

**PLANNING COMMISSION
FINAL WORKSHOP MEETING AGENDA**

**September 1, 2005
Revision 1**

CALL TO ORDER: 7:30 P.M.

APPROVAL OF MINUTES: July 18, 2005 Business Meeting Minutes
August 4, 2005 Workshop Meeting Minutes

APPROVAL OF AGENDA:

PUBLIC COMMENT: Items Not On Agenda

PUBLIC HEARING: 1. Amend Article II, Section 2.00 Definitions

UNFINISHED BUSINESS:

NEW BUSINESS: 1. Amend Article II, Section 2.00 Definitions
2. Presentation by Greg Need and Dick Carlisle

MISCELLANEOUS: 1. Priority List

NEXT MEETING DATE: September 19, 2005 – Regular Business Meeting
October 6, 2005 – Workshop

ADJOURNMENT:

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ADJOURNMENT:

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

Call to Order: Chairperson Roger Lamont called the September 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
Ruth Ann Hines
Bill Leddy

Commissioner(s) Absent

Chris Moore

Staff Present

Leon Genre
Derek Place
Paul Aska
Nancy Strole
Mary Blundy

Consultants Present

Dick Carlisle
Greg Need

ZBA Members Present

Frank Aiello

Approval of Minutes: July 18, 2005 & August 4, 2005

- **Commissioner Rabaut moved to approve the Minutes of July 18, 2005 as presented. Commissioner Steckling supported the motion. Vote on the motion. Yes: Lamont, Steckling, Rabaut, Baker, Hines and Leddy; No: none; Absent: Moore. The motion carried by a 6 to 0 vote.**
- **Commissioner Steckling moved to approve the Minutes of August 4, 2005 as presented. Commissioner Leddy supported the motion. Vote on the motion. Yes: Lamont, Steckling, Rabaut, Baker, Hines and Leddy; No: none; Absent: Moore. The motion carried by a 6 to 0 vote.**

Approval of Agenda:

There was unanimous consent to approve the agenda as published.

Public Comment: None

Public Hearing:

1. Amend Article II, Section 2.00 Definitions

Chairperson Lamont opened the Public Hearing at 7:44 p.m.

There were no public comments.

Chairperson Lamont closed the Public Hearing at 7:45 p.m.

Unfinished Business: None

New Business:

1. Amend Article II, Section 2.00 Definitions

- **Commissioner Hines moved to recommend to the Township Board for adoption of amendments to Zoning Ordinance Article II, Section 2.00 be adopted to delete the definitions for Adult Book Store, Adult Motion Picture Theater, Cabaret and Community Sewer System. Commissioner Steckling supported the motion. Vote on the motion. Yes: Lamont, Steckling, Rabaut, Baker, Hines and Leddy; No: none; Absent: Moore. The motion carried by a 6 to 0 vote.**

2. Presentation by Greg Need and Dick Carlisle

Attorney Greg Need explained that this presentation is intended to cover recent updates in the law both legislatively and some court cases that were decided in the last few months as well as talk somewhat about the legislation dealing with conditional and contract zoning that was adopted some months ago and end up with a discussion regarding community sewer systems. Community sewer systems is an issue that has some importance in the Township because there are community sewer systems in Springfield Township, and there are ordinance amendments that are coming through.

Dick Carlisle explained that there is some legislation that has passed and some pending that will have an effect on what the Planning Commission and Township does or can do. One piece of legislation that actually passed was a revision to the enabling legislation. The power and authority that the Township has to plan and zone comes from enabling legislation; meaning it does not require the Township to do certain things but allows them to. The Township Zoning Act as well as the act that allows for city and village zoning were amended under the Planned Unit Development Act to add a simple provision that attempts to provide for large and consolidated, unfragmented areas of open space preservation. The phrase added reads “unless explicitly prohibited by the Planned Unit Development Regulation, if requested by a landowner a Township may approve a PUD with open space that is not contiguous with the rest of the Planned Unit Development.” Mr. Carlisle explained that this means that the Township can approve a PUD and require the open space to be provided for elsewhere. However, this does not go as far as authorizing transfer of development rights but it can permit it to occur. If a Township does not want this to occur, it must be specifically prohibited in the ordinance. Since

PUD's are discretionary and highly negotiated, he does not see the option that a landowner proposing this would obligate the Township to accept it as part of an overall PUD.

A Joint Municipal Planning Act has been added to the planning acts for all the various levels of government. This act allows the Township to form a joint municipal Planning Commission either to have jurisdiction over all or parts of the areas over which the community boundaries and encompasses. This act also permits the Township to provide joint municipal planning commissions over specific geographic areas.

There is an attempt to try to create one Zoning Act and one Planning Act. This has received a positive response from the legislature but there are nuances that must be worked out. There are things required in townships yet not required in cities and villages; consequently, the Municipal League is raising certain questions.

Greg Need explained that several months ago there was new legislation that deals with questions of conditional or contract zoning. The general rule for years has been that a municipality cannot have contract zoning. Contract zoning is, for example, a developer promising to build something specific if a rezoning gets approved. That cannot be required as a condition of rezoning, and if offered, is not binding by law once the rezoning was approved. Two techniques have been used to reach the same result: one being a PUD and the other the use of Consent Judgments and litigation. However, PUD's tend to be lengthy and cumbersome. Consent Judgments have been under attack, because a developer and community may agree on a plan, enter into a lawsuit with a Consent Judgment and then abutting property owners who may not like it, have been able to successfully intervene. Mr. Need explained that contract zoning is another tool for a municipality to use, and the Township is safer having a process in place so that this concept is applied equally to all property owners.

In regard to community sewer systems, Mr. Need explained that the MDEQ can be involved in this system either for authorization to discharge the treated effluent or for the authorization to construct a sewer system. If the discharge is to surface water, the MDEQ has full responsibility. However, discharge to ground water is more common. Whether or not the county becomes involved or not, depends on the volume of the proposed discharge. If it is less than 10,000 gallons per day, Oakland County will issue the permit but must still follow state standards. If it is over 10,000 gallons per day, the discharge permit is issued by the MDEQ. On top of getting county or MDEQ approval, Springfield Township has its own Community Sewer System Ordinance and was one of the first in the state that dealt with this issue. Springfield's ordinance has extensive requirements for operation and maintenance including requiring agreements be in place and security be posted to ensure that the system is properly maintained at no cost to the Township. He noted that state law says that the discharge of raw sewage into the state's waters is a violation of state law, and a community is liable for a discharge made without a permit or for violation of conditions of a validly issued permit even if the municipality had no involvement in the system. Mr. Need provided recent court cases for the Planning Commission to review.

Miscellaneous:

1. Priority List

Review Screening, Fences and Walls (Section 16.13) completed and to be deleted. Review PL and RC Districts is set for the October Workshop meeting. Review Waste Water Treatment Ordinance is TBD. Build Out/Traffic Study is set for the November Workshop meeting. Innovative Storm Water Management is TBD. Pathway Systems Priority is set for the October Workshop meeting. ZBA/PC Workshop is complete and to be deleted. Lake Shore Protection Policy is set for the November Workshop meeting. Existing, non-conforming setbacks is set for the October Workshop meeting. Watershed Plan is set for the October Workshop meeting.

Adjournment:

Hearing no other business, Chairperson Lamont adjourned the meeting at 9:40 p.m.

Susan Weaver, Recording Secretary