the construction of pathways already done.

Commissioner Moreau further added that she would like to see safe paths where kids could ride bikes.

Commissioner Leddy added that if an observation deck is to be built at the Mill Pond, it can be combined with the walking path. He further added that the Dixie corridor group met that afternoon. Before deciding on a boulevard, they're #1 priority before deciding on a boulevard was to put some kind of sewer system in for the businesses in the Dixie



Hwy Corridor. We don't have that in the Capital Improvement Plan, and there has to be studies conducted before anything is done.

Commissioner Aiello commented on the land acquisition item, identified by Parks & Rec, on p. 4 as low priority for \$200,000. He commented that we have a lot of park improvements – do we improve the existing parks or invest in new parks? He further stated that perhaps land acquisition should have a higher priority.

Chairperson Steckling brought up, p. 6, reference to the Dixie Highway boulevard priority. He would like to see the boulevard go to Davisburg Road, or wherever the Dixie Corridor group is envisioning it.

Clerk Strole expressed concern regarding the Shiawassee Basin Preserve improvements and long term cost of 1 million dollars. There are many incremental improvements that can be made, without costing very much money at all. It's important to look at it with a different mindset.

Supervisor Walls added that "long term," is defined as 5 years. Commissioner Baker added that this should be addressed to Parks & Rec. Supervisor Walls noted that on p. 5, the north park entrance is \$169,000, and the new northern park entrance visitor and nature center is \$290,000. It appears there is duplication.

Chairperson Steckling recommended sending along minutes, which the Board gets anyway, with comments and discussion, to Parks & Rec, as well.

### **Other Business:**

#### **1) Priority List**

Supervisor Walls stated that the Commission By-Laws are behind schedule.

Chairperson Steckling commented that, regarding the Landscape provisions, we dealt with that tonight and a Public Hearing is to be set. Regarding Adult Uses, Greg is going to work on those. Ordinance language regarding Wind Energy is to be determined. Supervisor Walls added that he heard from Brian Oppman, who is still doing research on Wind Energy, and hopes to have a draft done by the end of next week.

Sally Elmiger added that regarding sign provisions, she was not aware her office was expected to work on it.

Regarding the Master Plan, it is on the November 17, 2008 agenda.

Sally Elmiger stated that the Dixie Hwy. committee has met three times. They want to review the Dixie Corridor plan, update the goals and action items and provide any new ideas that might be beneficial to the township so they can further make decisions. Functionality and aesthetics were discussed. The group was asked to prioritize. The first priority was sewer. They will be sending out revised goals and policies, the revised priority list and action items, and will provide an updated summary of process and findings.

Chairperson Steckling added that it would be helpful to have minutes and an update to the Commissioners, regarding the downtown Davisburg meeting.

Commissioner Moreau stated that the first Davisburg Downtown Development meeting had a good turnout, but only two business persons came to the second meeting

Chairperson Steckling requested that it be updated again, next month.

**Public Comment:**

Supervisor Walls thanked the Commission for their diligence and hard work in last six months.

Commissioner Moreau thanked Nancy, as well.

**Adjournment:**

- **Chair Steckling moved to adjourn the meeting at 9:54pm. Support by Commissioner Aiello. Vote on the motion: Yes: Aiello, Baker, Leddy, Moreau, Steckling; No: none; Absent: Hines, Lamont. Motion carried.**

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**Renata C. Erickson, Recording Secretary**