

**Springfield Township
Planning Commission -- Business Meeting
Minutes of September 15, 2008**

Call to Order: Chair John Steckling called the September 15, 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

Frank Aiello
Dean Baker
Ruth Ann Hines
Roger Lamont
Bill Leddy
Laura Moreau
John Steckling

Commissioners Absent

Staff Present

Collin Walls
Nancy Strole

Consultants Present

Sally Elmiger

Approval of Agenda:

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

Public Comment:

None.

Consent Agenda:

Chairperson Steckling stated there is a meeting with the Downtown Davisburg business owners scheduled for September 30th that he is unable to attend and asked Commissioner Moreau if she could attend the meeting. Commissioner Moreau responded she could.

Chairperson Steckling congratulated Commissioners for their work on the Master Plan update. A favorable review was received from the Oakland County Zoning Committee.

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

- a) Minutes of July 21, 2008
- b) Minutes of August 18, 2008
- c) Communications:

Public Hearing: None

Old Business:

1. Landscaping Provisions

Sally Elmiger stated she was asked to look at the native plants section of the landscaping provisions of the Zoning Ordinance to address some issues. One issue is to help a landscaper decide what locations may be appropriate for a naturalized landscape. The second issue was to evaluate the list of prohibited plant species to determine if any plants should be eliminated that are generally used in landscaping and are not invasive in this part of Michigan. She came up with ordinance language that she hopes addresses these two issues.

The added provisions allow neighbors to decide if the landscaping is appropriate. The new suggested provisions set up a process that if a resident wants to have a “naturalized” landscape yard, they must submit a plan to the Township which is then reviewed by neighbors. If there are no objections, the plan could continue. If over 51% of neighbors have objections, the applicant can appeal to the Township.

Sally Elmiger stated she went through the invasive plant list and eliminated some plants that her research showed to be non-invasive in Michigan and also moved some plants from the prohibited list to the discouraged list. She also added a paragraph regarding cultivars of invasive plants.

Commissioner Baker asked Sally Elmiger for clarification that if a homeowner wanted to have a naturalized landscape, they need to create a land management plan and submit it to the Township. He asked, at the time of submission, who at the Township evaluates the plan to see if any invasive plants will be used, and if this would be done before the neighbors look at the plan.

Sally Elmiger responded that is not addressed in the language proposed tonight.

Commissioner Baker stated he would like language added that clarifies what the review process would be, and would like that process to take place before involving neighbors. The language does not state how situations are handled where more than 51% of neighbors disagree with the plan, and the homeowner has to come in front of the Planning Commission; the amendment does not state if a Public Hearing is held or if

Commissioners simply review the plan with the homeowner, with neighbors in attendance.

Sally Elmiger stated she got the amendment language from Madison, WI and they have a staff member who would handle an appeal if neighbors did not agree with the plan and then the plan would be addressed at a committee level. She stated it needs to be decided if someone at the Township, or a Board/Commission, will listen to the appeal.

Commissioner Leddy asked if the language specifies what type of neighborhood this addresses (i.e. platted neighborhoods, site condos, etc.). Sally Elmiger responded no, but the intent was to address subdivisions.

Commissioner Leddy stated he thinks that needs to be specifically stated in the Ordinance.

Commissioner Aiello asked where the request for this amendment came from. Sally Elmiger responded she was asked by Supervisor Walls.

Commissioner Aiello asked if an enforcement problem is the reason for this amendment.

Supervisor Walls responded the original discussion was between Dick Carlisle and himself. He stated the amendment language presented does not address the issues he was looking to resolve.

Supervisor Walls stated he met with Dick Carlisle and Greg Need to discuss the entire Zoning Ordinance. A question arose as to whether the Township is, inadvertently, taking something they want to encourage and recommend and discouraging it. He discussed with Dick Carlisle putting language in the Ordinance that provides guidance for homeowners who want a “naturalized” landscape plan and it was not his intent to require a Land Management Plan, or for a homeowner to go in front of the Township Board.

Supervisor Walls stated there have been occasions where there have been intentional native plantings which caused problems with neighboring properties.

Clerk Strole responded to Supervisor Walls that the issue is not use of native plants, which are planted in many stylized landscapes at subdivision homes. It is with use of “naturalized” landscapes, which is a particular type of landscape design.

Commissioner Aiello asked if the ordinance, as is, addresses that problem. Supervisor Walls responded it’s not addressed at all.

Commissioner Leddy suggested that subdivision associations decide what rules they want for their subdivision.

Chairperson Steckling responded he thinks that is covered in the current language which exempts deed restricted items.

Commissioner Aiello stated if an appeal came before the Planning Commission, criteria needs to be established for the Commission to overrule the neighbors.

Commission Lamont agreed with Commissioners' Baker and Aiello's previous statements. He stated the second paragraph in Section 16.06 states, in part, "It is the intent of this section to encourage the use of desirable native species of plants for all landscaping where appropriate." and asked who determines what is appropriate. Sally Elmiger stated that needs to be decided.

Commissioner Hines stated she has no new comments but is concerned that a property owner is not going to know that they need to submit a landscape management plan if they want native plantings in their front yard.

Commissioner Moreau stated she has no new concerns and feels this needs to go back to the drawing board and does not think it addresses the original concerns raised by Supervisor Walls.

Commissioner Baker agrees that the language needs to be revised to address the concerns raised tonight, and to clarify the amendment addresses the issue it was intended to address.

- **Commissioner Baker moved to send the Landscaping Provisions back to Carlisle/Wortman to be re-worked. Support by Commissioner Lamont.**

Sally Elmiger asked if the Commission prefers to have the Land Management Plan requirement eliminated and if so, what would the Commission like added.

Commissioner Lamont stated he would like to see landscaping guidelines added in place of a Land Management Plan.

Commissioner Hines asked how guidelines would be enforced or policed and if they can't be, they shouldn't be added to the Ordinance.

Chairperson Steckling stated he is not in favor of any amendment. He stated the bulk of the subdivisions in the Township have their own deed restrictions and rules. He also does not like the Commission being involved in neighborhood matters and thinks they are no win situations.

Sally Elmiger stated information sheets were included with the native plants CD.

Supervisor Walls stated if the Commission does not feel there is an issue that needs to be addressed, then why send the language back to Carlisle/Wortman to modify. He suggested leaving the language alone, and only moving forward with the prohibited plant species list.

Commissioner Moreau suggested added minimum guidelines that state plantings are to be no closer than four feet to the property line and clear of the right-of-way. The Ordinance can then reference the native plants CD.

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

Commissioner Lamont suggested approving Table 1 (Prohibited Plant Species) and Table 2 (Discouraged Plant Species) for Public Hearing.

Commissioner Hines stated there are other portions of the language that she feels are appropriate and that the Tables 1 and 2 cannot be addressed on their own.

- **Commissioner Baker moved to table this item and remand it to the Township Supervisor to create clarity with the Community Planner; to create a document that addresses relevant concerns. Support by Commissioner Moreau. Vote on the motion: Yes: Aiello, Baker, Hines, Lamont, Leddy, Moreau and Steckling. No: none. Absent: none. Motion carried.**

2. Adult Uses

Supervisor Walls stated this amendment came about as result of a change in case law.

Chairperson Steckling stated two sections have been added regarding the requirements for adult business regulation. He stated Attorney Greg Need raised a question that the Commission needs to consider tonight and that is to determine what zoning districts adult businesses will be allowed in.

Commissioner Baker stated Commissioners were provided with a document (*Formal Studies of Secondary Effects Attributed to Adult Business Uses*) from Carlisle/Wortman that references a variety of information from different jurisdictions.

Chairperson Steckling stated he believes the document was provided as background information. He thinks the recommended language change is necessary and if not made, the Township would be at risk of violating case law, making the Township vulnerable.

Commissioner Aiello asked why the document was part of the meeting packet.

Supervisor Walls responded Greg Need requested the information. Current ordinance language had a study on the secondary effects of adult uses, which was prepared by Carlisle/Wortman several years ago and was updated. He recalls Greg Need and Dick Carlisle discussing that if the Township ended up in court, the background study on the effects of adult businesses is something the Township needs to have on file for its defense.

Commissioner Aiello stated he is not familiar with the recent case law on this topic and thinks the cover letter from Greg Need is inadequate and does not state why the ordinance has to be changed and feels a better explanation is needed as to why the change is necessary.

Commissioner Lamont agreed with Commissioner Aiello's comments. He also questioned section 'e' of the proposed amendment and asked why there are time limits on approving Adult Business Special Land Use Applications.

Supervisor Walls stated he presumes that court cases could be lost if applications are not acted on in a timely manner.

Commissioner Hines stated she does not understand section 'd' of the proposed amendment which states that provisions that are applied to other Special Land Uses would not be applied to adult businesses.

Commissioner Baker stated his research on this subject showed that if the boundary was changed from 500 feet to 1000 feet from residential zoning and related uses (churches, daycare, etc.) and went one-half mile between adult businesses, there would be one location where an adult business would be allowed and that was in the area of I-75 & Holly Road.

Commissioner Hines thinks the boundaries should be changed based on Commissioner Baker's research so there would be only one area in the Township where an adult business could be placed.

Chairperson Steckling suggested Greg Need attend a meeting to answer Commissioners questions regarding this amendment. Supervisor Walls responded he will contact Greg Need and ask him to attend a meeting.

- **Commissioner Hines moved to table this item until Greg Need can attend a meeting and address the Commission regarding the adult uses ordinance provisions. Support by Commissioner Baker. Vote on the motion: Yes: Aiello, Baker, Hines, Lamont, Leddy, Moreau and Steckling. No: none. Absent: none. Motion carried.**

Other Business:

1. Priority List

Commissioners reviewed items on the priority list. The Ordinance amendments regarding Landscape Provisions and Adult Uses were tabled tonight and should return at the October 20th meeting.

Commissioner Leddy stated there was a meeting today regarding the Dixie Corridor Study. Another meeting is scheduled for October 20th and Carlisle/Wortman is compiling notes from today's meeting.

Supervisor Walls stated a draft of the Capital Improvement Plan update should be in front of the Commission at the October meeting.

Commissioner Steckling stated a meeting regarding the Downtown Davisburg Plan is scheduled for September 30.

Clerk Strole stated all the Ordinance amendments, including the amendment regarding the Extractive District, listed under item 'D' on the priority list, should be set for Public Hearing at the October 20th meeting.

Public Comment:

Commissioner Aiello suggested minutes of other meetings that do not directly relate to the Planning Commission be distributed electronically.

Adjournment:

- **Commissioner Aiello moved to adjourn the meeting at 8:44 p.m. Support by Chair Steckling. Vote on the motion: Yes: Aiello, Baker, Hines, Leddy, Lamont, Moreau, Steckling; No: none; Absent: none. Motion Carried.**

Renee Wilson, Recording Secretary