

**Springfield Township
Planning Commission -- Business Meeting
Minutes of August 18, 2008**

Call to Order: Chair Roger Lamont called the August 18, 2008 Business Meeting of the Springfield Township Planning Commission to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350

Attendance:

Commissioners Present

Ruth Ann Hines
Roger Lamont
Bill Leddy
Laura Moreau
John Steckling

Commissioners Absent

Frank Aiello
Dean Baker

Staff Present

Collin Walls
Nancy Strole

Consultants Present

Brian Oppmann

Approval of Agenda:

No changes were made to the agenda.

Public Comment:

None.

Consent Agenda:

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

- a) Minutes of June 16, 2008
- b) Communications: Letter from Oakland County Planner re: Springfield Twp. Master Plan Meeting September 9, 2008

Public Hearing:

1. **Zoning Ordinance No. 26 Amendments**

Article II Definitions

Supervisor Walls stated this amendment adds definitions for the different types of state licensed residential facilities. These amendments are a result of a change in state law. The hearing also includes changes to Article IV, V, VI, VII, XVI, XVIII and XIX.

Section 4.02 & 5.02

Supervisor Walls stated the changes in these sections are to delete a reference to an ordinance section that does not exist.

Section 6.01, 6.02, 7.01, 16.0

The amendment dealing with state licensed residential facilities is also required by changes in state law.

Section 16.06

Supervisor Walls stated this amendment is to clarify how, and what, access through greenbelts is acceptable.

Section 18.07

Supervisor Walls stated amendments to this section are to allow administrative review and approval of minor changes to previously-approved site plans and to establish a committee to make those changes. The amendment also describes what minor changes are acceptable.

Section 19.00 & 19.03

Supervisor Walls stated this amendment consists of two changes that are required due to a recent change in state law. One is that a Zoning Board of Appeals member, who is also a member of the Planning Commission and Township Board, cannot participate in a Public Hearing, or vote on a matter, that appeared before them at the Planning Commission or Township Board. The other changes the time frame for filing an appeal from twenty-one (21) days to thirty (30) days.

Chair Lamont opened the Public Hearing at 7:35 p.m.

Janet Demanaco, 6813 Deer Hill Drive (Independence Township), stated the Commission raced through the amendments and it is very difficult, as a member of the audience, to try to figure what has changed and how it is different from the existing ordinance.

Chair Lamont stated the amendments were published. Supervisor Walls stated the amendments were discussed at previous meetings as well.

Chair Lamont closed the Public Hearing at 7:38 p.m.

Old Business:

1. Zoning Ordinance Amendments – Public Hearing Items

- **Commissioner Steckling moved to recommend to the Township Board that the following Zoning Ordinance amendments be considered for approval, all of which were previously published by the Township:**

- **Article II Definitions**
- **Section 4.02 & 5.02**
- **Section 6.01, 6.02, 7.01, 16.0**
- **Section 16.06**
- **Section 18.07**
- **Section 19.00 & 19.03**

Support by Commissioner Hines. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau and Steckling; No: none; Absent: Aiello, Baker; Motion Carried.

2. Wind Energy Conversion Systems

Chair Lamont stated this item was in front of the Planning Commission last month and was sent back to Carlisle/Wortman for revisions. He also stated information provided in the meeting packet indicates that the Michigan House of Representatives is currently acting on an energy bill that contains local zoning pre-emption.

Commissioner Moreau pointed out a punctuation error in section 4.c and asked that it be corrected. She asked how the distance of ½ a mile from an MNFI designated area was established in section 4.e regarding migratory birds.

Brian Oppmann responded he spoke to Mr. Carlisle about this and they wanted to throw a number out for the Commission to look at and thought ½ a mile was a good starting point. For distances less than ½ a mile, an avian study would be required. He stated he knows there are a lot of MNFI areas in the Township and he has not done an analysis of areas that would be exempt from the study requirement.

Commissioner Hines asked if the ½ mile designation is used in other municipal ordinances.

Brian Oppmann stated communities in which he has worked on similar ordinances chose to strike this entire section.

Commissioner Moreau stated there was extensive discussion at the last meeting on how to approach when a study would be required.

Commissioner Leddy asked if there is an existing study for the Commission to base decisions on. Brian Oppmann responded he did not find any initial studies done by the State regarding bird patterns in the Township but he will continue looking.

Clerk Strole asked if anyone had contacted MNFI. Brian Oppmann stated his office did not, but one of the contacts he was going to start with was Oakland County.

Clerk Strole suggested starting with MNFI and contacting individuals who have worked in the Township and have field knowledge and experience. She will forward contact information to Brian Oppmann.

Chair Lamont asked what studies have been done regarding migratory birds and windmills and what changes to migratory patterns were caused by windmills or windmill farms. He would like more background information on this subject.

Brian Oppmann stated the amendment presented is a model ordinance Carlisle/Wortman created and has been used as a template for communities to start with. Every community modifies it based on the opinions of its Planning Commission.

Commissioner Leddy stated he would like the paragraph regarding migratory birds removed from the proposed amendment until additional information is received.

Commissioner Steckling thinks this amendment should be tabled and that there are many items that need a lot more consideration. He did some research on his own and got ordinances from other communities. He stated the proposed amendment allows a height limitation of 45 feet in C-2 zoning and 30 feet in residential. The height limitations in the ordinances he looked at have a 100-125 foot height limit for residential structures and up to 170 foot limit for commercial structures. He would like commercial and residential structures addressed separately.

Commissioner Steckling stated he also has concerns with the section regarding liability insurance. He asked where commercial structures would be allowed. Brian Oppmann responded they would be allowed as a Special Land Use and could be placed in every zoning district.

Commissioner Steckling responded he does not agree with that and does not think a commercial structure is appropriate in a residential area. He stated, in the information he has read, people initially look at the structures as an eyesore and do not like the noise. He feels the Township needs to be selective in where they allow structures.

Commissioner Leddy stated he would like language added to the amendment that indicates any feeder lines going to the structure are to be placed underground.

Commissioner Moreau asked if these structures will have the same setbacks as any other structures. Brian Oppmann stated the setbacks are similar to those of cell towers.

Supervisor Walls asked Commissioners if they feel the noise provisions in section 17.03 are too restrictive (or not restrictive enough).

Commissioner Steckling stated he does not think the noise provisions are appropriate and thinks specific noise provisions need to be looked at for these structures.

- **Chair Lamont moved to table until studies and additional information are received from Carlisle/Wortman. Support by Commissioner Moreau. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.**

3. Outdoor Café Provisions

- **Commissioner Steckling moved to set a Public Hearing at the earliest convenient time for proposed ordinance amendment Section 16.27 Outdoor Café Provisions. Support by Commissioner Moreau. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.**

4. Temporary Structures and Uses

Brian Oppmann stated the Planning Commission talked about combining the ordinance sections because the requirements are essentially the same for temporary dwellings and buildings. He spoke to Dick Carlisle about this, who felt the items should be dealt with separately, because two separate distinctions are being made between temporary dwellings and temporary buildings.

Commissioner Moreau asked if a temporary dwelling indicates people are living there, whereas a building does not and can be used as storage or an office. Brian Oppmann responded that is correct.

Chair Lamont asked if someone could live in a temporary building. Brian Oppmann responded a structure would be defined as a temporary dwelling if someone was living in it.

Chair Lamont asked if there is a definition for temporary dwelling. Supervisor Walls responded there are definitions for temporary use and building, but not temporary dwelling.

Chair Lamont stated he thinks a definition needs to be added to go along with this amendment.

Commissioner Steckling referred to section 16.21.3 asking if a permit is issued, would there be a building inspection. Supervisor Walls responded yes.

Supervisor Walls suggested modifying the language in section 16.21.3b(1) which states that temporary dwellings and buildings shall be served by water and sewer. He thinks this appropriate for temporary dwellings but that there are many construction trailers served by porta johns and water bottles and thinks two different standards are needed.

Supervisor Walls asked why a cash bond is only required for a temporary dwelling and not a building. Brian Oppmann stated he thinks there should be a cash bond for both and he will revise the draft to clarify that.

- **Commissioner Steckling moved to set a Public Hearing for proposed ordinance amendment Section 16.21 Temporary Dwellings and Buildings, with the following suggested changes.**
- **Add definition for ‘temporary dwelling’**
 - **Cash Bond required for both temporary buildings and dwellings**
 - **Clarify differences in water and sewer requirements for temporary buildings and dwellings**

Support by Commissioner Hines. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.

5. Sign Provisions

Brian Oppmann stated the main change that was made was to give 50% greater sign area on a site five acres or larger. The original amendment proposed 50% greater height and that has been removed from the revised amendment. He conveyed Commissioners’ concerns from the last meeting regarding the definition of a ‘Business Center’ to Dick Carlisle, who indicated he felt the definition is adequate.

- **Commissioner Steckling moved to set a Public Hearing for proposed ordinance amendments to Article II – Definitions and Section 16.07.3 regarding Business Center Signs.**

Commissioner Hines suggested reversing the order of items (2) and (3) of section 16.07.3.

Support by Commissioner Leddy. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.

Supervisor Walls suggested, since the Planning Commission is now addressing ground signs, it should next address building signs.

New Business:

1. Consolidated Planning Act a.) Ordinance Amendments

Supervisor Walls stated Article XIX of the Zoning Ordinance provided in the packet regarding the Zoning Board of Appeals is verbatim from the current ordinance. He stated Lisa Hamameh chose to redo the whole article and added the Planning Commission section to the beginning.

Clerk Strole asked if from section 19.05 forward is what currently exists in the Zoning Ordinance, is it the intention to include these sections in the Public Hearing if they have not changed.

Supervisor Walls stated he did not think so and does not know why the Planning Commission information, which is the only change to the section, was incorporated at the beginning and not the end.

Consensus was to renumber the Zoning Board of Appeals sections 19.05, 19.06, 19.07 and 19.08 to 19.01, 19.02, 19.03 and 19.04. Planning Commission sections numbered 19.01, 19.02, 19.03 and 19.04 are to be renumbered as 19.05, 19.06, 19.07 and 19.08.

- **Commissioner Steckling moved to set a Public Hearing for Article XIX ‘Planning Commission and Zoning Board of Appeals’, amendments to the Zoning Ordinance, including reformatting discussed tonight. Support by Commissioner Moreau. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.**

b.) By-Laws

Commissioner Moreau stated in Article 5, Section 3, there is a line that is repeated and asked that be corrected.

Commissioner Hines referred to Article 8, Section 4.5, stating the word ‘Board’ should be changed to ‘Commission’.

Supervisor Walls stated the Planning Commission revised its by-laws and adopted a set of Rules of Procedure about a year and a half ago. He stated the Rules of Procedure are almost identical to those of the Township Board. He does not think the draft eliminates what he finds confusing in the conflict between the By-Laws and Rules of Procedure. The Rules of Procedures were placed in the By-Laws as an Article, but the balance of the format does not follow that of the previous By-Laws.

Supervisor Walls suggested this be sent back to Lisa Hamameh to clarify and consolidate items.

- **Commissioner Steckling moved to have the Planning Commission By-laws re-drafted to eliminate inconsistencies between the By-Laws and Rules of Procedures. Support by Commissioner Leddy. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.**

2. Extractive

Brian Oppmann stated this amendment was prepared by Greg Need. He is not that familiar with it but, in dealing with other communities, there is a lot of case law on extractive operations and it is an evolving process. He thinks the Township’s previous extractive language is out of date, and it is his understanding that this amendment completely revises Article XV.

Supervisor Walls stated this amendment was drafted in line with the provisions in Holly Township. He stated the provisions in Holly were drafted by both Greg Need and Dick Carlisle and have been found to work well.

Supervisor Walls stated this amendment retains the 'extractive zoning district' and extractive operations as a use by right. It would also allow, as a Special Land Use, extractive operations in the M-1 and M-2 zoning districts.

Supervisor Walls stated, once this has been reviewed, a companion document will be a separate Police Power Ordinance adopted by the Township Board for mining control. One advantage of this is that a Police Power Ordinance can be revised and amended by a much quicker process to react to changes in the industry.

Supervisor Walls stated the provisions of the zoning amendment will require items that are not currently required, such as annual reports and inspections.

Commissioner Leddy referred to section 15.02.5, asking if this means as land is mined, it has to be reclaimed instead of reclaiming once the entire operation is finished.

Brian Oppmann responded that is how mining operations work. Land is continually mined and reclaimed. He stated this is where the annual report is helpful, as it gives the Township an idea of what has been done and what is intended to be done within the next year.

- **Commissioner Moreau moved to set for Public Hearing, the revisions to Article XV – Extractive District at the earliest convenient opportunity of the Clerk. Support by Commissioner Steckling. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.**

3. Elect Planning Commission Chairperson

Chair Lamont stated the Consolidated Planning Act put forth a change that effective September 1, 2008 the Township Board representative cannot serve as the Chair of the Planning Commission.

- **Chair Lamont moved to elect John Steckling as Chairperson, Dean Baker as Vice-Chairperson and Ruth Ann Hines as Secretary of the Planning Commission for the remainder of the year. Support by Commissioner Leddy.**

Commissioner Moreau thanked Roger Lamont for serving as Chair of the Planning Commission.

Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.

4. Dixie Highway Boulevard Concept Presentation

Brian Oppmann gave a brief visual presentation of the proposed Dixie Highway boulevard concept. The presentation consisted of aerials of Dixie Highway from I-75 to just south of Harrington Funeral Home, over which was superimposed a concept boulevard plan for that section of Dixie Highway.

Commissioner Leddy asked how wide the proposed median would be. Brian Oppmann stated he does not know the exact width.

Chair Lamont stated he recalls from the Redico proposal that there is a 120 foot road right-of-way that limits the median to a width of 20-22 feet.

Commissioner Moreau asked if Dixie Highway would need to be widened. Brian Oppmann responded it would not, and that the median size would be similar to that on Sashabaw Road.

Commissioner Moreau asked where the breaks in the median would be. Commissioner Steckling asked if the information from Redico was used to prepare this presentation to determine the breaks. Brian Oppmann responded he did not prepare the presentation and does not know if the Redico information was used.

Commissioner Moreau asked Supervisor Walls if this concept was based on what the Dixie Highway Corridor committee was looking at.

Supervisor Walls responded this was worked on by Sally Elmiger. She used information that was presented to the Township in the Redico project, along with her own thoughts and ideas. He stated the drawing prepared by Calvin Bordine during the Redico process was also used.

Supervisor Walls stated what is shown tonight is conceptual and the openings in the roads will depend on when development occurs in the area.

Chair Lamont stated he has seen many proposals for a boulevard along Dixie Highway and believes one of the concepts discussed during the Redico proposal was a proposed traffic signal at the main entrance of the Dixie Baptist Church property as well as an entry onto the Bordine property. Supervisor Walls responded that is correct.

Supervisor Walls stated there are many concepts that might work but that there is a hurdle in the area of I-75 and the existing drive into Dixie Baptist Church because that area is under the jurisdiction of MDOT.

Clerk Strole stated the concept shows that in order to get to the Lavon and Bordine properties a left hand turn would have to be made from the southbound lanes and asked if there is enough width in the median to accommodate this.

Supervisor Walls stated Sally Elmiger indicated the width already exists and that the Redico plan included an increased front setback to allow for future expansion of Dixie Highway.

Brian Oppmann stated when Sashabaw Road was widened in Independence Township, ten different properties required setback variances and the same thing may occur along Dixie Highway.

Commissioner Steckling asked how to incorporate this concept into the Ordinance. Chair Lamont stated the Planning Commission adopted the Dixie Highway Corridor Plan to be used as a guiding tool in conjunction with the Ordinance.

Supervisor Walls stated this could be added to the provisions of the Dixie Overlay District and/or added as a provision in the Design and Construction Standards.

Commissioner Steckling asked if a developer approached the Township about developing in this area, how the Township goes about implementing a boulevard plan from a financial standpoint.

Supervisor Walls stated accomplishment of this plan will be a team effort and will probably be a combination of things, such as a Special Assessment District along with developers paying a portion. Whatever financing that takes place will have to involve the Township and there is not enough money available in the budget. He thinks financing options should be part of an analysis in the Dixie Corridor Update.

Commissioner Hines asked how the widening of Sashabaw Road was financed.

Brian Oppmann stated it was 90/10 match with Independence Township coming up with 10% of the budget, which he believes was accomplished through a Special Assessment District. The remaining 90% was from the other road agencies. He believes the same would apply here with the Township having to pick up 10% of the total bill.

Commissioner Moreau asked if this concept is something that should be part of the Capital Improvement Plan, indicating funds set aside for this project. Brian Oppmann responded it could be.

Supervisor Walls stated there are also road and tri-party funds that could be used toward the project. He does not know the exact dollars available but it is in the neighborhood of \$500,000.00.

Brian Oppmann stating the Capital Improvement Plan will be presented to the Planning Commission next month.

5. Zoning Ordinance Amendment Sections 18.08 & 18.15

Chair Lamont stated the amendment to section 18.08 confirms that the Public Hearing on a Special Land Use is held before the Township Board and deletes the requirement to act

on Special Land Uses within 30 days, as it is not required by state statute. The addition of section 18.15 replaces “zoning commission” language in old section 18.14 that was inadvertently deleted when the conditional zoning language was adopted.

- **Commissioner Steckling moved to submit the amendments to Ordinance 26, sections 18.08 and 18.15 for Public Hearing at the earliest convenient time. Support by Chair Lamont. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.**

Other Business:

1. Priority List

Supervisor Walls stated ordinance amendments relating to Landscaping Provisions and Adult Uses are being worked on by Dick Carlisle. He stated Dick Carlisle and Greg Need are working on additional zoning ordinance amendments that are necessary based on recent case law.

Supervisor Walls stated, with the exception of amendments regarding landscaping and adult uses, all ordinance amendments on the priority list have already had, or have been scheduled for, a public hearing except for the few items the Commission tabled tonight that will be placed on a future agenda.

The Public Hearing for the Master Plan Update could be scheduled for the October regular business meeting.

The Capital Improvement Plan Update will be placed on the September 15, 2008 agenda.

Clerk Strole spoke to Sally Elmiger today regarding the Downtown Davisburg Plan and she is hoping to have a meeting in late September.

Chair Lamont referred to Supervisor Walls earlier comments regarding building signs and asked if a motion is needed to establish a budget for Carlisle/Wortman to work on an ordinance amendment.

Supervisor Walls stated the Commission needs to decide if it something they want to look at. Commissioners agreed they did. Supervisor Walls will work on getting a price.

Public Comment:

Supervisor Walls stated Commissioners received handouts this evening regarding two conferences, the cost of which has been approved by the Township Board. Clerk Strole asked that Commissioners wishing to attend notify her ASAP.

Adjournment:

- **Commissioner Steckling moved to adjourn the meeting at 9:26 p.m. Support by Chair Lamont. Vote on the motion: Yes: Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: Aiello, Baker. Motion Carried.**

Renee Wilson, Recording Secretary