

Springfield Township
Planning Commission Meeting
Minutes September 18, 2018

Call to Order: Chairperson Baker called the September 18, 2018 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
Jason Pliska
Kevin Sclesky
Linda Whiting

Commissioners Absent

George Mansour

Consultants Present

Doug Lewan, Carlisle Wortman, Associates
Randy Ford, Hubbell, Roth and Clark, Inc.

Staff Present

Collin Walls, Supervisor
Erin Mattice, Planning Administrator

Approval of Agenda:

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

Public Comment:

None

Consent Agenda:

1. Minutes of the July 17, 2018 meeting

Commissioner Hopper moved to approve the minutes of the July 17, 2018 meeting as amended, removing Vice-Chair Hines and adding Chairperson Baker to Call to Order portion of minutes. Supported by Commissioner Pliska. Voted yes: Baker, Hines, Hopper, Pliska, Sclesky, Whiting. Voted no: None. Absent: Mansour. Motion Carried.

Public Hearing:

None

New Business:

1. Preliminary PUD – Speedway LLC, Parcels: 07-14-101-003, 07-14-101-004, 07-14-101-012, 07-14-101-013, 9765 and 9757 Dixie Highway, 4.27 Acres.

Jon Ziegan, Osborn Engineering, introduced himself to the Commission. He introduced Jake Miller, Speedway Construction Group, as Project Manager. He provided an overview of the site plan. There is a proposed 4600 square foot convenience store and will include everything from ice and propane outside to drinks and grab-and-go food items inside. There will also be a Speedy Café included. This includes a made to order food menu with a small seating area offering indoor and outdoor seating. There is gas station for auto fueling with 20 fueling spaces. At the rear there will be two fueling lanes for commercial fueling which is diesel for trucks. This falls in the zoning code as a truck stop but every other element of a truck stop is missing from this site. There is no dedicated truck parking, no showers and no services available to trucks. Speedway came up with this concept through their normal real estate investigation looking at travel on the road and the need for convenience in the area. Mr. Ziegan summarized meetings that he had with Township staff discussing the project. The reason that they are asking for a PUD because of the recommendation from staff that they could simplify the process and Speedway would like to move forward with the project as quickly as possible. One of the elements of the Dixie Overlay plan called for was aesthetic features at the front property line including landscape improvements and fencing details that were added to the plan and he explained aspects of the landscape plan and the architectural features. He pointed out the sidewalk improvements that they are proposing and the southwest corner landscaping improvements that were planned based on a specific landscape plan that the Township had developed for all four corners of Dixie Highway and Davisburg Road. He provided before and after pictures of the site and he reviewed those.

Mr. Doug Lewan summarized his review letter dated September 11, 2018. He summarized the three items that the Planning Commission would need to determine are if the plan meets the PUD eligibility criteria, some discussion and understanding that there are additional development review standards including service station review standards and truck stop review standards. He further explained that the project would require several variances if it went through Site Plan Review as a Special Land Use but because it is a PUD, they can all be considered together as zoning deviations. The applicant must show they are meeting the intent of the ordinance through these deviations and ultimately the Township Board must agree. He summarized the process of the approval of a PUD. He summarized the PUD criteria that are present in the ordinance that the plan would have to adhere to. Of the three criteria, two are irrelevant but the first is relevant because the applicant must show some recognizable material benefit to the Township and it doesn't appear that this has been proven. Some of the features shown on the site plan are simply features of the Dixie Highway Overlay District or landscaping standards. He explained his concern regarding the close proximity of the Kroger and Speedway

driveways and further explained that required separation distance is a zoning standard. Because the truck fueling part of this project makes it a truck stop according to the ordinance, there is a 1,000 foot setback requirement from any truck stop building to any residentially zoned or used property. The adjacent property to the west is zoned residential and is roughly 200 feet; this would be a deviation and a concern. He commented on the applicant's extensive narrative and its commentary on the Township's Master Plan. This property is planned for mixed use development and Mr. Lewan reviewed the definition of mixed use development and determined that the mixed-use development standard has not been met. He reviewed the automobile filling station standards and the truck stop standards. He reviewed the Dixie Highway Overlay District Standards and how these relate to the proposed plan. He summarized the deviations that the applicant is requesting including proximity of the drives, development less than 1,000 feet from adjacent residentially zoned property, request to exceed the maximum automobile driveway width, pump island canopies are supposed to be attached to the main structure, and there is a front yard encroachment. He stated that he did not address signage because that is an example of something that they could address during the final stages of the review. He summarized the deficiencies of the plan that are found in the summary of his review letter.

Mr. Randy Ford summarized his review letter dated September 6, 2018. He stated that the topography and soils information provided was limited to topsoil depth so there needs to be additional information provided about the general soils on the property. There are some curb cuts that are not shown including the curb cuts on the east side of Dixie Highway and King Road to the west of Buscemis. These curb cuts need to be included in the traffic analysis information. The plan shows the proposed septic system regarding general location, but further information needs to be provided from Oakland County Health Division. There was indication that the proposed well does not meet the 800 foot isolation distance requirement from the underground storage tanks and they would be seeking a variance from Oakland County. The applicant should respond to this. He summarized the preliminary PUD requirements. He stated that Policy 18 under the PUD narrative is significant with respect to access management. He asked the traffic department to look at the traffic study provided to determine if it was complete and they determined that it is not because it was missing the north Kroger driveway and this intersection is integral to the analysis. Further, the King Road and Davisburg intersection was not included and the driveway to the business area across the street housing the Chinese restaurant was not included. These three intersections need to be included and because they weren't, HRC did not review the Traffic Impact Study in depth. They did look at the trip generation for the site and he summarized that information. He suggested that when the applicant does their analysis they include both the square footage and the number of fueling positions and they run the analysis for both of the criteria and present the higher number. The distance between the drives is required to be 275 feet and the drawings only show 140 feet. There seems to be an odd drive configuration off Dixie because on the southerly return there is only a 15 foot radius called out and this would be an issue for northbound trucks trying to access that driveway. He stated that they should show a truck maneuvering plan to make sure that access to the site does not conflict with patrons that are trying to access the site. The north Kroger drive is restricted to right turn

only and there is no indication that the applicant is restricting the access drive. This is a concern to be addressed. There is a need for southbound traffic to access the driveway on Dixie Highway. There is a 50-foot decel taper but there is no extension of the right turn lane, so the applicant will need to demonstrate that trucks can make this maneuver and this needs to be looked at. The Road Commission will look at all this information and they have the jurisdiction on the issuance of permits for curb cuts. Traffic safety will take into consideration comments from the local unit of government, so it will be important for the Township to weigh in on these access issues. He pointed out that shared access with the Kroger drive should be pursued.

Chairperson Baker reiterated that the purpose of this meeting was to provide feedback to the applicant.

Mr. Ziegen responded to the Engineer and Planner comments. He reviewed the summary of the meetings with Township staff and how that ended in pursuing a PUD. He commented on the conformance with the PUD eligibility criteria. He commented that they are going through the PUD process to expedite the project and the material benefit might be less direct but still important. He stated that there is an aesthetic improvement and there is a benefit to the public good in opening that intersection for greater visibility. There is heavy traffic at the intersection and there is benefit in getting that area cleared out and opening up the corner for visibility. He stated that they are also bringing these properties into conformance with codes and the Overlay plan could be seen as a public good. The applicant is doing everything they can to conform to the landscape development plan already in place for the intersection corner. There is a benefit to have undeveloped property in the middle of the Township developed in terms of tax base and for business owners, residents and visitors to the area. Regarding the proximity of the truck stop use to the residential property, he stated that in Speedway's eyes, they do not meet the definition of a truck stop but he stated that it is in the zoning code as a truck stop. If they are going to call this a truck stop, it should be seen as the lowest limit of what a truck stop is. There is no overnight parking or showering, etc. or other things normally associated with a truck stop. This broader definition of a truck stop is probably what drives the code with regard to separation from a residential use. There is only fueling provided, there isn't any truck parking area provided. He summarized how Speedway arrived at this site design. This is a corner lot and there is only one drive on either side which is a concession on Speedway's party. There is separation on site where the trucks will be in the rear and the passenger cars are in the front. Speedway designed this for safety and to separate the trucks from the automobiles. It is difficult for a trucker to see a car in close proximity, so they separated it on site. So, Speedway would like to have separate drives for the cars and trucks but because of the code requirements and access management requirements, they cannot put separate drives so they need combined drives on site. He stated that combining the Kroger drive and the Speedway access drive would not only co-mingle Kroger's traffic with Speedway's traffic, it would also give the trucker who is on the Speedway site the opportunity to drive into the Kroger site and you might then see semi-trucks taking advantage of the large parking lot in front of the Kroger. From Speedway's operation perspective, this is not something that they wanted to encourage and they would rather restrict the ability of truckers going onto the Kroger

site. The reason that the fueling for the trucks is on the site is when Speedway looked at the existing traffic on the road, the traffic information showed that the truck traffic was on the road now. There was enough existing truck traffic in the area to determine that they had an opportunity to bring truck fueling to this site. The operations department at Speedway has indicated that they are not interested in having the shared driveway conversation with Kroger because, from a safety standpoint, it is not worth having an accident. There is an opportunity to increase the spacing between the Kroger drive and the proposed Speedway drive but comes at a cost of putting the drive closer to the intersection. He can't speak to the methodology of setting up the Traffic Impact Study but he knows that the Speedway engineering department contacted the Township Engineer and Oakland County Road Commission, but it sounds like there was a miscommunication regarding all of the access points that need to be included. He will look into following up and make sure they are clear on the scope. He stated that the Speedway engineer deems this use as appropriate for this site and he has about a dozen other Speedway sites in Michigan that are similar. He indicated that they will look into other Michigan stores that have similar traffic counts. If the traffic study needs to be revised, Speedway would be able to do that after they get direction from the Commission. He will have to go through the County for permit for the well and this should speak to the proposed separation. There are fuel tanks that are existing that will have to be removed. When they go through the permitting process through the required agencies, he is sure that they will get some clarity. He clarified that the drive way that Mr. Ford pointed out is the truck entrance so trucks will be directed through signage to enter here. They can add additional signage if they determine it is necessary. He provided a document to the Commission which demonstrates that the left hand truck turn is clear of an auto waiting to exit at that driveway. He stated that there are three diesel fuel dispensers at two fueling lanes because there are gas tanks on both sides of the trucks. There are appropriate radiuses as far as design and if there is a need to increase the radius on Dixie Highway, they will fix that during the final PUD process. He stated that Policy 20 encourages a mix of uses for a PUD and he explained that since they are combining four properties into one use, this site does not avail itself for multiple uses. By the zoning definition, there is a mixed use of the property since they have a truck fueling and a gas station and they will provide something important to the community. Speedway encourages success because what is good for the Township is good for Speedway economically speaking. The intent would be to bring development to a woefully underdeveloped intersection right in the middle of the Township's intended commercial district so commercial development of this intersection would fit with the Township's planning goals.

Chairperson Baker stated that to be deemed eligible for a PUD on this site, the applicant has to comply with one of the three elements. The applicant is pointing towards the recognizable material benefit portion and he stated that the obligation is for the applicant to not only demonstrate that there is a benefit, but also that the benefit cannot be realized through the normal site plan process. Things that would be gained through the normal site plan process like adherence to ordinance and overlay standards are fine, but the PUD hurdle is that the applicant is bringing something that cannot be realized through that normal site plan process. The ordinance standards regarding access and circulation are

intended to ensure that they do not have traffic issues and he identified some possible examples.

Commissioner Hopper stated that if trucks stop and fuel there, it is a truck stop according to ordinance. He stated that just because it is a PUD doesn't make it more conforming. There are a lot of items that were missed on the site plan because there are more residential areas impacted with the 1000 feet and the applicant only went out 500 feet. He agreed with Chairperson Baker that the PUD eligibility criteria has not been demonstrated. The signs shown on the plan are 19 feet tall and those are not allowed.

Commissioner Hines stated that the applicant has said they are going through the PUD process to expedite the process. She doesn't see that going through the PUD process gives the Township anything more, it just benefits Speedway.

Commissioner Sclesky asked if there was conversation with Township staff as to whether it should go through the conventional site plan process or through a PUD.

Mr. Ziegan replied yes. Their original plan was to go through site plan process with Special Land Use but the recommendation was to go through the PUD process since there were 5-7 variances that have been identified. It was considered a benefit to look at the entire site with all variances included at one time.

Commissioner Sclesky asked if Speedway was trying to purchase the residential property depicted in the corner of the site plan.

Mr. Ziegan replied that he has heard from their real estate person that they did inquire about this property.

Commissioner Sclesky commented that they would have to rezone that property. This would change the footprint of the development.

Mr. Ziegan replied that he doesn't know how much it would be changed.

Commissioner Sclesky stated that he sees the potential of a nice facility being built on a corner that right now is desolate. He does see a lot of things that they might miss if they had gone through a conventional site plan approval process. He explained his familiarity with the intersection and said that the Road Commission will have a lot to say about the curb cuts because they are the authority. He explained current traffic backups at the site intersection and he commented on a truck heading out of the site and heading north unless they use Davisburg Road.

Mr. Ziegan replied that the truck traffic is one-way so that is the only way that they can get out of the site.

Commissioner Pliska asked if it would be safe to assume that trucks would be unaware or would ignore those directional signs.

Mr. Ziegen commented that they haven't had issues with that at other Speedway locations, but truckers do pay attention to situations they cannot get out of. If there was something above and beyond the signage, that would be worth discussing. The intention is to have one-way truck traffic. The gas station will bring more traffic to the road by the ITE trip generation standards, however it is not changing the level of service as to how the road performs. Speedway recognizes that the turning lane shown is probably not at the level that Oakland County is going to want to see it. The turn lane may have to run all the way to the intersection so there is room for the truck to stop before he turns.

Commissioner Sclesky referenced the Speedway further south on Dixie Highway. He sees a lot of front end collisions from the conflict of drivers turning into the access drive and he hopes that the Road Commission speaks to that. He stated that he knows as a Commissioner that sometimes they don't get to choose what is developed at any site, but they all need to fit the ordinances.

Commissioner Whiting stated that she likes the idea of developing the property and she is comforted by the fact that the truck traffic is one-way. She asked if the Road Commission could insist that the car traffic should be right turn only.

Mr. Ford replied that they have the right to require right turn only. He doesn't know if at the Kroger site it was done voluntarily or if the Road Commission mandated that.

Commissioner Whiting stated that Kroger traffic gets backed up at the light. She suggested that it would be a community benefit if the turn lane could be extended down to the Kroger parking lot. She is not in favor of skipping ahead and going with the PUD process because they need to take their time with this process.

Supervisor Walls stated that the Road Commission has jurisdiction over the issuance of permits. Springfield Township has standards and requirements and we shouldn't rely on everything going to the Road Commission.

Commissioner Whiting stated that she would suggest that the south exiting automobile traffic on the Dixie Highway drive be south bound only.

Commissioner Pliska commented on problematic traffic issues.

Mr. Ziegen stated that Speedway is not trying to solve all traffic issues but if they go forward, they will attempt to find solutions.

Commissioner Hopper stated that the traffic generation report estimated that the project is expected to generate 4,516 trips per day on a typical weekday.

Commissioner Pliska asked the proposed number of trucks that would be fueling there on a daily basis.

Mr. Ziegen replied that he does not know that number. He is taking notes from the Township and they will be receiving permits from the County. If the scope of the traffic study needs to be increased, they can increase that plan study. He stated that he and Mr. Miller are going to take all these comments back to the decision makers at Speedway for their discussion and deliberation.

Chairperson Baker summarized that the mission for tonight is to gather up the feedback and for the applicant to get as much information as possible to consider all of the necessary elements and make choices on how to move forward using this process or through another process.

Commissioner Pliska asked if when a trucker fuels, do they typically shut the engine off.

Mr. Ziegen replied that he does not know.

Commissioner Pliska expressed his concern with noise.

Mr. Ziegen asked the Commission to revisit the PUD criteria eligibility question. He asked if the intersection landscaping improvements were required by the Dixie Highway Overlay.

Mr. Lewan replied that the planting bed is not required as part of their project.

Mr. Ziegen replied that he thought the landscape plan was provided to them by staff as a benefit for the Township. He asked if the Commission would be able to give recommendations as to the types of things that would represent public good.

Mr. Lewan stated that establishing adherence to the PUD criteria based on public benefit is a tough one to provide. Typically with a larger PUD that the applicant is preserving or adding additional buffering. He does not think this is a fair question for the Planning Commission to comment on what they could provide. This is a difficult question. The applicant must show a community benefit that is above and beyond what they would normally get through the site plan process. He would like to hear feedback regarding the distance of truck fueling site to the adjacent residential to the west. This is open space for the Pebble Creek subdivision. The Commission has not spoken about this deviation.

Chairperson Baker stated that he has concerns about this, however, the primary issue at this point is whether the PUD option is viable. The obligation is to maintain a separation distance of 1,000 feet and they have 220 feet proposed. They have to look closely at the impact of any new development on the neighboring residential properties. The C-2 zoning would accommodate the gas station, but the truck stop creates this whole other element and he would be hesitant to accept something short of that 1000 foot requirement.

Mr. Ziegen stated that the land is under contract for Speedway, so the timetable is much shorter than six months that they would want to come back. He confirmed the process of getting minutes and permit approval.

Chairperson Baker and Mr. Lewan summarized the PUD process steps for the applicant.

Mr. Ziegen asked about adding pedestrian rest areas as a community benefit since there is such a large right of way.

Chairperson Baker replied that the Overlay has an expectation like that already.

Commissioner Pliska commented that they also have to prove that it is something that would only occur with a PUD and not with a site plan.

Mr. Ziegen stated that the buffering requirements are met. If the Commission feels like that is not enough to mitigate the noise and light, Speedway would consider integrating some fencing or additional trees. He confirmed that the storm water pond on Pebble Creek property is adjacent to the proposed site so while this land is zoned residential, there will never be a home on it because the pond is integral infrastructure to the existing subdivision.

Chairperson Baker commented that he should not depend on the Commission saying that an excess placement of trees would make them comfortable with less than 1000 feet when the ordinance is telling them this distance is required. They are sensitive to the preexisting landowners that are neighboring new developments.

Commissioner Whiting commented that because of the way the lot is and because of what is proposed, she does not have an issue considering this a mixed use.

Mr. Lewan stated that they would not necessarily bring the goals and policies of the Master Plan into play if this was a regular site plan. Without the truck stop, this is a use permitted by right.

Mr. Ziegen stated that he will take these comments back to Speedway and plan to re-submit within two months if they are going to go forward.

2. TB/PC Joint meeting discussion

Commissioners discussed the best month to schedule a joint meeting with the Township Board. Commissioners decided that the Joint Meeting should be held in January 2019.

Other Business:

1. Priority Task List

Commissioners reviewed and made changes to the Priority Task List.

Public Comment:

None

Adjournment:

Commissioner Sclesky moved to adjourn the meeting at 9:35 p.m. Supported by Commissioner Whiting. Voted yes: Baker, Hines, Hopper, Pliska, Sclesky, Whiting. Voted no: None. Absent: Mansour. Motion Carried.

Erin A. Mattice, Recording Secretary