

Springfield Township
Planning Commission Meeting
Minutes September 17, 2019

Call to Order: Chairperson Baker called the September 17, 2019 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
George Mansour
Terry Rusnell
Kevin Sclesky

Commissioners Absent

Jason Pliska

Consultants Present

Doug Lewan, Carlisle Wortman, Associates
Lyle Winn, Anderson, Eckstein and Westrick, Inc.

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

Public Comment:

None

Consent Agenda:

1. Minutes of the August 20, 2019 meeting

Commissioner Hopper moved to approve the minutes of the August 20, 2019 meeting as amended, changing “the sign” with “the sign’s base” on page 2, paragraph 8. Supported by Commissioner Hines. Vote: Voted yes: Baker, Hines, Hopper, Mansour, Rusnell, Sclesky. Voted no: None. Absent: Pliska. Motion Carried.

Public Hearing:

None

New Business:

**1. Preliminary Site Plan Review – Al Deeby-Vehicle Display Parking
8731 Dixie Highway, Parcel #07-24-101-011, C-2, 2.33 Acres**

Mr. Jim Scharl, Kieft Engineering, and Mr. Al Deeby, Al Deeby Dodge, introduced themselves to the Commission.

Mr. Scharl stated that this is a site that Mr. Deeby has received numerous ZBA approvals for use of the property for vehicle display on the property that was previously owned by the church. This property was purchased by Mr. Deeby along with the adjacent property that is now General RV. They have received approvals from the ZBA to park cars on this property and they have been trying to do just that. The vehicles are not there now because the landscape improvements were not 100% completed by the time the one year period of the approval happened. The improvements that have been made are in excess of those that were required by the ZBA. At the time of approval, they had proposed to remove 20 feet of the existing parking lot and they choose to remove 35 feet of it and landscape it in accordance with the Dixie Highway Overlay District. That landscaping along with improved landscaping along the rear of the site was installed. The only reason it is not completed is because Mr. Deeby has been unable to have a contractor install the stone pillars. He stated that they do not have enough parking area on this site because of the location of the building and some of the improvements so Mr. Deeby would like to make this a permanent facility for vehicle display purposes and thus they submitted the site plan. It is Mr. Deeby's desire to remove the building and rework the site. This is now going to take the previous zoning board of appeals approval to turn this site into a permanent facility that will work in accordance with the dealership that is located across the street.

Mr. Doug Lewan summarized his review letter dated September 6, 2019. The applicant is proposing a vehicle display area on the current site across Dixie Highway from the dealership. He provided an opinion that the use proposed by the applicant is a use permitted as of right in C-2 General Business District. That is specific to one of the sections, a catch-all in the end of the C-2 District that says, "other uses similar to the uses set forth in subsections 1-9 of this section" and it is his position that this is somewhere between a true dealership and a car storage facility and therefore that section 10 would apply. The applicant is proposing preliminary site plan approval and he would like the applicant to provide more detail on exactly what the proposed use is and how it will function on the site. There is no building on the site. Other than some large trees that are on site, there are no significant wetlands, woodlands and steep slopes. He noted that the applicant is proposing 208 car spaces for vehicle display and 126 are proposed to be asphalt and 48 are proposed to be a limestone surface and 34 are proposed on the limestone geo-web surface. During the pre-app meeting, Mr. Scharl indicated that they are proposing some of the more impervious surfaces to minimize the amount of storm

water detention for the site. All parking areas are supposed to be paved, but the Planning Commission does have the ability to allow gravel circumstances as outlined in the ordinance and the Commission should provide input regarding this. He noted that the setbacks for the front yard greenbelt for this zoning district of 35 feet is being met as well as the 10 foot setbacks for a parking surface. He would like the applicant to clarify their thoughts on public access to the site. There is no new curb cut being proposed and there is a noted easement shown on the site plan for the existing easement. For final site plan, applicant would need to provide a copy for their records. For the next stage of review, the applicant should include truck turning templates for the parking lot especially if any car haulers are going to be dropping off cars at the site. The applicant shows an 8 foot safety path on the front of the site. The site plan reflects landscaping as required by the Zoning Board of Appeals and the landscaping will be reviewed during Final Site Plan review. It appears that the applicant has provided interior parking lot landscaping, adjacent parking lot landscaping, greenbelt landscaping and buffering along the rear of the property. A photometric study is required for Final Site Plan. There is no signage being proposed on the site. There are details of the Dixie Highway Design Guidelines that the applicant will need to be aware of, for example, lighting fixtures. Fencing and post details will need to be present on the site plan.

Mr. Lyle Winn summarized his review letter dated September 5, 2019. Within the parking lot there is a large section proposed as gravel. This is proposed to be a type of gravel that is open graded with no fine material and that allows stormwater to be pulled into the stone and help filter. This clean stone also eliminates the fine material that causes dust. He noted that with this bioswale and infiltration, they applicant would need to provide supporting documentation from a geotechnical consultant that would support how much water could be absorbed. Dimensioning is needed on the landscape islands in the parking lot. Based on the proposed use, there will a fair amount of traffic from visitors looking at cars so there should be some potential parking designated for these visitors including handicapped parking. The site generally drains from Dixie Highway to the rear. There is an existing septic field and well and if they are not going to be used, they need to be abandoned according to State and County guidelines. The safety path is shown but the materials and width need to be added. The Final Site Plan should show any site lighting proposed. In the front corner of the property, there is a tank structure that is currently encroaching on this property.

Commissioner Hopper stated that he differed from Mr. Lewan's interpretation. He looked at the definition of vehicle display parking and it means areas devoted to the display of vehicles intended for sale associated with an on-site automobile sales and service facility. He doesn't think not having a building means on-site. The Ford Dealership could purchase property next to the Frosty Freeze and put cars there without a dealership and it would meet the definition. He doesn't feel that the Planning Commission has standing in this because it is not allowed. If it is vehicle inventory storage, then it is only allowed in M-1. He looked at the Master Plan, Policy 19 and it states that Dixie Highway is a high-priority intended to enhance the visual appearance of this corridor. He does not think another parking lot will enhance the visual character of the corridor. There are 44 cars

parked for sale at the southeast corner of Bordine's and 87 cars parked at the northeast corner. He did not count the ones parked on the gravel lot.

Chairperson Baker stated that he has similar feelings. He does not feel that the Planning Commission has a role right now. The property that is in question is part of a variance that was granted by the Township in September 2018 and this is the only one that has standing currently. This variance was granted for two years provisioned on the installation of the landscaping plan that was brought to the Zoning Board on that date that had planting islands and fencing details that has not been installed. That variance that was predicated on a June 30, 2019 completion date has not been met. As a person that sat on the Zoning Board a year ago, the Board's intent is that when they issue a variance with stipulations, if you fail to make the stipulations happen, the variance does not exist. They now have a property in which a variance was granted on, but it no longer has the right for that use because they did not hold up their end of the bargain. Now, they have a site plan arriving requesting the use of that property for a C-2 use when it is allowed in M-1. The ZBA already said that the only way the applicant could do this is if they had the variance. He agrees with Commissioner Hopper that this is far from a permitted use by right and he cannot understand this based on his reading of the ordinance and the history of this property. The idea of offering Planning Commissioner comments on this plan has no place with this Commission tonight. He does not think that the applicant has the right to use the property for the variance that they were granted right now because they did not comply.

Mr. Scharl asked how many vehicles are being stored on the lot.

Chairperson Baker replied none because they are in violation. The variance was granted predicated on work being done at a certain date and they did not comply. They cannot get it done and say it was done retroactively. The reason that the variance was requested is that a C-2 use is not appropriate for what is being done here. It still isn't appropriate in C-2.

Mr. Scharl stated that what if this was a piece of property that didn't have anything done to it. They are requesting a site plan approval on a new plan for this property. They met with the staff and the Township Planner feels that it does qualify.

Chairperson Baker responded that Mr. Lewan's opinion is noted, but he doesn't feel that it is allowed and neither does Commissioner Hopper. Mr. Lewan is not a voting member of the Commission and his opinions are known to the Commission, but he does not agree with them. He doesn't want to get into feedback on the site plan since he feels that there is no rationale to move forward on a C-2 use that is not zoned for C-2.

Commissioner Mansour asked if this were a new property and he asked Mr. Lewan if he feels that having a parking lot complies with the C-2 zoning.

Mr. Lewan stated that in the review, they looked at what is permitted in the district and automobile dealerships are one of the permitted uses. There is a catchall in the end of the

C-2 permitted uses that says other similar uses. In his view of the site including comments and explanation given at the pre-application meeting, it was explained that this site would be used for automobile display, not a storage parking. The parking lot itself meets the parking standards. The section of the ordinance that speaks to automobile storage lots exempts car storage from meeting the parking lot standards. This has all the things that a typical automobile dealership would have except for a building. This is his opinion, and this is what the preliminary site plan meeting is for, to provide feedback to the applicant.

Commissioner Mansour asked about what other dealerships are zoned.

Commissioners confirmed that the Saturn Dealership was a PUD.

Chairperson Baker read from the minutes of the September 2018 ZBA meeting. In 2018, it was not about sales, it was about storage and that is why a variance was needed.

Commissioner Mansour asked about the purpose of the gravel portion of the parking lot.

Mr. Scharl explained how the gravel portion of the parking lot would assist in stormwater management.

Commissioner Mansour stated that he understands the purpose of the gravel for stormwater detention. Eventually fines will enter into the system. He asked what is the purpose of having vehicles on the gravel from Al Deeby's point of view.

Mr. Scharl replied that he doesn't see the difference between some of the parking on asphalt and some parking on gravel.

Mr. Deeby replied that all the inventory was on display, there is nothing in storage. It is all for sale and moves daily. The parking is for display, and they don't really want their customers walking around their lots whether it is the main lot or any other lot. He wants the customers to come in to the dealership and wait while the sale staff fetches the vehicles that they want to look at. He is sure that customers will drive through there especially since it isn't going to be blocked. It is not the customers job to walk around and look at all the cars. This is what he meant to explain a year ago and he thinks that he didn't do a good job then of explaining it.

Commissioner Mansour asked what happens if the soil borings come back and the soil is poor.

Mr. Scharl replied that he doesn't anticipate that because there never has been a history of any standing water on the property. The adjacent site is working well for General RV with the same soils. If they must dig down until they get some acceptable soils, they will address that at that time.

Mr. Deeby stated that it would be his intention to move the vehicles off of the south end of Bordines lot onto this property.

Mr. Scharl stated that the storm water run off would also be helpful to provide water for the evergreens that have been planted in the rear of the site.

Mr. Deeby explained that the landscaping was all done a couple of days after the deadline except for the stone pillars and the split rail fence. He understands that he is obligated and he gets it but he still has not been able to get anybody to come out. He finally found someone who said he would have it done by the end of the month and this contractor is coming from Macomb Township. He apologized for not meeting the deadline.

Mr. Scharl added that the ZBA approval was contingent on a 20 foot landscape screening and they put in 35 foot with a safety path which is in complete conformance with the Dixie Highway Overlay District.

Chairperson Baker reiterated that the applicant did not install what was required.

Commissioner Sclesky commented that at some point, the majority of the ZBA made the decision to allow this to be a display or a parking center to facilitate the needs of the dealership.

Chairperson Baker noted the approval was for two years.

Commissioner Sclesky asked what the intended outcome was after two years? Were they going to search for other means to store their vehicles somewhere else?

Chairperson Baker responded that the variance lasted for two years providing that the applicant met the provisions which we have established were not met. A case could be made to say that variance is void because it was not met. Right now, if vehicles were to be returned and parked on that site, even if the posts and fence were put in, would be a violation because the work did not happen by June 30, 2019.

Commissioner Sclesky reiterated that right now they are requesting something that is not permitted in a C-2 zoning district.

Chairperson Baker replied that that is his and Commissioner Hopper's impression.

Commissioner Sclesky asked where would Chairperson Baker suggest they bring the proposal?

Chairperson Baker stated that he will not make a recommendation where they should go, from his vantage point, this body is not the place to bring a request that matches a C-2 use to an area that previously was deemed incompatible for a C-2 use and required a variance.

Commissioner Sclesky stated that he is trying to figure out what the applicant should do at this point.

Chairperson Baker stated that there are variances granted on the Bordines site that they are using; there is a site on Enterprise Drive that is appropriately zoned. It is not uncommon for dealerships to have to park cars a ways away from the dealership even though it is inconvenient. Bowmans Chevrolet has cars parked behind Waypoint Church, for example.

Mr. Scharl stated that there is a difference of opinion between the Planner and at least two members of the Commission. How do they resolve it?

Chairperson Baker stated that if they want to continue developing a Final Site Plan, they could take it to the ZBA but they can anticipate a similar opinion from them regarding approval because they would find it is not an appropriate use for that site.

Commissioner Hopper agreed.

Mr. Scharl asked how they solve it. Do they get an attorney's opinion?

Mr. Lewan stated that he is not the Zoning Administrator, so his opinion holds no weight. The applicant could ask for an opinion from the Zoning Administrator, Supervisor Walls. They could also send it to the Zoning Board of Appeals for an interpretation of the ordinance.

Commissioner Mansour asked if the applicant could have applied for an extension to get the landscaping done.

Chairperson Baker replied that is not a decision of the Planning Commission.

Commissioner Mansour commented that he was just asking for his own curiosity.

Chairperson Baker stated that the applicant would have to go before the Zoning Board of Appeals for a whole new variance.

Commissioner Hines stated that it seems clear that a variance was required because this was not a use permitted in C-2 and it was for only two years, she doesn't see what is different about this so that it is now allowed in C-2.

Commissioner Rusnell stated that if the time period is gone, just like a building permit, his understanding is that it is not up to the Commission at this point. At this point, he doesn't know how they are going to move forward.

Chairperson Baker replied that the applicant has some options. Anything moving forward will have to involve the ZBA or the Zoning Administrator.

Commissioner Sclesky agreed. The Commission cannot put something on the site that it is not zoned for.

Mr. Scharl replied that this hasn't been determined yet.

Chairperson Baker asked if there was any comment from the audience.

No comments were heard.

2. Ordinance Amendments – Section 40-888 and Section 40-2, Glare and Exterior Lighting

Mr. Lewan reviewed his memo and amendment language for Section 40-888 and Section 40-2 dated September 6, 2019. This is based on language proposed by the lighting consultant that the Township hired. It has been reformatted and four changes per 24 hour period was added to the LED standards.

Commissioner Hines asked why they are concerned about the minimum foot candles allowed.

Commissioner Hopper stated that he thinks it provides for even lighting so there are not areas that are 0 foot candles.

Mr. Lewan stated that the current ordinance does not require a minimum standard. There are some sites that do not require a minimum, but this language requires a minimum.

Supervisor Walls stated that wherever there is lighting, there should be a minimum standard for safety, and it should have a uniformity. He doesn't think he wanted to require .3 footcandle over everything to have conformity. He stated that the lighting consultant assumed this would be a guide and assumed that there would be questions. The ordinance that they just adopted allows two changes per day. The lighting consultant suggested that they could allow more than two, but one is not enough.

Mr. Lewan confirmed that he changed the number of changes per day for LED signs to four.

Commissioners discussed current LED signs in the Township.

Commissioner Hopper asked if "sky glow" is a recognized term.

Supervisor Walls answered yes.

Commissioner Hopper agreed with the four times per 24 hour LED change. He asked how the uniformity ratio would be measured.

Commissioner Hopper asked about the light pole height.

Mr. Lewan stated that the current language says that the poles shall not exceed 27 feet with properties adjacent to non-residential use and 22 feet for property zoned residential. He confirmed that this same language is in this draft.

Commissioner Hopper asked about the dimming of lighting to 50%; he suggested that it be a minimum of 50% so that if they wanted to dim to 30%, they could.

Mr. Lewan concurred.

Commissioner Hopper asked about fixtures. He asked what "CD" is.

Supervisor Walls answered that he did not know; this language was from the consultant.

Commissioner Hopper asked about page 3, it mentions "director review". He suggested that it should be site plan review or planning review. He commented that he likes the suggestion for the colors of light and the disclaimer for having 5000 which would be intense blue. He believes that the drawings make it clear and concise.

Commissioner Hines suggested that there is a grammatical error on page 4, 8a. She asked about the terms, "means that" and suggested that it doesn't belong and should be removed.

Mr. Lewan stated that Section 40-888 in the current ordinance starts out with two industrial glare issues and those should be added back in; they are deleted from this draft and he will add them back in. On page 2, d. Signage, #2 is already in the zoning ordinance in the sign section.

Supervisor Walls suggested that that they put signage with signage.

Mr. Lewan stated that page 3, there are two sections that seem to not compliment each other, and he further explained. He suggested that he link them with the language, "required safety and security lighting as listed above."

Commissioners agreed that they would like to see the amendments again at the next month's meeting.

Supervisor Walls suggested that they do something different with the chart regarding cut-offs. He suggested that they include some type of diagram that shows the cut-off.

3. Stormwater Detention Basin Maintenance Discussion

Mr. Lewan summarized his memo dated September 6, 2019 and the sample ordinance provided.

Chairperson Baker asked Mr. Winn, if they were to go and inspect a Township facility, what are they doing to assess the health of the detention basin?

Mr. Winn replied that when they look at retention or detention basins, they are looking at the water that is entering the basin, does it carry a lot of sediment? Is it building up? Is it blocking? Is the bottom filled up with dirt, so it is not storing as much water? Is the outlet plugged up with debris? Are there steel bars that are rusting away? If there are pumps, are the pumps running? There are several things that they look at to make sure that it is still functioning. If they wanted to go further and make sure that the basins have to be mowed on a regular basis, they can do that. But this is more the appearance and doesn't really affect the function of the basin. Some communities also have an actual maintenance agreement that is signed by the developer when a site is built. This is another mechanism that can work with an existing ordinance or can function separate from the ordinance.

Commissioner Mansour commented that when you do a development, there is silt that builds up in the sump crock and the detention and retention basin fills up with debris, so they need a truck to go out and clear it. He commented on the basins on King Road. If these areas are not vacuumed out during construction, they get so much debris that builds up. This would be a great mechanism for the Township to force them to comply.

Supervisor Walls asked if his intent was to do the entire stormwater drainage system, not just the basins.

Commissioner Mansour answered yes. The build up in the detention/retention areas are the result of them not protecting the outlets which is a first step.

Commissioner Hines asked if this would be part of the process or the Design and Construction Standards.

Supervisor Walls stated that the current ordinance places the responsibility on the association for the storm drainage, but they don't have the other half of that which is allowing the Township to go in and take care of it if they don't and charge them. In sanitary systems, they establish an escrow for future maintenance.

Commissioner Mansour stated that he believes it is mostly during construction and a couple of years after development.

Mr. Winn confirmed that this would not be in the Design and Construction Standards. They are talking about an administrative ordinance with enforcement powers. Stormwater facilities maintenance is sometimes a term used that encompasses anything involving storm drainage. If this agreement is tied to the parcel number, it would be recorded and would be tied to the property.

Commissioner Hopper confirmed that this is for the future maintenance of the facilities as well. He suggested yearly observation.

Mr. Winn agreed maybe initially.

Commissioner Mansour agreed that the intensity would be maximum during development and a couple of years after.

Mr. Winn pointed out differences between non-residential and residential development.

Mr. Lewan replied that many of the retention basins are required to be planted in a certain seed mixture and this could be included as well.

Commissioner Hines commented on a detention basin that is full of phragmites.

Commissioner Sclesky commented that this should be in the site plan approval process that it is the developer's responsibility to maintain the stormwater retention/detention area and to stipulate that if not, the Township can go in and correct it.

Chairperson Baker concurred; it creates an expectation for the developer and property owners and allows the Township the right to intervene if needed.

Commissioner Rusnell asked how this affects private roads in subdivisions.

Mr. Lewan replied it would be the same. If it was a stand alone ordinance, it would affect existing and new developments.

Supervisor Walls stated that plats have basins required by the Road Commission or Drain Commission so they need to be careful because many of the plats do not have an existing association anymore and the burden should not be placed on the property owner if the responsibility of the basin is in fact the Road Commission.

Mr. Lewan responded that sometimes a drainage district is required.

Mr. Winn replied that yes, sometimes a drainage district is in effect and sometimes a special assessment district is used.

Mr. Lewan replied that the County drainage district is under the County's jurisdiction. This would only be stormwater facilities that are not under County jurisdiction.

Chairperson Baker stated that there appears to be interest in developing language in the Township ordinance that would allow them to safeguard stormwater facilities moving forward.

Mr. Lewan stated that the Master Deed and By-Laws for site condos are supposed to cover these items, but he will have to determine where it would fit for a commercial development.

Other Business:

1. Priority Task List

Commissioners reviewed and suggested changes to the Priority Task List.

Public Comment:

None

Adjournment:

Commissioner Hines moved to adjourn the meeting at 9:11 p.m. Supported by Commissioner Mansour. Vote: Voted yes: Baker, Hines, Hopper, Mansour, Rusnell, Sclesky. Voted no: None. Absent: Pliska. Motion Carried.

Erin A. Mattice, Recording Secretary