

Springfield Township
Planning Commission Meeting
Minutes August 15, 2017

Call to Order: Chairperson Baker called the August 15, 2017 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
Dave Hopper
George Mansour
Jason Pliska
Kevin Sclesky

Commissioners Absent

Ruth Ann Hines
Linda Whiting

Consultants Present

Doug Lewan, Carlisle Wortman, Associates

Staff Present

Collin Walls, Supervisor
Laura Moreau, Clerk
Erin Mattice, Planning Administrator

Approval of Agenda:

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

Public Comment:

None

Consent Agenda:

1. Minutes of the July 18, 2017 Planning Commission Meeting

Commissioner Pliska moved to approve the minutes of the July 18, 2017 meeting as presented. Supported by Commissioner Mansour. Voted yes: Baker, Hopper, Mansour, Pliska, Sclesky. Voted no: None. Absent: Hines, Whiting. Motion Carried.

Public Hearing:

1. Ordinance Amendments – Section 40-2 Definitions and Section 40-572, Limiting height, bulk, Density and area by land use.

Chairperson Baker opened the Public Hearing at 7:32 pm

There were no comments from the public.

Chairperson Baker closed the Public Hearing at 7:33 pm

2. Rezoning Request by Floyd Davidson, 9150 Rattalee Lake Road, Clarkston, MI 48348 to rezone an approximate 4.66 acre parcel located on Dixie Highway in Springfield Township to C2-General Business from R1 One Family Residential, P.I. #07-03-126-011

Chairperson Baker opened the Public Hearing at 7:35 pm

Mr. Duane Davidson, Floyd Davidson's son, introduced himself to the Commission. He stated that the reason for the rezoning is it is the sliver of land right along Dixie Highway with 611 foot frontage. There are very few houses along there so as a residential piece of property it is not valuable. They wanted to get it zoned commercial so they could sell it in the future or develop it. They have 20+ acres in back that would be nice to put several homes.

Mr. Donald Tiedemann, 10190 Oakhill, introduced himself to the Commission as a neighbor of Floyd Davidson. He expressed his concerns regarding the rezoning of the property and stated that he is opposed to it.

Mr. Tim Mash, 10170 Oakhill Road, introduced himself to the Commission as living adjacent to the property in question. He expressed his concerns regarding the rezoning of the property including his concern about noise. He added that if this is approved, it should be approved contingent on the construction of an 8-10 foot concrete wall to block the sound.

Mr. Duane Davidson asked if the gravel pit across the street causes them any problems. He stated that if they need to construct a wall, they will do it.

Chairperson Baker closed the Public Hearing at 7:41 pm

New Business:

1. Ordinance Amendments – Section 40-2 Definitions and Section 40-572, Limiting height, bulk, Density and area by land use.

Mr. Doug Lewan summarized the ordinance amendments being made. The height in C-2 Commercial is reduced from 3 story to 2 story and from 43.5 feet to 28.5 feet. They reduced the M-2 Heavy Industrial from 3 story to 2 story and from 43.5 feet to 28.5 feet. The Extractive District was reduced from 3 story to 2 story and from 43.5 feet to 28.5 feet. They eliminated the distinction between measuring height with a basement or without a basement and to facilitate that change, they eliminated some existing language. The definition of building height was eliminated and in its place, the definition was inserted that comes from the Michigan Building Code and eliminated the definition for

grade and story-1/2. These were replaced with the definition of grade plane from the Michigan Building Code.

Commissioner Hopper moved to recommend to the Township Board, Springfield Township Code of Ordinances Chapter 40, Zoning by amending Sections 40-572 Article III Division 15, Schedule of Regulations and by amending related definitions in Section 40-2. Supported by Commissioner Mansour. Voted yes: Baker, Hopper, Mansour, Pliska, Sclesky. Voted no: None. Absent: Hines, Whiting. Motion Carried.

2. Rezoning Request by Floyd Davidson, 9150 Rattalee Lake Road, Clarkston, MI 48348 to rezone an approximate 4.66 acre parcel located on Dixie Highway in Springfield Township to C2-General Business from R1 One Family Residential, P.I. #07-03-126-011

Mr. Lewan reviewed the Land Use Analysis dated August 3, 2017. He explained that this is for a rezoning of only a portion (4.66 acres) of the entire property from R1 to C2 General Business. He stated that one of the first things they look at is what the surrounding property is zoned and used for and if the rezoning would have a negative impact on the surrounding properties. The north is zoned R1 Single Family Residential, to the south is zoned C1 Commercial, to the east is zoned R1 Single Family Residential and to the west across Dixie Highway is zoned C1 Commercial and Office. The C2 District allows more intensive land uses than those adjacent properties. He stated that they also look at the Master Plan in reference to the subject site. The subject site is Master Planned Office Service and this designation is found to the south as well as to the northwest. Directly north is planned for medium density residential and low density residential. Across Dixie Highway to the west is zoned local commercial. The request to rezone to C2 Commercial is not in compliance with the Master Plan. The development potential is something else that Mr. Lewan looked at and that includes looking at all of the uses that could occur within the C2 designation. Once a property is zoned to a particular category, it is open to all the uses within that district. He summarized the uses that are permitted and Special Land Uses in C2. The findings are that the C2 designation would permit a variety of higher intensity commercial uses and the Commission should be aware of the list of uses prior to their recommendation. Any natural resources on the site would be reviewed during site plan review process. Traffic impact is difficult to predict since the exact use is not being proposed. Some of the uses permitted in C2 designation can be high traffic generators as compared to the office designation. Site utilities would also be evaluated during the site plan review process. The Commission shall identify and evaluate all factors relevant to the rezoning petition, report their findings in full to the Township Board. Mr. Lewan stated that based on his findings, he is recommending denial of the proposed rezoning. The Findings of Fact are contained in his review letter dated August 3, 2017 and provided to the Commission. One of the main factors is the lack of conformance to the Township Master Plan.

Chairperson Baker stated their role is to conduct the Public Hearing and make recommendation to the Township Board relevant to this proposal.

Commissioner Sclesky commented that the reason this area was strategically designated as a development in Office was to buffer the area between residential and commercial so it is a softer approach into residential.

Mr. Lewan replied that he does not recall the exact reason why it was Master Planned for office, but what he described is common in the planning process because they try to provide some transition between a heavier use to a less intense use.

Chairperson Baker confirmed that this parcel is Master Planned for Office Service. One of the functions of Office Service is to provide a transition zone between areas of higher business activity and neighboring residential which is continued in this area in the Township's Master Plan.

Commissioner Hopper moved to recommend denial to the Township Board for the Rezoning Request from Floyd Davidson, 9150 Rattalee Lake Road, to rezone approximately 4.66 acre portion of the total 20.915 acre parcel in Springfield Township, P.I. #07-03-126-011 from R1 One Family Residential to C2 General Business based on:

- 1. The site is bordered by R1 and C1 zoned land, is adjacent to an existing Single Family use to the north and mostly vacant commercial to the west. While the properties across Dixie Highway are zoned C1, the C2 District permits a variety of more intensive uses.**
- 2. The subject area is future land use planned in the Springfield Township Master Plan as Office Service and adjacent to low-medium density residential, Office Service and Local Commercial and C2 District is not entirely consistent with the Master Plan's vision for Office Service transition zone to the adjacent residential areas.**
- 3. C2 zoning and its high intensity permitted uses could have a detrimental impact on adjacent properties.**

Supported by Commissioner Sclesky. Voted yes: Baker, Hopper, Mansour, Pliska, Sclesky. Voted no: None. Absent: Hines, Whiting. Motion Carried.

Mr. Duane Davidson asked if he would have applied for C1, would that have made a difference.

Chairperson Baker stated that the Commission was acting on the application that was presented to them; there would have to be a whole separate process to evaluate the property for another designation.

3. Dixie Lake Manor – PUD Amendment

Ginny Fischbach, Chair of Dixie Lake Improvement Board, introduced herself to the Commission. She provided an overview of the proposal. They are trying to provide a private access point to Dixie Lake. The primary use is for the weed harvesters. Currently they can put on and off at the Plat 9 access but they cannot take the weeds off at this access point. They have been using empty lots but those lots are sold and being built on.

It also allows a set of residents who have legal rights to the lake a way to get their boat on. Along Dixie Highway, none of the residents have a way to get their boat on and off except through their own property which is generally steep and difficult to maneuver. There are no new access rights being created; it is only for people who currently have access today. The lake will not get any busier. They have the permit from MDEQ; there is a small difference right now that they are working to resolve. They also have the Road Commission permit.

Mr. Lewan summarized his review letter dated July 25, 2017. This would be considered a Major PUD Amendment and there is a preliminary and final approval required of the amendment. During this preliminary review, the Commission will review the project and provide the applicant with written comments, the official minutes. When they review the PUD amendment, they must look at the project in the same light as the original PUD. The amendment would have to qualify under the ordinance criteria for PUD approval and he stated that he believes the site does qualify for PUD treatment based on providing lake access to owners and providing access to weed harvesters. There are a series of criteria that must be met that are part of the PUD process and he reviewed those criteria about the project. The Commission must determine if the criteria for approving a PUD have been met. The applicant has received a MDEQ permit allowing them to dredge a small amount of the site to allow for the access. About site access and parking, their only concern is the queuing of vehicles along King Road that might be trying to access the site and any traffic congestion that might occur. There is a pedestrian gate and boat gate proposed. They do have concerns about the pedestrian gate and making sure that the gate is large enough so property owners can launch canoes and kayaks. The applicant is proposing some shrubs and fencing. There is no signage shown on the plan so if there is some proposed, it should be designated. The applicant has not provided any proposed changes to Master Deed and By-laws. These need to be received by the Township and reviewed by the Township Attorney and can be done at the final stage of review. He stated that they believe the proposed PUD amendments are in general compliance with the PUD eligibility criteria contained in Section 40-514 of the Zoning Ordinance and the applicable preliminary PUD informational requirements. The proposed access site will provide benefit to property owners with existing legal lake access rights on Dixie Lake Manor Estates backlot owners and will help preserve the quality of Dixie Lake. He reviewed and summarized the items that should be reviewed to the satisfaction of the Commission as part of the PUD discussion.

Commissioner Sclesky informed the Commission that he is a resident on Dixie Lake and he asked if the Commission was okay with him participating in the discussion.

Commissioners agreed that they had no problem with Commissioner Sclesky participating in the discussion.

Commissioner Mansour informed the Commission that he is a resident of Dixie Lake Manor.

Commissioners agreed that they have no problem with Commissioner Mansour participating in the discussion.

Ginny Fischbach clarified that they do not intend to install any signage. They thought that six foot is adequate for the non-motorized boat launching. The problem is, if it is too wide, the jet skis are coming on so they must keep it relatively small. About queuing on King Road, this is only for Dixie Lake residents; residents tend to drop in the spring and take out in the fall. There is no weekend traffic and queuing will not become an issue. They will charge a small annual fee for the use of the access.

Chairperson Baker clarified that if you are a backlot resident, you will have some type of secure access through the pedestrian gate and you will not be able to access through the launch.

Ms. Fischbach replied that is correct. They plan to use some type of key card access or punch key so that it will limit the number of uses that anyone can have so they won't be going in and out and they won't give the code to their friends because they only get so many uses during the season.

Chairperson Baker commented that there is a process they are following and purpose of the meeting tonight is for the Commission to give their review of the proposal that has been received. The applicant takes that review, minutes of the meeting, comments from the Planner and Engineer and incorporates that into their Final proposal which will come back to the Commission. The Commission will make a recommendation to the Township Board for their consideration. This is step one of the process. He asked if there was going to be any lighting.

Ms. Fischbach answered no.

Commissioner Pliska asked about the parking for the lake maintenance crew.

Ms. Fischbach answered that they bring two harvesters which stay for a week to ten days and this is done twice per year. They stay on the lake the entire time. A conveyor also stays on the lake front. The harvester throws the weeds on the conveyor and into a truck to be taken to a fill. They will be using the proposed space to store the harvesters at night and the conveyor during the day. The harvesters do not come out of the water and are anchored. The truck that delivers the harvesters is parked elsewhere during the week to ten day period and comes back to pick up the harvesters after they are done. They plan to allow no residential parking at the site except for the time period that they are dropping their boat.

Commissioner Hopper asked if when the weed harvester is on the lake, no one will be able to use the boat launch because the conveyor is there.

Ms. Fischbach replied yes. They plan to have an agreement that if they really have to get a boat on or off, they will use Plat 9 access. Right now, they have one access so if it is

blocked, there is no access for emergency vehicles. Now, if they have two, they will have an option.

Commissioner Hopper asked if they would provide gate access for emergency vehicles.

Ms. Fischbach replied yes; they will speak to the Fire Department.

Commissioner Hopper asked who is going to be maintaining the landscaping around the site.

Ms. Fischbach replied that they are going to charge an amount to get the access key and they can use these funds to maintain the gates, lawn and shrubs.

Commissioner Hopper stated that there is a discrepancy mentioned in Mr. Ford's review between the MDEQ permit and the plans.

Ms. Fischbach answered that it is minor. It is down at the water's edge. They want to put extra concrete pads in. The MDEQ wants them to install two and they wanted more because of the fragile slope. They are in conversation with the MDEQ now.

Commissioner Hopper stated that the Commission received two site plans and the later plan showed the turning radius which was the only change.

Ms. Fischbach confirmed that this was the only change.

Commissioner Hopper stated that the plan says that they are leaving all dredging material on site and there will be stone walls around them to contain it.

Ms. Fischbach replied that they will have a retaining wall built and yes, everything will remain on site.

Commissioner Hopper asked how big the berms will end up being. They are not on the site plans.

Mr. Jim Scharl replied that there is language on the site plans regarding the berms and he pointed this out. There is not a tremendous amount of material that has to come out of the lake because they are going to remove the unstable soil and put the concrete pads down. All of the material will be stored upland and there is adequate area on the site.

Commissioner Hopper stated that he wants to make sure that they are not affecting the overall site drainage and impacting neighbors.

Mr. Jim Scharl stated that according to the provided contours, they are talking about one to two foot of fill but the drainage patterns will not be affected. He noted that the locations of the adjacent driveways also were added to the most recent site plan.

Commissioner Mansour stated that he lives right across the street and added that it is a flat area and the access point is located in a low area and he does not see that this will be an issue.

Commissioner Sclesky concurred.

Commissioners agreed that the PUD Amendment proposed conforms to the criteria located in Section 40-514.

Commissioner Sclesky thanked the people that put so much time into this for the residents of Dixie Lake. This proposal came to the Township first in August 2014.

Commissioner Mansour asked Mr. Lewan what the width of the gate should be for adequate access.

Mr. Lewan answered that the six foot seemed narrow but the applicant could address it at the final stage of PUD. He stated that some paddle type boats are a little wider, so he wanted to make sure that the spirit of the access for back lot owners was going to be met.

Commissioner Mansour replied that he does not think you would want it any wider because of the activity of somebody trying to get something on that they shouldn't. He does not see a traffic back up happening very often, but would be curious how that was going to work because he is across the street.

Ms. Fischbach stated that most of the backups that you see are on the public access spots and they must stay in line or they lose their space. She stated that if she goes to the private access and there are people launching, she would go home and wait. She is not going to sit on the road. It is a different type of access point.

Chairperson Baker stated that the pedestrian gate looks like a place where an individual is intended to carry whatever watercraft that they are taking down there. He stated that this is a very well organized and presented proposal and he thanked Ms. Fischbach.

4. Final Site Plan Review - Gatecliff Industrial Park, East side of Clawson Tank Drive/Andersonville Road, 07-36-401-007 & 07-36-401-008

Mr. Jim Scharl, Kieft Engineering, introduced himself and James Reb, Reb Construction, to the Commission. He stated that he received Mr. Lewan's and Mr. Ford's review and he can go through their reviews and address their comments if needed.

Chairperson Baker suggested that Mr. Lewan present his review first.

Mr. Lewan summarized his review dated August 3, 2017. There is a driveway spacing requirement. The driveway at the end of Clawson Tank Drive is right next to an adjacent driveway. There are some driveway spacing standards and the Planning Commission can waive those standards. There is also a requirement in the ordinance for one two-way

drive to a development and this proposal has two two-way drives to the development; the Planning Commission can consider an additional two-way drive approach. Those recommendations are usually made by referral by the Township Engineer. There are eleven fewer parking spaces being proposed than are required. There are 66 spaces required and the applicant is proposing 55 spaces; the Planning Commission must address this deviation from parking because they can grant a waiver. The applicant would need to provide information as to why their proposed number of spaces is adequate for their type of business. The parking standards in the ordinance are based on national standards for different land uses and in some cases, the national standards do not fit. He stated that the Oakland County Health Department must review the septic and the Township Engineer should review the storm water management plan. The landscape table needs to be revised to just include Phase I. He stated the pole fixture height needs to be added and the lighting poles shall not exceed 27 feet. He stated that proposed signage should also be provided. Floor plans and elevations should be provided for the building proposed, Building 1B.

Mr. Scharl stated that the plans were submitted to Road Commission and as of this morning, they have not heard from them. Mr. Scharl called and talked to staff today who indicated that the official review is not finished but it looks fine. The Road Commission may ask for a driveway encroachment radius at the very end but since this property is being purchased from Clawson Tank and they own the piece next door, he does not foresee any problems. The applicant made three applications to the Road Commission including a water main and a storm sewer connection in their right of way. The Planning Commission waiver on the driveway spacing is up to them but the Road Commission has no issues with the driveway configuration proposed at the end of this cul-de-sac. The Planning Commission can also waive the existence of a second two-way approach as well as the parking space waiver. He stated that on sheet three, there are 36 spaces that they are building as part of Phase 1 and unfortunately, they are not striped on this plan. Instead of having 11 deficient, they have 25 more than is necessary because they are paving the back. They took borings today to address the Oakland County Health Department septic review. Borings were taken in the septic areas for buildings #1 and #2 and adequate soil conditions were encountered and they will be submitting to them for final permits. They will also be submitting water usage information including number of employees, etc.

Mr. Ford commented on the temporary storm water discharge in the rear and he wanted to know what the soil conditions are. He stated that they did soil borings there and it proved out to be aggregate material, permeable soils. That area will de-water itself. The pole fixtures are 25 feet. Regarding signage, the only part of Building 1A that is being occupied is by Mr. Gatecliff, building owner. The other facilities are not rented at this point so they will refrain from sign applications until they get occupants. They will come back to Planning Commission for their review of a monument sign when they know what they are putting on it. The Planner had mentioned that they need building floor plans and elevations for Building 1B and since they do not have tenants yet, they are not able to provide that now. They are essentially asking for 1A which is the first building with the building owner and three tenant spaces as shown. They will return to the Planning Commission when they get to the stage where they are ready to build Building 1B. Mr.

Scharl continued to address Mr. Ford's comments in his review letter including reiterating the Road Commission review is almost complete and the 50-foot turning radius was completed and are shown on the plan. Pavement markings and fire lanes will be added. Permit applications from the Health Department will be received and these will be supplied prior to pulling a building permit. Regarding correspondence from Independence Township about the water system, they have submitted to Independence Township last month and the permit will be pulled through Independence Township. He referred to page five of the site plan. In the future when the balance of the site is constructed, the temporary storm drainage facility that they are using right now will be modified, cleaned up, filled and the storm drainage will all discharge to the large pond in the back end. He pointed out a parcel at the top of the site plan page that is owned by Ajax. The other two parcels are the Clawson Tank owners who are selling this property to Mr. Gatecliff. Those two parcels are already under an easement for the whole thing. When they get to that point, they will have to go to Ajax and that is what they are doing for the future to work out an agreement.

Supervisor Walls asked about the septic systems.

Mr. Scharl answered that every building will have its own septic system and this is shown on Sheet #3.

Commissioner Mansour stated that Building 1A and Building 1B are shown on the plans. The septic however shows septic for Building 1 and septic for Building 2.

Mr. Scharl acknowledged the difference.

Commissioner Hopper asked about the easement agreements and the discrepancy between Clawson Tank and Harding Leasing.

Mr. Scharl answered they are the same thing.

Supervisor Walls stated that they are two separate legal entities. The question is, who actually signed the leases? Was it the legal entity that owned the rights?

Mr. Scharl answered that he hopes so but that is a legal question.

Supervisor Walls stated that this is a question that needs to be clarified.

Mr. Scharl stated that they would take care of it. He will look at the deed to Gatecliff and verify that it came from Harding.

Chairperson Baker stated that right now the plan is that Building 1B is not going to be constructed. The new Phase 1 is Building 1A.

Mr. Scharl replied yes.

Chairperson Baker stated that the parking calculations determining that they needed 61 spaces took Building 1B into account.

Mr. Scharl answered yes. There are spaces across the back that are not shown. The spaces are on the back of page 3. Those will be striped.

Mr. Lewan answered that if they are striped they will have more than enough parking.

Chairperson Baker clarified that the Commission does not have to approve any parking deficiencies.

Mr. Lewan stated that is correct.

Chairperson Baker stated that the Commission still must offer comment on spacing of driveways and whether or not they are amenable to two approaches being two-way approaches.

Commissioners agreed that the spacing of driveways is not a concern and agreed to the spacing shown on the plan.

Commissioner Hopper replied that he would like to see the permit from the Road Commission. He asked what the hardship is because the Commission is being asked to waive their standards.

Mr. Scharl replied that the large volume of traffic and trucks going into one driveway would be an issue because it would be an overload.

Mr. Reb stated that safety is an issue too because the traffic pattern for trucks is safer this way.

Mr. Scharl stated that when you look at the number of employees when it is fully developed and the amount of traffic, it makes sense to have the two driveways especially since it does not impact the road and the Road Commission has verbally already approved it.

Commissioner Hopper stated that they are just hearing tonight that Building 1B (or Building 2) is not going to be a part of this.

Mr. Scharl replied the only reason Building 2 is not a part of this is that they do not have architectural plans to submit. They would like to get it approved but the Commission won't without the plans and the plans haven't been drawn yet.

Commissioner Hopper asked if they were going to alter anything else.

Mr. Scharl replied that they are building all of the water mains and the storm structures for the first two buildings in Phase 1 because it is easier to do that from a construction standpoint.

Commissioner Hopper confirmed that the Commission was being asked to approve Page 6 of the site plan.

Mr. Scharl answered yes.

Mr. Lewan asked if Building 1B is going to look like Building 1A as far as the outside architecture.

Mr. Scharl answered yes; they will have continuity of architecture but the plans have not been drawn by the architect yet.

Mr. Lewan replied that for site plan approval they require a floor plan and elevation, they do not require construction documents. If they had a basic floor plan and elevation for 1B, they would not have to come back. They would not be held to the floor plan of a multi-tenant building

Mr. Reb asked what if someone wanted to buy the whole building and make it look like they want it to look. That is why they did not want to get involved in that.

Mr. Lewan replied that he was trying to save them another appearance in front of the Commission.

Chairperson Baker replied that for the size of the site and the volume of activities that will take place and the number of individuals driving into the area, he would be open to waiving the spacing requirements and making them both two-way access points.

Commissioner Sclesky concurred.

Commissioners discussed and agreed to waive the spacing requirements for the access drives and also allow the applicant to have two two-way access points subject to the Road Commission permit and approval.

Mr. Lewan stated that proposed Building 1B is not being proposed, however all of the pavement around Building 1B is going to be built.

Mr. Scharl answered yes. Mr. Reb answered not exactly.

Mr. Reb replied the water main and some of the storm were going to be built.

Mr. Scharl answered that now they were talking about contractual language about exactly what was going to be constructed. Everything around Building 1A will be constructed. All of the water main and storm sewer will be constructed. The 1B area that is shown paved will probably not be built when Building 1A is built.

Commissioner Hopper stated that he is hearing a lot of things that are different from the plan that they have. He would like to move this on but he would really like to see a plan of exactly what the Commission is approving.

Mr. Scharl replied that a site plan of this nature, it is not uncommon that it is built in phases.

Commissioner Hopper indicated that he understands this. He would like the numbers changed to Building 1 and Building 2. He would also like to see something in writing from the Health Department to be reviewed by Mr. Ford. They are waiting for three things from the Road Commission and he would like to see that. Mr. Ford had an issue with drainage soil data in the back and Mr. Scharl said they took soil borings but Mr. Ford hasn't seen them. The applicant should also add the light pole height and he suggested that they put the location for future sign on the plan. He stated that he would like to approve only what is being built.

Chairperson Baker concurred. He stated that he was willing to omit Building 1B and accept everything else with the idea that they would come back for site plan approval. But now there is some confusion about exactly what paving is going to take place. He would rather not mark up a plan tonight at this meeting; he would like it to come back on a drawing. He thought he had an idea of what was being constructed and now he is not so sure.

Commissioners and applicant discussed a possible contingent approval.

Chairperson Baker reiterated that they have the responsibility and the authority of the residents of the community and they need to feel very comfortable. This is a site with a large footprint and a lot of activity.

Mr. Reb stated that they had to submit a conceptual plan. He stated that typically the Building Department might not accept final plans for permits until they receive Final Site Plan approval. He asked if they finish all designs and submit them for permits, can he do that if it hasn't had Final Site Plan approval yet?

Supervisor Walls replied that once they get the RCOC and OCHD permits, the Building Official will do the review. Typically, they have site plan approval but they will not issue any permits until they get site plan approval.

Mr. Lewan stated that if this is going to be Phase 1A and Phase 1B and then Phase 2, Phase 3, etc. , he would like to see Phase 1.

Mr. Scharl replied that they are going to show all of the pavement around Building 1A including the drive in and out and the shading will be lighting around Building 1B. The water main and storm sewer is all going in. He stated they will clearly show the Phases and label buildings 1 and 2 rather than 1A and 1B.

Mr. Lewan stated that they should show the phasing with landscaping too and other aspects. He stated that when this is fully approved, somebody is going to have to inspect it and if they don't know what is approved, it is difficult.

Commissioner Mansour asked what they are going to do in the area that they are not paving to get proper drainage into the catch basins.

Mr. Scharl answered that it will be graded to drain and they are not going to have much drainage because it is all going to be aggregate.

Commissioner Hopper moved to table Gatecliff Industrial to allow the applicant to provide the specified permits that they are lacking, the phasing drawings corrected, addressing the Engineer's and the Planner's concerns and other items discussed during this meeting. Supported by Commissioner Sclesky. Voted yes: Baker, Hopper, Mansour, Pliska, Sclesky. Voted no: None. Absent: Hines, Whiting. Motion Carried.

Old Business:

**1. Request for Reconsideration – Conceptual Site Plan Review
Angona Construction – 9158 Dixie Highway, Parcel #07-14-476-027**

Supervisor Walls stated that Mr. Angona could not be here this evening due to a prior commitment out of state. Mr. Angona called Mr. Scharl the day after the last Planning Commission meeting and he is trying to move forward.

Commissioner Hopper stated that the most important point is if Mr. Angona could even build the proposed building as incidental and accessory. He looked up what is incidental and accessory and he read the definitions. Mr. Angona put in his submittal what he was using the proposed building for which was incidental and accessory to the overall use.

Commissioner Sclesky stated that the house sitting on the property is used as an office. The ancillary proposed building site would be a supporting building for the office in conjunction with the business at the site.

Commissioner Hopper concurred.

Mr. Lewan stated that this decision is within the Planning Commission's jurisdiction to make this call. He stated that Mr. Angona is proposing an accessory building and use. He read the accessory building definition. He read Mr. Angona's information and he is trying to indicate that his use of the proposed building is accessory to his office. Mr. Angona is also proposing some training and office in this building. Are the storage materials that he uses for his work incidental to the office use? It would seem that it could be considered incidental. Concerns can be evaluated during Final Site Plan.

Commissioner Pliska stated that the presence of the office area in the proposed building would not have any bearing on the status of that building being incidental to the existing structure. It would make more sense to add more office space to the existing office and have all office space centralized.

Mr. Lewan replied that he would not discount the accessory nature just because he put an office in the proposed building. Even if there was no office in there, it could still be considered accessory.

Commissioner Sclesky stated that the applicant tried hard to be conscious of the overlay district and the curb appeal of the site. He stated that between now and the Final Site Plan he should work very closely with Doug Lewan and Randy Ford so that it wasn't an extended period of time to move his project forward.

Commissioners discussed and agreed that the structure that Mr. Angona is proposing would meet the requirements of being accessory use to the current zoned and approved use of that parcel based on use information he provided.

2. Update/Discussion - Ordinance Amendments – Phragmites/Invasives

Mr. Lewan summarized his memo dated August 2, 2017. This original discussion took place on May 16th at the Planning Commission meeting. He stated that Japanese Knotwood, Black and Pale Swallowwort and Phragmites were looked at. He spoke to the Natural Resources Manager to confirm that the approach was correct. He stated that the ordinance would allow the Township to conduct an annual inspection of areas of infestation and the identification of those species and how they are handled would be taken care of in a two-tiered approach. The first tier would be for the Township to concentrate their efforts to the area identified in the Resource Overlay District. This makes sense because it is already an area identified in the zoning ordinance as naturally significant. This is tier one. Tier two would be other areas outside of the areas shown in the Natural Resource Protection Area. These areas would be inventoried for infestation during development. He then followed the process found in other communities Invasive Species ordinances that Mr. Losey provided for him. He used Oxford Ordinance as a guide. He summarized the steps of the proposed amendments. Costs for the tier one approach would be established by the Township Board and could include grant funds, Township and/or property owner contributions. Tier two would be borne by the property owners. They still have to determine how the cost part is going to work. They would have to address several areas in the zoning ordinance based on this stand-alone ordinance approach and he summarized those sections.

Commissioner Pliska stated that tier two is very straightforward. In the tier one approach, could the ordinance contain language that would indicate a level of infestation that is deemed actionable. He could foresee a situation that the Township would have to determine priority levels of infestation.

Mr. Lewan stated that it is up to the person doing the inspection to determine the level of infestation. There is an identification of an infestation area, a hearing is held to hear public comment and then steps taken to try to irradiate it.

Commissioner Pliska stated that the process would be rooted with the Natural Resources Manager.

Mr. Lewan agreed.

Commissioner Hopper stated that tier two is very straightforward that is gone through during site plan review. The developer would be required to pay for an invasive species mapping through a consultant. He agrees with starting in the Resource Protection Overlay District because it is already established to be something special. He stated that he likes the approach.

Chairperson Baker concurred. He likes the approach and methodology. This is a good foundation to start with.

Commissioner Mansour stated that they need to be progressive and proactive.

Supervisor Walls asked if the eradication zone is where the actual regulations requirement to treat would come in. His concern is that the whole emphasis is a burden on the Township. He doesn't see anything that places some responsibility on property owners on cleaning up or offering assistance in that way. He can see the Natural Resources Manager but it will place a burden on him and he is already working more than 40 hours per week. He is one person and Supervisor Walls stated that he would be cautious in creating an ordinance based on one person who is bright enough but will not be here for the rest of his career. He also does not understand the emphasis in the ordinance on everything being done by the Township. It is a responsibility that the Township should accept but once you put it in ordinance form, they are obligated to conduct an inspection and if they do not have the staff or time available, it changes the priority to meeting our own ordinance requirements. This would take away time and the funds that they have available to do treatment and this puts the emphasis on the wrong priority. His other concern is that somewhere it should state if it is a policy or a requirement that all property owners as well as Township are responsible for treating the invasive species that exist in the community and on our property. He stated that this draft does not indicate who is ultimately responsible for the treatment of private property. Mr. Lewan indicated that there will be a lot more detail on the inspection part of it and he will try to make it more flexible.

Supervisor Walls stated that he doesn't see any reason to have a mandate for inspections in our ordinance. This could be a policy statement but if you pass an ordinance, this means that the Township Board has to place the emphasis with limited funds on inspecting to find something that we will not have the money to treat. He does not want to lose what they have and what they are accomplishing now.

Mr. Lewan stated that he will provide more detail during the next revision and presentation.

Other Business:

1. Priority Task List

Commissioners reviewed and made changes to the Priority Task List.

Public Comment:

Mr. Tom Weiler, 9171 Hillcrest, expressed concern regarding invasive species on properties.

Adjournment:

Commissioner Hopper moved to adjourn the meeting at 10:10 p.m. Supported by Commissioner Pliska. Voted yes: Baker, Hopper, Mansour, Pliska, Sclesky. Voted no: None. Absent: Hines, Whiting. Motion Carried.

Erin A. Mattice, Recording Secretary