

Springfield Township  
Planning Commission Meeting  
Minutes January 19, 2016

Call to Order: Commissioner Hopper acted as Chairperson in Chairperson Baker and Vice-Chairperson Hines absence. Commissioner Hopper called the January 19, 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:

Dave Hopper  
George Mansour  
Jason Pliska  
Kevin Sclesky  
Linda Whiting

Commissioners Absent

Dean Baker  
Ruth Ann Hines

Consultants Present

Doug Lewan, Planner, Carlisle Wortman, Associates

Staff Present

Collin W. Walls, Supervisor  
Laura Moreau, Clerk

Approval of Agenda:

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

Public Comment:

None

Consent Agenda:

**1. Minutes of the December 15, 2015 Planning Commission Meeting**

**Commissioner Sclesky moved to approve the minutes of the December 15, 2015 meeting as presented. Supported by Commissioner Pliska. Voted yes: Hopper, Mansour, Pliska, Sclesky, Whiting. Voted no: None. Absent: Baker, Hines. Motion Carried.**

Public Hearing:

None

Old Business:

None

New Business:

1. Master Plan Amendment Process and Timeline

Doug Lewan summarized his memo dated December 29, 2015. He provided a proposed timeline for including proposed language regarding extractive operations. It was brought to our attention that we were not sufficiently addressing extractive operations in Master Plan language. We added language into the “Policies” and “Land Use” sections of the Master Plan. He summarized the timeline process and requirements for Master Plan change which include referral to the Township Board by the Planning Commission, review by the Township Board and distribution of the Master Plan to neighboring communities. The Township Board will then hold a Public Hearing on the amendments after consideration of public comments, the Planning Commission could then recommend the amended Master Plan.

Commissioner Whiting asked if comments received at the Public Hearing have to be submitted to the adjacent communities.

Mr. Lewan answered no. The comments of the neighboring communities are advisory, the Township is not obligated to make those changes.

2. Master Plan Amendments regarding Mineral Mining and Sand and Gravel

Mr. Lewan stated that these amendments were developed to provide provisions that include extractive. He summarized the new policy proposed, Policy #23, “Mineral Mining Sand and Gravel Extraction.” The language was reviewed by the Township Attorney and Supervisor Walls. The second addition was made to the various land uses. Under the Land Use Plan, the category of “Mining Extraction Sand and Gravel” was added. This is a land use that, without extremely detailed information about soils, is impossible to plot on a map. This recognizes the use as valid.

Commissioner Mansour asked that they have two mining operations in the Township currently and this allows for future locations in the Township.

Mr. Lewan agreed. This is broad and general planning and then once locations are established, the ordinance standards can be applied.

Commissioner Mansour asked how they dealt with the regulation of the existing facilities right now.

Mr. Lewan stated that the Levy site by East Holly Road is governed by a Consent Agreement. The site off of Andersonville Road is not active currently.

Supervisor Walls indicated the owner maintains their annual permit for the Andersonville Road site.

Commissioners asked about the future planning and zoning of these areas.

Supervisor Walls stated that the area between East Holly up to the Groveland Township line and between Tindall and Oak Hill Road is generally multiple. The area between Tindall Road and I-75 is industrial. He confirmed that the Holly Sand and Gravel operation runs all of the way from East Holly Road to Dixie Highway on both sides of Tindall Road up to Buckell Lake. They have not done any active mining in Springfield.

Commissioner Pliska asked if the future use was dictated by the zoning of adjoining land uses.

Mr. Lewan answered it could be, zoning or use.

Commissioner Pliska stated then it wouldn't be governed by specific criteria for the mining operation, it would be influenced by surrounding zoning districts.

Mr. Lewan stated that the Master Plan is the general policy and has general broad standards. The specific standards will be in the zoning language.

Commissioner Hopper asked if the line "no serious consequences" should be in the policy language too.

Mr. Lewan answered that it probably wouldn't hurt. This was where it was determined to be by the Township Attorney.

Commissioner Hopper asked if the existing properties should be in the planned land use category table.

Mr. Lewan answered that it is covered in the existing land use table that is in the Master Plan. The planned land use table is covering all proposed future land uses. Current extractive areas are actually planned for something else; they do not want this area to remain extractive. The property on East Holly is planned as Planned Mixed Use and the property off of Andersonville Road is Medium Density Residential.

**Commissioner Whiting moved to forward the proposed amendments to the Master Plan specific to Mineral and Extraction to the Township Board for distribution. Supported by Commissioner Sclesky. Voted yes: Hopper, Mansour, Pliska, Sclesky, Whiting. Voted no: None. Absent: Baker, Hines. Motion Carried.**

### 3. Ordinance Amendments – Home Occupations Section 40-649

Supervisor Walls summarized his memo dated January 8, 2016 to the Planning Commission. The goal was to provide measurable standards that are not currently provided and to get rid of the general nuisance provisions. The current ordinance allows one employee that is not a family member; the proposal only allows those family members that reside in the dwelling. The current ordinance prohibits changes and additions to the dwelling to accommodate the home occupation; the proposal expands this prohibition to the premises which is the entire property. The proposed ordinance says that the home occupation should not generate vehicular traffic flow in excess of the normal flow generated by an average single family home specified in the Highway Engineers Trip Generation Manual which is a guide that has been in use for many years. The current ordinance doesn't have a specific reference to how you determine that number and it only refers to the traffic flow from the home occupation. The other provision that is new is not more than two cars at any one time that are associated with the home occupation and it also prohibits on street parking. He also included in the memo the fact that if it is currently a legal operation, when the ordinance changes it is allowed to continue.

Commissioner Sclesky asked about homes running snow plow businesses.

Supervisor Walls stated that if they are running the operation out of their home, that is legal. If it is a one truck operation and they use it to drive back and forth, this is different than the guy with four trucks in his front yard.

Commissioner Whiting asked if there has been an issue because this seems restrictive. She stated that according to the new language, a home daycare could not hire someone to work with them unless they were a family member.

Supervisor Walls agreed and the family member would have to live there. If a daycare has six children or less, it is residential by definition in State law. If it is over six, the ordinance already covers that elsewhere. It is not a home occupation. State law says up to six is exempt.

Commissioner Pliska confirmed that a truck was okay to park at your house.

Supervisor Walls answered yes, pickup trucks and vans were okay.

Commissioner Whiting asked about an individual who was doing woodworking out of his barn.

Supervisor Walls answered unless that wood working operation encompasses 50% or less of the accessory structure and started prior to late 80's, it is not a valid home occupation. We do not allow new home occupations to occupy any portion of an accessory structure. It all has to be within the home itself.

Commissioner Mansour stated that they all know home businesses now that are non-compliant.

Clerk Moreau stated the difficult thing is to determine when it crosses the line from working out of your own home to something that clearly belongs in a commercial zoning and has a greater impact on your neighborhood and surrounding areas. They need to find that place where it crosses the line and determine measurable changes or impact.

Commissioner Mansour stated that he could see if it was having a negative impact like impeding traffic. But if they have three, four or five people there during the day and they could park in the driveway and don't come and go, he doesn't see the issue when they are not having a negative impact.

Supervisor Walls stated that this is a draft that is there for discussion by the Commission. There is a wide variety of Home Occupation provisions in the zoning ordinance restrictions in various Townships.

Mr. Lewan concurred. The more rural the community, the home occupations standards become much more liberal because of the economic climate.

Commissioner Whiting suggested making the language less restrictive according to the zoning and the lot size of the parcel where the home occupation was located. In a neighborhood with relatively small lots, the extra trips of three extra cars coming and going might be a problem but that might be different if you lived out where the lots were larger. She is thinking of day care centers in their homes and she also knows of people who have a home office with one clerical person in their home. She does not have a problem with that. She suggested limiting it to one or two employees. She asked about enforcement issues and if those are taken to court for enforcement action.

Supervisor Walls answered yes but it is difficult to win a court case that is not based on an identifiable performance standard. The ordinance currently allows one employee that is not a member of the family and lives in the home.

Commissioner Sclesky stated that he understands why you would want to regulate this but there is probably a long list of existing situations that do not comply. He asked how they could measure how much water and sewage is utilized because they are on their own well and septic anyway. He suggested they remove this stipulation. He added that he knows of home occupations that have a secretary who works in the home and is not a family member so this example would be a violation. He sees the other side of someone having a pole barn and having four work vehicles on a two acre parcel and their neighbor has to look at that all of the time and this is a nuisance for the neighbor.

Supervisor Walls stated that the ordinance was changed so that the accessory building could not be used and this was because it was no longer a use that was incidental to the home.

Clerk Moreau mentioned that not having any employees is consistent with ordinances in Bloomfield, Brandon, Holly and Independence Townships. She agrees with Supervisor Walls that they need to find the right fit for Springfield and letting the Planning Commission determine where to draw that arbitrary line. It might require another meeting. She summarized home occupations in her neighborhood that she knows about but that work in her neighborhood. She concurred with Commissioner Mansour in the fact that she would be more impacted by cars coming and going more than three cars coming and staying the day and then three cars leaving at the end of the day. The overall impact would be less. There are two separate provisions proposed, one is not increasing traffic flow and volume or parking by more than two vehicles and the other references the trip generation manual which references typically ten trips per day per household. This is the standard for a single residential family dwelling.

Commissioner Mansour stated that they should put something together that is reasonable with minimum impact.

Commissioner Sclesky stated that getting them all to agree on the basics is going to be the difficult thing. They need to protect both the residents and protect the ability of people to make a living.

Commissioner Whiting suggested allowing one employee and then look at traffic flow and where it would impact safety. She added no parking in the street is important.

Commissioner Pliska asked if there should be any consideration for hours of operation for the home occupation.

Commissioner Mansour asked if they could ask them to seek a permit and provide revenues to the Township.

Supervisor Walls answered that it is not worth it; people will not come in to get a permit. He stated that it seems as if there is a consensus of the Commission that the one employee should be permitted.

Clerk Moreau stated that the Home Occupation is not supposed to generate vehicular flow and traffic in excess of what would normally be generated in a residential neighborhood. Her interpretation is that this means that the home occupation itself, aside from the family traffic, should not double the typical amount of residential traffic at the residence. She would interpret the language that exists now to mean this. The revision was written to say that the total vehicular traffic at the home should not exceed what would be typical. With the regular house traffic and home occupation traffic, it would be very easy to exceed the ten trips per day. She is not opposed to the no employees but it sounds like the majority of the Commissioners are.

Commissioner Hopper concurred. Even if you have two children driving back and forth to school every day, it would be easy to get to that number. He suggested modifying the

language so it says the home occupation shall not generate vehicular traffic, not the premises that contain the home occupation. Ten trips would be easy to exceed.

Mr. Lewan stated that he has always interpreted this section to mean it can't go over ten; ten is the total number. It will rarely come up but when it does and it exceeds these numbers, it is no longer just a home occupation and it is affecting the character of the neighborhood. He has interpreted the traffic standard as there is an average standard coming back and forth out of a home, if you can maintain that, then the occupation is fine. He stated that they look at the average trips. He reiterated that they should not go over the average allowed for the property.

Commissioner Whiting asked if they could add language to address if the home occupation, becomes a nuisance, or alters the character of the neighborhood, instead of the number of cars.

Clerk Moreau and Supervisor Walls agreed that this is what they are trying to remove from the provisions.

Supervisor Walls stated that it is the ordinance enforcement officer's job to cover the entire Township and observe what is out there. They must treat everyone equally to the best of their ability. The ordinance language now makes it discretionary and they are trying to eliminate this.

Commissioner Sclesky stated that many neighborhoods have By-Laws that would govern rules and property use. If situations occur that are bothering several neighbors in a subdivision, they can address it through a process. However, there are some things that would work in some areas that wouldn't work in others. This needs to be figured out.

Clerk Moreau asked if it was safe to assume that people who move to R1-A zoning would be less upset by a home occupation activity next door to them than somebody that moved into a subdivision with a smaller lot.

Commissioner Sclesky stated that if he moved into a nice subdivision and accepted the By-Laws as they are, he is going to abide by them and not want a lot of junk laying around. The standards should be a little looser on a 2.5 acre lot on a back road. Someone should not be able to complain about a work truck that you drive back and forth to work.

Supervisor Walls confirmed that the work truck has nothing to do with a home occupation.

Clerk Moreau suggested that she was talking about additions to traffic and why would someone who lives out on a four acre parcel be any less impacted by the traffic coming and going down their dirt road than the person who lives in a neighborhood with smaller lots. She does not make a distinction between zoning or lot size.

Commissioner Pliska concurred. He stated he does live on a dirt road and he moved there for the peace and quiet without traffic. He understands that it would be less impactful on your neighbors if you lived on a large parcel of land but then you enter into a gray area which would vary from neighbor to neighbor.

Commissioners agreed that the differentiating factor is the amount of traffic generated.

Supervisor Walls encouraged the Commissioners to read the intent section

Commissioners discussed the amendments. They agreed to look at these amendments again at the next meeting with the following changes: Eliminate “e. A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-dwelling unit in a residential area”, Change f. to reflect one employee will be permitted.

**Commissioner Sclesky moved to TABLE amendment 40-649(4) for the necessary adjustments at the earliest possible convenience at the next available Planning Commission meeting with the discussed changes so this item can be placed on the Public Hearing agenda as soon as possible. Supported by Commissioner Whiting. Voted yes: Hopper, Mansour, Pliska, Sclesky, Whiting. Voted no: None. Absent: Baker, Hines. Motion Carried.**

#### 4. Ordinance Amendment – PUD Section 40-521

Commissioner Hopper stated that this came up at a recent PUD Committee meeting. They discovered during the PUD Committee review that the landscape ordinance had changed since the original PUD was approved. The landscape ordinance has amended to be less restrictive and the committee members were thinking about letting the applicant go less restrictive. But because of the way the ordinance is currently written for changes to an approved PUD, they did not have that authority. This amendment would allow the PUD Committee to have some latitude so that if the ordinance changes, they can follow the new ordinance without having to go through a full PUD approval process. These are on changes that the PUD Committee has determined are minor. Commissioner Hopper stated that this action was amending Section 40-521 to add new subsection (c) (14) A modification to conform to provisions of a zoning ordinance amendment enacted subsequent to approval of the original PUD.

Supervisor Walls suggested that they do all of the recent ordinance amendment Public Hearings together.

**Commissioner Sclesky moved to set a Public Hearing to amend Section 40-521 adding new subsection (c) (14) A modification to conform to provisions of a zoning ordinance amendment enacted subsequent to approval of the original PUD for a Public Hearing date to be determined as the same Public Hearing date as Amendment to Section 40-649(4). Supported by Commissioner Whiting.**



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

Other Business:

**1. Priority Task List**

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

Adjournment:

**Commissioner Whiting moved to adjourn the meeting at 9:13 p.m. Supported by Commissioner Sclesky. Voted yes: Hopper, Mansour, Pliska, Sclesky, Whiting. Voted no: None. Absent: Baker, Hines. Motion Carried.**

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Erin A. Mattice, Recording Secretary