

Springfield Township
Planning Commission Meeting
Minutes March 15, 2016

Call to Order: Chairperson Baker called the March 15, 2016 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
George Mansour
Jason Pliska
Kevin Sclesky
Linda Whiting

Commissioners Absent

Consultants Present

Doug Lewan, Planner, Carlisle Wortman, Associates

Staff Present

Collin Walls, Supervisor
Laura Moreau, Clerk

Approval of Agenda:

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

Public Comment:

None

Consent Agenda:

1. Minutes of the February 16, 2016 Planning Commission Meeting

Commissioner Hopper moved to approve the minutes of the February 16, 2016 meeting as presented. Supported by Commissioner Pliska. Voted yes: Baker, Hines, Hopper, Mansour, Pliska, Sclesky, Whiting. Voted no: None. Absent: None. Motion Carried.

Public Hearing:

1. Chapter 40 – Zoning by amending Section 40-521 – Deviations
From Approved PUD of Article III. – District Regulations

Chairperson Baker opened the Public Hearing at 7:35 pm

No public comment was heard.

Chairperson Baker closed the Public Hearing at 7:36 pm

New Business:

1. Chapter 40 – Zoning by amending Section 40-521 – Deviations
From Approved PUD of Article III. – District Regulations

Commissioner Hopper moved to recommend forward the amendment, Chapter 40-Zoning by amending Section 40-521 – Deviations from Approved PUD of Article III. – District Regulations to the Township Board for their approval. Supported by Commissioner Sclesky. Voted yes: Baker, Hines, Hopper, Mansour, Pliska, Sclesky, Whiting. Voted no: None. Absent: None. Motion Carried.

Old Business:

1. Ordinance Amendments – Home Occupations Section 40-649

Supervisor Walls stated that he was not at the last meeting but has read the minutes from that meeting. The thing that concerned him the most was that discussion indicated using the accessory structure was okay because it is not okay in either the existing or the proposed ordinance amendment. To imply that something is okay when the ordinance says it is not is a slippery slope. He stated that it would be difficult for Doug to clearly indicate what the Planning Commission wanted in proposed revisions looking at the minutes from the January and the February meetings. He stated having the use of the accessory structure makes it very difficult from an ordinance enforcement standpoint but if that is what the majority wants, then the suggestion is to discuss what different restrictions they would have on the use so this gets in the ordinance. He stated that home occupations vary when you look at different communities and are drafted uniquely for individual communities. The beginnings of these proposed amendments came from an attempt to deal with some issues that are in the current provisions. He stated that another goal was to make sure that they came up with items that are measurable and clearer than what is in the current ordinance.

Chairperson Baker stated that he started considering accessory structure use when he started looking at an example of someone who had an accessory structure and they had a vehicle that was part of their business and could they park this vehicle in this accessory structure. Is this allowed in both the current and proposed? The Commission then started

talking about storing materials for the business, such as Amway product. He stated that currently item f. requires that all activities shall be carried on inside the dwelling unit and item k. indicates that exterior storage is prohibited. He asked that if an individual drives a plumbing van that the owner would consider equipment, do we interpret the ordinance to mean that he can't park the van in his garage?

Supervisor Walls stated that may be interpreted as the personal vehicle that the individual drives back and forth. This may be a part of a business, but this is a personal vehicle. If they store plumbing supplies in their garage, this is not allowed in both the current and proposed ordinance.

Clerk Moreau asked where in the ordinance is storage of material prohibited.

Supervisor Walls responded that it is not taking place within the dwelling.

Clerk Moreau asked if storage is considered part of the business activity. This was a source of the confusion at the last meeting.

Commissioner Whiting asked if a snow plow business wants to take the plow off and store it in the accessory structure in the off season; she is okay with that.

Commissioner Sclesky noted that they are limiting the number of trips taken from the property. He stated that they should be concerned with how the business impacts the neighbors. There should be a way to get this done by not impeding a person's ability to do their business and also not negatively affect the neighbors.

Commissioner Mansour agreed. The traffic in and out is the biggest concern and also what is being stored on site, when it is a nuisance to look at while driving by.

Commissioner Pliska concurred. He stated that if someone is storing Amway in their accessory building and occasionally goes out and load some boxes, it is pretty transparent to the neighbors. He stated that most situations are transparent to the neighborhood.

Commissioner Sclesky stated that it needs to be consistent across the board with all residents.

Commissioner Whiting stated that she was confused about the use of the word transparent but understands now that the neighbors would know what was going on, but it would be their choice to address it or not.

Commissioner Hopper stated the proposal gives the Township more teeth for enforcement. He stated that they could store Amway and not be an Amway distributor. He likes the no exterior storage. He doesn't care if the snow plow gets stored in the accessory structure. He stated that the way the ordinance is drafted, it is a benefit to the Township.

Commissioner Pliska stated that the number of cars is a black and white issue. There is no gray area.

Commissioner Mansour asked about the current ordinance and if they could use the accessory building to store items in.

Commissioner Whiting confirmed that it says activities must be carried on inside the dwelling unit. It does not say anything specifically about storage. Now, they are considering no outside storage.

Commissioner Mansour asked about having an office inside of the accessory building.

Commissioners agreed that this would not be allowed.

Commissioner Sclesky asked about the storing of tools in a pole barn.

Commissioner Mansour stated that it is covered with no outside storage. He stated that if you were going to be in that structure and you are taking your products in and out, he does not see that as a nuisance to anyone.

Commissioner Pliska stated that the current ordinance prohibits using an accessory building. He stated that an ordinance is useless if it is not enforceable.

Chairperson Baker stated that there is current language in the ordinance right now that says a home occupation is not supposed to generate traffic beyond what is normal for the use. The language that they are proposing is about the same.

Mr. Lewan stated that it was changed to add the reference to the Trip Generation Manual published by the Institute for Transportation Engineers.

Supervisor Walls stated that another difference is that the current ordinance deals with traffic generated by the home occupation and the proposal deals with traffic generated from the premises.

Chairperson Baker stated that this is a step forward.

Commissioner Hines asked if someone wanted to do a home occupation, he could not add a pole barn to house his van. He would only be able to do that if he already had it.

Commissioners discussed the current ordinance language versus the proposed regarding putting up an accessory structure.

Commissioner Mansour stated that he does not have a problem with having the office in the accessory building. It is the back and forth activity that becomes the problem in addition to not having any outside storage.

Commissioner Pliska stated that the type of home occupation that could be tolerated in a home could be different than what could be tolerated in a pole barn. Something more objectionable to neighbors could be housed in a pole barn.

Chairperson Baker stated that he is open to the storage concept in the accessory structure, but not the office because it is now a full blown business. The occupation in this case, should be taking place away from their residence on some other property. He is not looking to shut down this business.

Commissioner Pliska suggested adding language to say that storage was okay in the accessory building.

Commissioner Mansour suggested only having the office in the home.

Commissioner Whiting stated that she is okay with someone doing taxes in their home as long as they are looking at traffic. She suggested sticking with the original language for g. as long as there isn't any business activity going on within the accessory structure.

Commissioner Hopper stated that he does not mind g. You have to look at the intent and since it is a home occupation, it has to be clearly incidental or secondary to the dwelling for dwelling purposes. If they are doing an external alternation or addition to the premises to accommodate the home occupation, it is not something that is clearly incidental to the dwelling for dwelling purposes. He stated that the accountant can bring someone in as long as he meets the parking and traffic.

Commissioner Whiting asked if Commissioner Hopper was okay with storage in an accessory building.

Commissioner Hopper stated that it is a slippery slope because where do you draw the line. Next you have a carpenter that is putting together walls inside of the accessory structure.

Commissioners discussed the storage use of an accessory structure.

Commissioner Hopper stated that he likes it if it is strictly in the dwelling unit.

Chairperson Baker provided an example of a plowing business. He stated that the activity is not happening in the dwelling or the accessory structure. If they allow them to park the equipment internally, does this mean that they are moving the wrong way with the home occupation?

Commissioner Hopper stated that if you are driving your truck with a plow, it is your own personal vehicle.

Commissioners discussed conducting business in the dwelling and the definition of clearly incidental.

Commissioners discussed eliminating outdoor storage and discussed traffic restriction.

Commissioners brought up provision g. regarding alterations, additions and changes to accommodate the home occupation and it should reference premises or dwelling unit.

Commissioner Hines stated that it should be dwelling unit.

Commissioner Whiting suggested they add existing accessory structures.

Commissioner Pliska stated that if it says that you can't use the accessory structure, it is not necessary.

Chairperson Baker stated that they should try to reach a consensus. He suggested adding language that indicated storing a vehicle, or items having to do with the occupation, would be okay. He stated that the occupation is actually done off of the property. He wants to make it clear that if someone comes in and says that they are going to build an accessory structure and this person is going to park a plumbing van in there, the Township is not opposed to this.

Clerk Moreau suggested adding language at the end of g. like, "to accommodate or facilitate the activities of the home occupation" you'd make it clearer.

Chairperson Baker concurred. He suggested an addition to the home to accommodate an accounting home occupation would be prohibited.

Commissioner Mansour asked what if the person wanted to add a walkway and stairs leading to a bonus room.

Ms. Linda Gooden, 9785 Clark Road, advised the Planning Commission of a hair and nail salon that is located across the street from her home. She stated that a separate driveway and parking lot with light was installed for the home occupation. She explained her objections to the presence of this home occupation located there and the history of her interactions with the Township regarding this hair salon home occupation. She showed pictures that she has taken of the number of vehicles that visit the salon. She stated that the home occupation has more than one employee.

Chairperson Baker stated that the Planning Commission is interested in her commentary but they are not an enforcement group.

Ms. Gooden explained that she would like the Planning Commission to know about the alterations to the property, increase in traffic and the increase in lights.

Chairperson Baker stated that it is not the Planning Commission's role to recommend action to take if she feels that a home occupation violates current ordinance standards. The things that she is commenting on such as the increase in vehicular traffic, should continue to be considered as to its effect on neighbors around the home occupation. The

Planning Commission feels that the traffic issue needs to be included. The other important thing to note is that the alterations that she has observed that have been done to accommodate the home occupation. These are also topics of interest as the Planning Commission considers language. The Township does have an ordinance that speaks to home occupations and if she feels that this home occupation does not meet it, there is a process to go through. There are other means if she feels that those items are not being dealt with satisfactorily.

Ms. Gooden summarized the history of her complaint with this property.

Chairperson Baker confirmed that the Planning Commission received a copy of a letter from Steve and Linda Gooden and supporting documentation relevant to a home occupation that is currently ongoing from their residence.

Mr. Denny Vallad suggested putting the existing language of c. regarding health, safety, welfare and enjoyment of any other person in the area, back into the proposed home occupation language. He asked how large is too large for an accessory structure.

Mr. Lewan added that the reference to environmental performance standards are the environmental performance standards which include airborne emissions, noise, vibration, outdoor storage, electrical disturbance, glare, lighting and a section about hazardous substances. He suggested adding the reference in the home occupation that would refer right to the environmental performance standards in the zoning ordinance. This would make it clearer. It is Article VI.

Commissioner Hines asked if d. was part of Article VI.

Mr. Lewan stated that it is not; this is why it is called out separately.

Commissioner Hopper stated that the original c. does not have a negative impact in leaving it in, they could just add that it also needs to comply with environmental performance standards in the zoning ordinance and add the reference.

Mr. Lewan clarified that part of d. is in the environmental performance standards.

Commissioner Sclesky stated that then they have to consider the word nuisance and the fact that what is a nuisance to one person may not be to another. He asked what an unsightly condition is; several of the words in c. are not measurable. He suggested eliminating nuisance and unsightly condition.

Commissioner Mansour suggested eliminating enjoyment of any other person in the area because this is also subjective.

Supervisor Walls indicated that this is why this section was eliminated because they were trying to move to measurable standards.

Commissioner Mansour suggested removing nuisance, unsightly conditions and the enjoyment of any other person in the area.

Chairperson Baker suggested adding the reference to the environmental performance standards so it shows where they can be found.

Commissioner Sclesky concurred with adding the environmental reference

Commissioner Hopper agreed with Clerk Moreau's suggestion for j.

Clerk Moreau reiterated that she suggested adding "to accommodate or facilitate the activities of the home occupation." She is trying to make a distinction between the passive storage of items and parking of vehicles, versus accommodating customers.

Commissioner Mansour suggested using activities related to the home occupation.

Commissioner Whiting suggested using the existing wording of dwelling unit. They would still allow for an accessory structure for storage.

Supervisor Walls stated that the drive and parking lot mentioned by Ms. Gooden are okay in the current ordinance. This is why they added the word premises.

Commissioners discussed this revision.

Mr. Lewan stated that the Commission has not talked about the proposed definition change. It is good because it talks about changing the character of what is a typical home. It is a good change and it will help address some of the issues that the Planning Commission is talking about.

Commissioners discussed the option to build an accessory structure to accommodate a home occupation.

Chairperson Baker stated that the word activities in f. means the actual work that the home occupation is involved in. He stated that parking the vehicle is not the activity so it can be parked in the accessory structure. He clarified that the parking is not the activity.

Commissioners discussed the parking restrictions.

Commissioners discussed the accessory structure use for home occupation.

Supervisor Walls stated that if it is a vehicle that the owner used every day, it is a function of the dwelling and the residential character of that property. They can park these in the drive or in the barn. It is when it is no longer a function of the residential character but a function of the occupation itself that it becomes a problem.

Mr. Lewan stated that the use of the accessory structure for the home regardless of what they are driving is ok. The problem they are trying to avoid is business startup equipment, customers and activities that are not characteristic to a home.

Commissioner Pliska stated that they should not be concerned with what someone is storing in their accessory structure. As long as they are meeting the other parameters of the home occupation ordinance, they are covered.

Chairperson Baker stated that he separates the activity taking place inside the dwelling, the actual activity can't take place in the pole barn. They are not looking to change to facilitate the activity which is the home occupation.

Commissioner Hines suggested putting premises back into g.

Commissioners concurred.

Mr. Lewan stated that he will put the comments into the latest revisions and bring them back to the Commission.

Commissioner Whiting summarized that the Commission wanted c. back into the proposed but wanted the following removed, nuisance, enjoyment of any other person in the area, unsightly conditions. After removal, the old item c. will be blended with the proposed c. and add Article 6. The new d. is okay and in g., the word premises. The new h. is good.

Commissioners concurred.

Ms. Gooden asked if they were removing the glare provision.

Commissioners confirmed that they are putting it back in.

Ms. Gooden asked about employees.

Commissioners concurred that there is one employee permitted who does not reside in the home. They also confirmed that it only allows two cars at a time.

2. Ordinance Amendments – Noise – Section 40-833 Vibration – Section 40-884

Mr. Lewan summarized his memo dated March 7, 2016. Since the last meeting, they worked on reorganizing the definitions for ease of use. For the Noise section, he added a purpose section to 40-883 and the remainder of the section was left as previously numbered. He also added a purpose section to the Vibration Section 40-884 and the rest of left as previously numbered. He is proposing an addition to the end of Section 40-833 which would exempt some special events of County, Township and State from these standards for temporary activities including community fairs, festivals, seasonal

fireworks displays, road construction and other similar temporary activities not already covered in the exemptions. There were also questions about intermittent noises and what that meant. He emailed K&S consultants and they simply believe that the current ordinance covers intermittent noises. If needed, they could amend that section of the ordinance. The loading activities were taken out of the noise standards. This was reviewed by the Commission at the last meeting when they determined that this information was more appropriately found in the off street loading requirements of the zoning ordinance where it can be easily found. He provided copies of this change to the Commissioners. He also provided a noise chart which summarized the noise levels of sample sounds which the Commissioners received in their packet.

Commissioner Hines asked if she should be able to hear the neighbor's air conditioner on her property. It seems restrictive.

Mr. Lewan stated that the ordinance suggests a 60 decibel level during day which goes down to 55 in the evening and 50 later at night. This is called the receiving for a residential, recreational, institutional land use. He confirmed that this is what it means. You should not be hearing a residential air conditioner at 15 feet.

Supervisor Walls suggested that it also covers a normal conversation.

Chairperson Baker clarified that they are not saying that you are not going to hear it 40 feet away, it is just not going to be 60 decibels. The noise level might be audible, but it will be less offensive.

Commissioners concurred.

Commissioner Hopper added that decibels are logarithmic so 80 decibels is double 70.

Mr. Lewan agreed.

Commissioner Sclesky asked about a tree trimming service coming in to clean up a property after a storm.

Commissioner Hines asked about a generator running.

Mr. Lewan stated that construction activities are permitted just not between 9 pm and 7 am.

Chairperson Baker confirmed that the generator is covered under emergency response equipment that is allowed.

Commissioner Hines asked what would happen if there was on ongoing sound issues.

Mr. Lewan stated that they would hire K&S consultants if it got to that point. He stated that 90% of the time, these ordinance issues can be handled by talking to the neighbor and addressing the concerns through a warning letter.

Commissioner Sclesky suggested getting a handheld sound meter so the ordinance officer could evaluate the issues before hiring a consultant.

Supervisor Walls stated that the Planning Commission exempting construction and road maintenance for County, Township and State, but why not for private operators?

Mr. Lewan indicated that he did not mean to exclude them. He could add them back in. The changes were meant to exclude for temporary activities.

Supervisor Walls asked why they should be able to carry on activities at much louder levels than anyone else. They should be subject to reasonable standards.

Chairperson Baker asked if there was a time of day in agreement with the County that they have to shut down.

Supervisor Walls stated that this is a zoning regulation and the Fair would not count because it was in existence before the regulations. He suggested having the time to end the activities at 11 pm or 12 am.

Mr. Lewan suggested 11 pm on the weekdays and 12 am on the weekends.

Supervisor Walls suggested that Mr. Lewan should check with consultants to see if the decibel levels should be less during those times.

Mr. Lewan added that he would also add private construction activities.

Other Business:

1. Priority Task List

Commissioners reviewed and made updates and revisions to the current Priority Task. Commissioners discussed the location of the new entry sign.

Public Comment:

None

Adjournment:

Commissioner Hines moved to adjourn the meeting at 9:53 p.m. Supported by Commissioner Pliska. Voted yes: Baker, Hines, Hopper, Mansour, Pliska, Sclesky, Whiting. Voted no: None. Absent: None. Motion Carried.

Erin A. Mattice, Recording Secretary