

Springfield Township
Planning Commission – Business Meeting
Minutes March 18, 2013

Call to Order: Chairman Baker called the March 18, 2013 Business Meeting of the Springfield Township Planning Commission to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

Attendance:

Commissioners Present:

Dean Baker
Ruth Ann Hines
Dave Hopper
Bill Leddy
Kevin Sclesky
Linda Whiting
Neil Willson

Commissioners Absent

Staff Present

Laura Moreau, Clerk

Consultants Present

Dick Carlisle, Planner
Randy Ford, Engineer

Approval of Agenda:

Commissioner Willson moved to approve the agenda as presented. Supported by Commissioner Hopper. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Whiting, Willson. Voted no: None. Absent: None. Motion Carried.

Public Comment: None

Consent Agenda:

1. Minutes of the January 21, 2013 meeting

Commissioner Hopper moved to approve the minutes of the January 21, 2013 meeting amending page #8, last paragraph, “does not meeting” to “does not meet.” Seconded by Commissioner Leddy. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Whiting, Willson. Voted no: None. Absent: None. Motion Carried.

Public Hearing: None

New Business:

1. Enbridge Safety Valve – Rattalee Lake Road – Final Site Plan

Mr. Ben Frings, Enbridge Project Engineer, introduced himself to the Commission. He provided an overview of the construction of the safety valve project. The valve is contained within the pipe. A valve and stem will be extended above the ground and will be maintained by a 24 hours surveillance system that is located off site. This system monitors pressures and temperatures within the pipeline continuously. The fitting on the valve will contain a pressure transmitter which is monitored with a radio communication or satellite system, whichever is necessary at the site. The valve is controlled by an actuator that communicates with the radio tower. The building will house all of the controllers and electronics to assist in this communication. The only other thing in the site is the manhole covers which cover access down to the pressure transmitters. The site is big enough to drive a pickup in and turn around. There is a group within Enbridge whose sole purpose is to devise the perfect spot for the valve based on various things including elevation changes, population, water bodies and the comparison of the sites along the pipeline. They determined that the optimal location for the safety valve is at the site on Rattalee Lake Road.

Mr. Dick Carlisle stated that the Commissioners received a memo from Supervisor Walls summarizing the opinion of Township Attorney Greg Need emphasizing the limitation of authority that the Township has in fully regulating a site of this nature. There is preemption due to Federal regulation when it involves safety issues. From the Planning standpoint, the review is restricted to a couple of things. The site will be secured by a metal fence and they recommended that they put in something more decorative. The other item is the landscaping required. Since the site is in a residential area, they are required to meet option #3 or option #4 of the regulations. They are providing extensive landscaping and although it does not fully comply, the Planning Commission has the option to waive or modify the regulations. This site is a considerable distance from any dwelling and there is already considerable vegetation present. Mr. Carlisle stated that they are satisfied that the applicant has been compliant and cooperative to the extent necessary and they are recommending approval.

Mr. Randy Ford stated that there were not really any engineering impacts at the site. The first item outlined in the report was the need for Enbridge to obtain a Road Commission permit and the Enbridge representative stated that they already received that. The Township should be given a copy for the file. There also should be adequate room for a vehicle to turn around while accessing the property. The representative from Enbridge stated that there was adequate room within the fenced in area.

Commissioner Hines asked when someone would need to be on site.

Mr. Rusty Smith, Enbridge Operations Supervisor, introduced himself to the Commission. He answered that the Enbridge Local Supervisor would need to visit the site to do monthly checks which are required. These checks might be required twice a month in some instances.

Commissioner Hopper asked what a whistle was.

Mr. Smith answered that a whistle is a culvert with a manhole cover. It is a term that they have used for years that originated in North Dakota. If there is not a cover over it, the culvert can whistle when the wind blows hard.

Commissioner Hopper asked why they needed access on all four sides of the fenced in structure.

Mr. Frings replied that having multiple access points allows them to not be limited to one side. There is one main gate and there will be doors on the other sides.

Commissioner Leddy asked if there was an alarm system.

Mr. Smith answered no; they have not had a problem with damage to these sites in the past.

Chairperson Baker asked what was going to be transported.

Mr. Smith replied crude oil will be transported.

Chairperson Baker summarized that this valve sends signals to the control room and then those individuals would make decisions on whether or not they want to close it.

Mr. Smith answered that the equipment would take constant readings regarding temperature and pressure and then would send signals to the control center.

Chairperson Baker asked if there was need for a generator.

Mr. Smith answered no. The communications are to the control center and based on the last signal the safety valve will remain where it was. If the power goes out, the control center will contact the local technician who will visit the site and evaluate the situation.

Chairperson Baker asked if the piping was in a casing when it crosses under the road.

Mr. Frings replied no; it was an extra heavy casing pipe.

Chairperson Baker asked if it was a class one or a class two.

Mr. Frings replied that he did not know.

Chairperson Baker asked if it had to abide by a class design criteria.

Mr. Frings replied that he did not know.

Mr. Smith asked if he was talking about HCA classification.

Chairperson Baker replied yes.

Mr. Smith answered that they take this into consideration, but he does not know exactly what it is designed to, but it is over engineered.

Mr. Frings answered that they order all of the pipe to the heaviest standard.

Chairperson Baker asked if there was going to be any maintenance to the site grounds.

Mr. Smith answered that there wasn't any maintenance, only cutting the weeds and mowing the grass.

Chairperson Baker asked if they were going to spray the weeds with herbicide or if they were going to cut the weeds.

Mr. Smith answered that they would spray the weeds but they wouldn't kill the ground; they would wait until the weeds grow 8 to 10 inches and then they will spray the weeds.

Chairperson Baker stated that he wanted to make sure that they are not introducing herbicides into the environment.

Mr. Smith answered that they take this seriously and would not want to use herbicides unnecessarily.

Commissioner Sclesky asked if the Township would be notified in case of a security concern.

Mr. Smith answered not generally, not in terms of a broken lock or broken fence.

Commissioner Sclesky stated that he was talking about a pressure problem or something that could cause damage to nearby residents.

Mr. Smith answered yes; in this case they would contact the Emergency Management Director in the area.

Commissioner Hopper moved to approve Final Site Plan Approval for the Enbridge Valve Site on Rattalee Lake Road subject to:

- 1.) Waiving the additional site plan material required under Ordinance due to the limited nature of the proposed improvements and the impact of Federal Regulations**
- 2.) Address Township Engineer's concerns regarding soil erosion and provide the Township a copy of the Road Commission permit**
- 3.) Install fence as depicted in package submitted to the Township by the applicant**
- 4.) Waive front setback screening requirements as this would not be achievable over the pipeline and would be a violation of Federal Law**
- 5.) Accept proposed screening as presented as existing vegetation on adjacent sites is present to provide adequate screening to attempt to meet the Township ordinance requirements**

6.) Establish an escrow account in the amount of \$2500.00 to defray any Township costs in administering this proposal.

Seconded by Commissioner Whiting. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Whiting, Willson. Voted no: None. Absent: None. Motion Carried.

Old Business:

1. Kroger Fuel Station Relocation Concept Site Plan

J. D. Damrath, Premier Civil Engineering introduced himself to the Commission. He addressed the main concern vocalized at the last meeting which was the left turn out of the Shopping Center. The traffic study came back and they took that into consideration, changed the plan and they believe they now have a plan that will address this concern. The other concerns that came up were the need for additional stacking room while waiting for fuel and the canopy design. The request was to have the canopy more in line with the roof line of the existing center. Another concern was access and a suggestion from the consultant was to have access from the rear of the site directly off the access drive. Another concern was cross access off of the Hosler Drive. It was suggested that they move the utilities in the greenbelt to the west to make it easier for future development and avoid potentially tearing up the parking lot in the future. The lighting plan was a concern. They also tried to connect some community features such as bike paths.

The first concern was the stacking. The layout that they are proposing is more than double the existing; they are going from 8 to 18 fuel positions. There is enough space between the islands that even if two vehicles are fueling, there is still room for a vehicle to get through between them. There is a much larger footprint for the same customer base. The signal at the current drive is warranted by the traffic study and this was concurred by the Road Commission. They have received preliminary approval for the curb cuts and proposed drives from the Road Commission.

The other drive will be right turn out only and the only way to make a left hand turn to go north on Dixie Highway would be through the new signal. There is a pork chop curb configuration at the new proposed drive which would prevent left hand turns coming out. They will now have 2 lanes coming in with the widening of the drive. This is shown on the site plan. They adjusted the color to utilize earth tones, but they are open to color change and discussion if needed. There is now no left turn between the restaurant and the fuel center and if you want to turn off Dixie and go left into McDonalds, there will no longer be stacked traffic waiting to turn left. They want to determine if the traffic study is valid and are looking for feedback so they can move onto final site plan. Hosler does not like the idea of linking the drives. They do not want the liability and neither does McDonalds or Kroger. They do not want to link the drive on this development. They have run the utilities through the paved areas because the existing shopping center was done this way. This allows for cross access easements and maintenance agreements and it lines up with the legal description. They will have nice landscaping along the site. They are much closer to the lighting plan and the plan that they will put in will comply with the ordinance. They also propose a walking path from the new entrance all of the way to the

existing store development as well as some benches and bike racks to the northwest of the fuel center. There is also another bike rack located at McDonalds. They feel like they have addressed the key items with the proposed plan.

Mr. Carlisle stated that many of the items that were addressed were items that are addressed at final site plan review. The internal access issues are their greatest concerns. The cross access between Hosler and this site does not seem to be reasonable and they concur. The main concern remains the quick turn off of Dixie Highway and into the restaurant. They only have the minimum number of queue spaces off a highway where people drive 50 miles per hour and this is not adequate. Even with the dual lanes coming in, it will continue to be an issue. They have no issues about access within the fueling station and they agree that the controlled access within the site is fine. However, the McDonalds entrance remains a problem. The rest of the items can be addressed before final site plan and J.D. has addressed several of them.

Mr. Ford agreed with Mr. Carlisle in regards to the McDonalds access. They looked at the traffic study and they will do a more in depth analysis before final site plan. The traffic study focused on the impact of Dixie Highway and the movement of traffic in and out of the site and the traffic study did indicate that there were no apparent problems with access off of Dixie but it did not analyze internal circulation. The issue with the location of the driveway into McDonalds is still a concern. This is something that they are going to have to spend time on as they move towards final site plan. The prior rendering showed a continuous right turn lane between the relocated drive and the new McDonalds driveway; now it looks as if there is a bump out.

Mr. Damrath indicated that this is correct; the bump out is what the Road Commission supported.

Mr. Ford stated that they had some additional comments about grading and utilities but felt that these items would easily be addressed as they moved forward. They determined that the sizing of the detention basin was appropriate. The traffic circulation through the fuel center site was seen to be adequate; they still have an issue with the proximity of the curb cut for McDonalds.

Commissioner Sclesky stated that although it could be decades before the back half of the property is developed, the accessibility of the traffic flow should be considered. They should look at the potential for the widening of the inlet and outlet drives and the possibility of future inlets and outlets between the McDonalds and Hosler. They should consider if there was room to add lanes coming in and going out for future need.

Mr. Carlisle stated that the new entrance is being designed to accommodate a significant amount of traffic because it is two lanes and it is a signalized intersection. The second proposed entrance has two lanes coming in so any future development will have substantial amount of access coming in. The restricted no left turn will accommodate a significant amount of traffic coming out because you will not have any back up from left

hand turns. Both of these developments will accommodate future development at the site. The addition of the light is the major improvement.

Commissioner Leddy stated that he is happy that they are putting a traffic light there; this is the key to the whole thing.

Commissioner Whiting concurred with Commissioner Leddy. The light is a great addition but still thinks that the entrance to McDonalds is still a problem and suggested that there were only three car lengths before Dixie Highway. The population will support a McDonalds very well.

Commissioner Hopper stated that he still has an issue with the inlet drive. The traffic study indicated that they were expecting a queue of only two cars and the ordinance calls for three. Because of the light, the traffic will exit much quicker. He is concerned about cars coming in off of a 50 mile per hour road and having to make an immediate left into McDonalds. He is an advocate for the cross access, but concurs that with the nature of the businesses, there is not much to be gained by providing cross access. Fire access is accommodated with the location and number of proposed drives. He does not know when lot #3 will be developed but they should keep this open for possible future use. They will have to obtain sign variances prior to final because final site plan requires a unified sign plan. He does not see that the number of signs is a concern. The two tall signs will require a variance and he has an issue with these signs. The intent of the ordinance is to keep signs low and close to the ground. The sign that is in the middle of the main entrance appears to be closer to the street than before and he is concerned that it is in the blocking view. It is being increased in size. The demo plan shows it further out and closer to the right of way and there is probably a better location for that sign. The lighting is being revised and he appreciated them looking at the existing Kroger and changing those lights but would like a unified lighting plan for the entire site. He did like the revised color in the rendering much better but would still like a shingled roof. He understands why they want the water and sewer under the road and suggested that they consult the engineer. The interconnected sidewalks are a welcome feature and the benches and bike rack are good attempts to accomplish the community design features. He recommended that when they develop lot #3 they might require another community design feature. The left turn into McDonalds continues to be an issue.

Mr. Ford asked about the location of the pedestrian path and suggested that people might pull up and be parked over the pathway while waiting to make the turn. If someone pulls ahead to see beyond the entry sign, they will now be located on top of the path. He suggested that the path be relocated closer to the roadway.

Commissioner Hines asked why the sidewalks weren't connected.

Mr. Damrath answered that they would be.

Commissioner Hines stated that her concern was turning into McDonalds. The signs need to be visible and where people driving down a 50 mile per hour road can tell what is there

and what drive they need to turn into. They should not be blocked by landscaping and the sale price of gas should not be blocked by landscaping and she hopes that the Zoning Board takes this into consideration. She suggested that there should be another restaurant that is not fast food that will want to locate in the shopping center.

Commissioner Willson concurred with previous comments but realizes that this is an impossible situation. Only having one left turn out of the development is a disappointment and might be similar to what they are experiencing now. He asked about the volume of cars being allowed to go left.

Mr. Damrath answered that this was addressed in the traffic study and it will be helpful because there is more room at the fuel center.

Commissioner Willson stated that this doesn't help the fact that every car that needs to turn left gets funneled through that same drive.

Commissioner Hopper stated that existing Target and Meijer development sites exit out of two entries to go left and this proposed site is much smaller. The addition of the light alleviates many problems.

Mr. Danny Kurzmann, Property Owner, RCL Properties, LLC introduced himself to the Commissioners. He stated that they had virtually an impossible problem to correct and the situation has been bad for quite some time. The traffic study indicates that there should be a traffic light there. They asked the traffic study to specifically address the ingress point that was a bone of contention for the Commissioners from the last meeting. They looked at it and agreed to hash it and put a stop sign there to improve that ingress. The traffic study came back and said with the single ingress lane coming in at the southernmost entry, they would be okay. They didn't just stop at one ingress lane; they added another one so there was an additional lane to bypass anyone waiting to make that turn into McDonalds. He believed that they solved it and the traffic study that they commissioned for said that they solved it, but he is frustrated because the Planner and the Commission still think it is an issue. There is only one left out and a light to help this situation. They can't put another light in. When you look at the congestion today, the major problem is that the fuel center currently dumps into the major ingress/egress drive on the property and this is all gone now. The cars cannot go directly into this drive. They have done the best job they can do. It is the same amount of congestion that they have and they are now spreading it over double the area.

Mr. Carlisle stated that the circumstances show that Kroger has done everything that they could do to improve the site plan. He currently sees a design in search of a solution and this is McDonalds. McDonalds has not modified their approach since the first site plan and there are two potential solutions which McDonalds has not researched.

Mr. Kurzmann stated that although they label it Kroger Fuel Center, this is him developing his land and he wants to be clear. The reality is that this is his parcel and although they are not concerned with whether or not it is economically feasible, this is

about his investment and whether or not it works out in this community. He is doing his best to work with both Kroger and McDonalds to make sure that they are happy. It has all got to work for him, Kroger and McDonalds. He stated that if McDonalds isn't happy, it isn't going to happen.

Chairperson Baker stated that it also has to work for the citizens of Springfield Township and this is who the Planning Commission represents.

Mr. Kurzmann concurred and apologized.

Mr. Carlisle stated that it is not in the best interest for the Township to have something that is not economically feasible either so it is unfair to say that they are not concerned about the profitability. There have been unsuccessful businesses on Dixie Highway and they recognize that and it will not be a successful business if we can't get people in and out of the site safely. They made a suggestion in their review that they would create a boulevard with a dedicated left hand turn into this site but this hasn't been explored. Another suggestion is to move the building 90 degrees. The drive through would face Dixie Highway but with some architectural treatment it would work. This also has not been researched.

Mr. Tom Gurgich, Area Real Estate Manager for McDonalds introduced himself to the Commission. They look at everything when they look at a site. The dimensions of the property and the size of the Kroger Fuel Center preclude it from being turned 90 degrees but they are not opposed to looking at it. The driveway is of utmost importance because the majority of their business comes through the drive thru. They have built over 13,000 restaurants and have been doing this over 50 years and they feel that this driveway will not create a problem. This drive thru will have the dual system and they have seen that the customers train themselves quickly and will be able to get through the drive thru system in about 90 seconds. Mr. Gurgich referred to the diagram to show the proposed layout and movement through the drive thru. If they have to turn it 90 degrees it will impinge upon the Kroger Fuel Center. This is not one of the highest projection sites that they have had and the volume is being blown out of proportion. If they have to move the driveway, they will have to reevaluate their involvement in the project. If they create a situation that is dangerous and people don't use it, then they have invested over 2 million dollars in the community for no return and they pride themselves on not doing that very often.

Commissioner Whiting asked if growth exceeds what they expect and it becomes an issue, will they revisit the design of the driveway.

Mr. Gurgich answered that they constantly monitor their sites and if there was an issue they would propose a solution. They do not see this as being an issue because they know what kind of volume is projected and the population in the area. There is no explosive growth potential.

Chairperson Baker stated that there is a benefit to getting the traffic off Dixie Highway and as far back in the site as possible before they make a left turn into McDonalds. He stated that putting a cross hatch area will not be substantial enough to keep traffic that is exiting that site respecting that zone for cars that they do not see entering the site. The cars will be coming 50 miles per hour and this is a challenge that he has concerns with. The changes in the architectural standards are appreciated as well as the safety path, landscaping, screening and the reality of not being able to connect to the Hosler site. There is no longer a requirement that this takes place. He is looking for something to allow access into the McDonalds site that is different.

Clerk Moreau suggested moving the entry drive farther back across from the drive thru entrance.

Mr. Gurgich stated that to move it back far enough to make a difference, this would create two 90 degree turns that will create problems with the internal circulation. This plan that is proposed is the way that they know it will work. If the road is striped and there is a sign that says do not block driveway and there is a second ingress drive in, it has been fully addressed.

Mr. Ford stated that one of the problems is the other parcel behind that has yet to be developed. There will probably be at least 2 curb cuts which will put more outbound traffic into the drive.

Mr. Kurzmann stated that they will have the benefit of experience when they look to develop lot #3 which is the 7 acre parcel located behind.

Mr. Ford answered that they would then already be locked into the McDonalds driveway as it is.

Mr. Kurzmann stated that they are locked in by selling two out parcels. This is the nature of the business.

Mr. Damrath stated that the key factor is the left out onto Dixie that was causing the issues. It is not the right turns out that are an issue.

Commissioner Whiting stated that the unknown factor is how much traffic McDonalds will bring.

Mr. Josh Whitick, Kroger Company, introduced himself to the Commission and referred to another McDonalds location that has a hatched area with one car stacking area and it works. He stated that it would be beneficial to also add a stop sign.

Commissioner Hopper stated that on Franklin Road and Square Lake there is a similar location and it does work.

Chairperson Baker stated that it seems that the discussion is centered around the topic of the access point of McDonalds off of Dixie Highway and entering the drive thru. He asked the Commissioners if it was their feeling that this needs further evaluation or do they have another opinion.

Commissioner Sclesky concurred with the McDonalds representative. Through their experiences they have built 13,000 restaurants and would learn from the mistakes that they have made. The representative from McDonalds has said that he would be there if there was an issue and would be there to correct it.

Commissioner Leddy suggested rotating the restaurant 180 degrees but if that was impractical, he doesn't see holding up the project.

Commissioner Whiting concurred as long as they are willing to help correct problems if they occur.

Commissioner Willson concurred and stated that he appreciated the clarification and the explanation from McDonalds.

Commissioner Hopper stated that this is their chance to get it right. The vast majority of the cars coming out of McDonalds are coming out and going right so they are not blocking the entrance in. He stated that with the addition of the light, he could live with the proposed plan.

Chairperson Baker stated that he still wants a greater depth of entry with the sidewalk where it is. He stated that they might get one car, or two at the most allowed to stack and he does not think that this is enough.

Other Business:

1. Priority Task List

Commissioners reviewed and made updates and revisions to the current Priority List.

Public Comment:

Mr. Carlisle recommended that when the Commission is considering a site plan and has a representative in front of them trying to get them to approve their site plan, to rely on the fact that they will come back and fix any problem that may occur is short sighted. They have to solve these issues when they are here before them. They need to look at how long it has taken to solve the current issues with the fuel station and it had to come to the Township threatening enforcement to remedy the situation. The representative from McDonalds was the real estate guy who is responsible for locating and pursuing new locations. Mr. Carlisle stated that he is not convinced that this is not going to be a problem in the future and he does not think that every option has been explored. In his 35

years of experience, the promise to come back and fix a problem later is not what happens.

Mr. Ford stated that there seems to be some inflexibility on the part of McDonalds being not willing to look at different options that could work.

Mr. Carlisle stated that this is a design that McDonalds has not changed one bit since the beginning and Kroger has made many changes to make it better and have been very cooperative.

Mr. Ford stated that this did not start out with McDonalds. This began with trying to solve an issue with the Kroger Fuel Station.

Mr. Carlisle stated that the traffic study was not conclusive regarding the left turn into this site.

Commissioner Leddy stated that he thought they were going to have a separate presentation by McDonalds and unfortunately, the representative only stood up after the criticism.

Adjournment:

Commissioner Hines moved to adjourn the meeting at 9:20 PM. Supported by Commissioner Sclesky. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Whiting, Willson. Voted no: None. Absent: None. Motion Carried.

Erin A. Mattice, Recording Secretary