

**PLANNING COMMISSION
FINAL WORKSHOP MEETING AGENDA**

December 1, 2005

CALL TO ORDER: 7:30 P.M.

APPROVAL OF MINUTES: November 3, 2005 Workshop Meeting Minutes

APPROVAL OF AGENDA:

PUBLIC COMMENT: Items Not On Agenda

PUBLIC HEARING:

NEW BUSINESS: **Site Plan Review**
1. Forest Hills Public Road - **07-07-200-010** - Concept

UNFINISHED BUSINESS: **Ordinance Amendments**
1. Review PL and RC Zoning Districts

Planning/Policies
1. Build Out/Traffic Study

NEW BUSINESS: **Planning/Policies**
1. Resource Protection District (Ecological Conservation)

MISCELLANEOUS:
1. Tentative PC Business & Workshop Dates for 2006
2. Priority List
3. Proposed SB777 Legislative Proposal

NEXT MEETING DATE: December 19, 2005 – Regular Business Meeting
January 5, 2006 – Workshop

ADJOURNMENT:

**Springfield Township
Planning Commission –Workshop Meeting
Minutes of December 1, 2005**

Call to Order: Chairperson Roger Lamont called the December 1, 2005 Workshop Meeting of the Springfield Township Planning Commission to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350.

Attendance:

Commissioners Present

Roger Lamont
John Steckling
Paul Rabaut
Dean Baker
Bill Leddy
Ruth Ann Hines
Bill Champion

Commissioner(s) Absent

Staff Present

Leon Genre
Mary Blundy
Nancy Strole

Consultants Present

Dick Carlisle
Randy Ford

Approval of Minutes: November 3, 2005

- **Commissioner Steckling moved to approve the Minutes of November 3, 2005 as presented. Commissioner Rabaut supported the motion. Vote on the motion. Yes: Lamont, Steckling, Rabaut, Baker, Hines, Leddy and Champion; No: none. The motion carried by a 7 to 0 vote.**

Approval of Agenda:

Clerk Strole asked to add under Miscellaneous, item #3; SB777 Discussion.

Commissioner Steckling asked to move the Forest Hills Public Road discussion as item #1 of the evening.

There were no objections to the proposed changes. There was unanimous consent to approve the agenda as amended.

Public Comment:

Mrs. Zona Sommers, 10730 Clark Road commented that the fence issue on Susin Lake was referenced on the news this evening.

New Business:

1. Forest Hills Proposed Public Road – P.I. # 07-07-200-010 – Concept Plan Review

Mr. Carlisle said the primary issue raised in the Carlisle/Wortman review is the applicability of the Resource Protection Overlay District to this particular piece of land. He explained that the Overlay District has a great deal of flexibility to protect the resources and does not believe that there is a foregone conclusion that this plan would have to change. There would need to be some mechanism put in place so that the resources that are identified and applicable are protected. Carlisle/Wortman is not providing a specific recommendation as to how it should be done. Mr. Carlisle said because of the Township's requirements for street trees, knowing the nature of this site that may be able to be met by existing vegetation.

Mr. Randy Ford of HRC said the applicant is proposing a public roadway that would satisfy the Road Commission's large lot criteria and has received approval from the Road Commission. In regard to drainage, because of the downsizing of this development and less roadway, HRC believes the previously proposed basin could be reduced in size to satisfy the Township's detention requirement. Being concept review, the applicant is not required to provide details about drainage. Mr. Ford said, regarding the improvements along Rattalee Lake Road, he did look at the traffic counts; it is a low volume road, and a passing lane is not warranted per the Road Commission standards. The applicant has been working with the Road Commission in regard to tree removal along Rattalee Lake Road, but he believes it would be appropriate if the applicant tries to minimize the number of trees to be removed along the south side.

Commissioner Leddy asked if, because of ecological studies, that some of the proposed lots may not be buildable in the future? Mr. Friedlaender said the health division has history with this project, and they believe that half of the lots will perk with a conventional system and the other half may need some sort of an engineered field. However, the feedback Mr. Friedlaender got was that all ten lots are 99.99% likely to get an approval for permit and he is comfortable with the proposed layout.

Mr. Scharl said the resource management overlay district begins at the ridgeline and part of that is part of the Long Lake District because it is part of the watershed area. In this case, mother nature has provided the biggest protection one would want to see. The area outlined in red is actually the watershed area, which is a hole that is 25 feet deep. Mr. Scharl said the proposed roadway is completely out of the resource management area. We are dealing with only one house that would be constructed on the edge of the watershed area. Any activity in this particular area, such as surface water or drainage, will never reach Long Lake. Mr. Friedlaender said there are several ways to bring this into compliance. Mr. Friedlaender indicated that one area could be combined with parcel one but is not a good way to go. He could go to the ZBA and ask for a variance but it is not something he would want to do. Mr. Friedlaender indicated a 14.5 acre parcel and said there are three adjacent properties it could be combined with but he could also donate it to the Township or the owner of Shiawassee Park. Mr. Friedlaender indicated that he has spoken with the adjacent property owner and already discussed donating this parcel to the Township.

Commissioner Steckling commented that he disagrees as to the applicability of the resource overlay district portion and whether or not it applies. He would like some formalized opinion from the Township attorney and does not believe it would hold up the applicant. Chairperson Lamont commented that he agreed and would also like to seek some advice from the Township attorney.

Mr. Genre, Building Department Director, noted that it would be fine for the Township attorney to give his opinion, but the applicant must still go to the Township Board for a concept plan. By the time the applicant gets to the Township Board, Greg Need will have provided his legal opinion. Mr. Genre explained that he has looked at the plan and in his review, he narrowed lots 2, 3 and 4 somewhat and tried to maintain the width to depth ratio and ended up gaining about 52 feet without touching lots 6 and 8. That actually pulled the road forward toward Rattalee Lake Road about 52 feet. He has no problem with the applicant coming to the ZBA and requesting a variance on lot 7, 8 and 9 for a front yard setback reduction to help trying to pull construction out of the sensitive areas.

Chairperson Lamont said he cannot find fault with the road but the applicability of the resource protection overlay on the road is confusing in the ordinance to him.

Commissioner Baker commented that the road is appropriate if the boundary lines of the MNFI site are correct.

Commissioner Rabaut said he is concerned with the impact this road will have on the overlay district and needs further information.

Commissioner Hines commented that based on the information of the road, it does not appear the road will impact the MNFI area; she has no issues with what has been presented this evening.

Commissioner Champion commented that the road, in his mind, is outside the MNFI area and is a good proposal.

Unfinished Business:

1. Review PL and RC Zoning Districts

Mr. Carlisle noted that on page 1 of the revisions, under Resource Conservation District, he believes that the reference to “small” agricultural and other “hobby-type” farms could pose a problem. Mr. Carlisle said there is the “Right to Farm Act” in the State of Michigan and there is no such thing as a “hobby” or “small” farm, it is either a farm or it is not. He believes this reference in the Resource Conservation District should be deleted. The Planning Commissioners agreed.

Commissioner Hines asked if we want to have tree and flower nurseries as a permitted use in this district? Mr. Carlisle said he believes horticultural activities are considered to be a farming activity under the Right To Farm Act, but he would check.

Chairperson Lamont commented that the possibility of someone taking huge chunks of land for farming is probably pretty slim. He does not think we would be in harms way as a Township if we were to change the wording back and comply with the farming act. Chairperson Lamont commented that he likes the separation of the Resource Conservation District and the Parks and Recreation District.

Mr. Carlisle asked if the Commission feels the issue of tree and shrub nurseries and the issue of retail sales should be put back in? Mr. Genre said, under the Seasonal Transient Sales Ordinance, it allows for products grown on the property to be sold on the property. Anything that was not produced on the property must be covered in a C-2 District. Mr. Carlisle suggested the tree and shrub nurseries could very likely happen on this type of property and should be put back in. The Planning Commission agreed.

Mr. Carlisle said he would make the appropriate revisions and bring this back to the Planning Commission.

2. Build Out/Traffic Study

Chairperson Lamont suggested postponing this discussion until the January Workshop meeting because the Township is waiting for a cost estimate from Carlisle/Wortman to do the study.

The Planning Commission agreed to postpone this discussion.

New Business:

2. Resource Protection District (Ecological Characterization)

Mr. Genre commented that he has read the ordinance many times and believes it is very clear that a concept is supposed to be a generalized plan and not get into specifics. Therefore, he is not in favor of requiring an ecological characterization study at concept.

Clerk Strole commented that an ecological study is not specific and she has a hard time reviewing plans when the ecological study could change everything in the plan. She believes to have a generalized idea of the ecological characterization at concept is not asking too much of a developer.

Commissioner Steckling said he agrees with Mr. Genre and does not think we should require developers to spend that kind of money for a concept.

Commissioner Hines said she believes it should be the developer's choice when to present the ecological study.

Commissioner Leddy commented that he is concerned with the whole process and does not see it as different than having the plans reviewed by Carlisle/Wortman or HRC. It is not consistent

with what we are doing and it may be in the best interest of the Township to have their own selected people that do this study and charge it to the developer as part of the process.

Mr. Carlisle said we have always left this decision up to the applicant to hire whomever they want. He believes the Township will run into difficulty with this whole issue and encourages the Planning Commission to spend more time reviewing this decision. The burden is always on the applicant and this would shift the burden to the Township. Mr. Carlisle asked, what if the Township then disagrees with their own consultants' report? Where do we end up then?

Commissioner Rabaut commented that he would prefer not to participate in the developments proposed by applicants, as the Planning Commission's job is to review.

Chairperson Lamont said he believes that how we handle the issue now is ok because we always have the right to deny, table or approve subject to, any site plan that comes before the Planning Commission.

Commissioner Leddy commented that if we are going to use an ecological study in this manner, he believes we are leading an applicant down a path that say's it's up to him to decide whether or not to get one but if they decide not to, we'll deny the concept. Commissioner Leddy said that is how it appears and is not fair to the applicant.

Commissioner Baker said it seems like we are trying to regulate the right thing to do by obligating this to be something presented at concept. He believes this would benefit the Township to have it done early at concept review and it will benefit the process.

Commissioner Steckling commented that concepts are concepts and details should not be an issue. These studies are extremely subjective and for every professional the Township hires the applicant can hire one to give an opposite opinion. Commissioner Steckling said it should not be forced on an applicant.

Commissioner Hines commented that concept review plans are concept and the Planning Commission would be aware that there is an MNFI site and what it covers. She believes if the applicant wants to provide the information at concept that is fine but it should be left to their discretion.

- **Chairperson Lamont moved that the Township maintain the ordinance 17.12 in its current state with no changes. Commissioner Hines supported the motion. Vote on the motion. Yes: Lamont, Steckling, Rabaut, Hines and Champion; No: Leddy and Baker. The motion carried by a 5 to 2 vote.**

Other Business:

1. Tentative PC Business & workshop Dates for 2006

Mr. Genre suggested adopting the dates as presented but noted that workshop dates would be suspended and held only as needed. The Planning Commissioners agreed.

- **Chairperson Lamont moved that the Planning Commission adopt the dates as published on the calendar received in the Planning Commission packet for the Planning Commission Workshop and Business Meeting dates for 2006. Commissioner Steckling supported the motion. Vote on the motion. Yes: Lamont, Steckling, Rabaut, Baker, Hines, Leddy and Champion; No: none. The motion carried by a 7 to 0 vote.**

2. Priority List

Review of PL and RC District is set for the January meeting. Review of Waste Water Treatment Ordinance is set for the January meeting. Build Out/Traffic Study is TBD. Innovative Storm Water Management is TBD. Pathway Systems Priority is TBD. Resource Protection District is complete. Existing, non-conforming setbacks is TBD.

3. SB777 Discussion

Clerk Strole noted that state legislation was recently proposed that would preempt local government ordinances from prohibiting or regulating use of certain plants or seeds such as invasive plants. If enacted, the legislation would have a significant impact on Springfield's planning process, zoning ordinance provisions, Design and Construction Standards and Phase II compliance. The legislation is driven by the Farm Bureau being concerned about possible prohibitions against genetically-altered seeds for farming. Clerk Strole provided reference material for the Planning Commission to review.

4. Motion Clarity

Mr. Genre commented that when motions are made by the Planning Commission, thoughts need to be formulated prior to making the motion and thoughts by fellow commissioners should not just be shouted into the motion. Afterthoughts should be made after the motion is supported and then it could be amended.

Adjournment:

Hearing no other business, Chairperson Lamont adjourned the meeting at 10:35 p.m.

Susan Weaver, Recording Secretary