

**Springfield Township
Planning Commission -- Business Meeting
Minutes May 18, 2009**

Call to Order: Chair John Steckling called the May 18, 2009 Business 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

Frank Aiello
Dean Baker
Roger Lamont
Bill Leddy
John Steckling
Neil Willson

Commissioners Absent

Ruth Ann Hines

Staff Present

Mike Trout, Supervisor
Laura Moreau, Clerk

Consultants Present

Brian Oppmann

Approval of Agenda

Chairman Steckling recommended moving the Public Hearing and Old Business No. 1, and placing it after any item of business, when the applicant's presentation is ready. The Planning Commission agreed.

Commissioner Aiello moved to amend the Agenda as recommended. Support by Commissioner Lamont. Vote on the motion: Ayes: Aiello, Baker Lamont, Leddy, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried.

Public Comment:

None.

Consent Agenda:

Commissioner Aiello moved to approve the Consent Agenda as submitted. Support by Commissioner Baker. Vote on the motion: Ayes: Aiello, Baker, Lamont, Leddy, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried.

Old Business:

2. Amendment to Zoning Ordinance No. 26 - Wind Energy Conversion System (WECS)

Chairman Steckling stated the Commission had been reviewing this since before December and was tabled at the last meeting while waiting for Commissioner's reports who attended the Wind Energy Conference

Commissioner Leddy stated that on June 2, 2009 the Wind Energy Resource Zone Board was going to release a report from the State of Michigan concerning all aspects of wind generation in the state and thought maybe the Commission would like to wait for the report before taking action.

Brian Oppmann stated that the study of the wind zones primarily pertains to the outlying areas of the state around the lakes, and he did not believe anywhere in Oakland County would be in a priority wind zone.

Chairman Steckling asked if the Commission wanted to have language in place in case a request is made to the Township; keeping in mind it may have to be amended based on the report or if they preferred to wait for the report before preceding.

Commissioner Baker stated he attended the Wind Energy Site and Policy discussions workshop in March and they gave a very extensive overview on how wind energy was being evaluated in the State of Michigan and they created an evaluation map by area around the entire state and it ranks Michigan communities on a 1 to 1000 scale of viability of wind energy as being a reasonable economic investment. Commissioner Baker said as Brian stated it is mostly from Glenn Arbor to the Straights of Mackinaw, Saginaw Bay to Harbor Beach and then areas in the Upper Peninsula and the majority of the Lower Peninsula didn't get a ranking at all.

Commission Willson agreed with Commission Baker as he also attended the workshop. He also added that he had asked the instructor what he thought about wind energy in our area and the instructor said that this area would probably not see commercial wind energy systems, but felt that as costs come down we would probably see requests from small businesses or residents and since there haven't been any requests would like to wait for the report before proceeding.

Chairman Steckling asked if someone came in right now with a request, how would we deal with it.

Brian Oppmann stated that it would not be permitted. He stated that there had been a request through the Building Department from a business owner wanting to install one a few weeks ago and he was advised that the ordinance was on hold and encouraged them to wait until the ordinance could make it to the Township Board.

Commissioner Aiello moved to recommend adoption of the Wind Energy Conversion System Ordinance Amendment as present. Support by Commissioner Lamont.

Discussion: Commission Baker requested clarification under Section 1, b.) the wording of and/or profit. Is the Wind Energy Conversion device the profit making device or the utility the profit making device and if we choose one, could we reword it identifying which one or should it read "for profit." Brian Oppmann stated he could not remember when or why it was changed but if it was left as "an on-going enterprise" and remove the wording of and/or profit all together would be sufficient.

Commissioner Aiello stated he was the one who suggested the original change, but agrees "an on going enterprise" would be fine. Commissioner Lamont agreed.

Commissioner Aiello thanked Commissioner Leddy for bringing the legislature to the Commission's attention and asked that Brian Oppmann follow-up regarding the State information and report back to the Commission if there is anything that needs to be addressed in conjunction with the Township ordinance. There was some discussion regarding routing commercial power lines. It was further discussed by Commissioners that those items would be addressed by experts on a site by site basis during Site Plan reviews.

Commissioner Aiello stated he just drafted a new Section 6. Ancillary Structures: Approval of a Special Land Use under this provision does not extend to any accessory structures or access to the Wind Energy Conversion System. All other such accessory structures or access must be a lawful land use and meet all applicable requirements of this ordinance. The Commissioners agreed with the language addition.

Commissioner Willson stated that language needed to be added to prohibit the sale of advertising space on towers, as it is already happening.

Brian Oppmann stated the sign portion of the ordinance would cover this concern, as they are not allowed on utility poles within the Township. Commissioner Aiello agreed and stated that under the proposed ordinance it states that "towers and blades must be finished in a permanent non-reflective neutral color," but we could add language to clarify and not prohibit safety signage.

Chairman Steckling suggested wording under Section 4, a.) Color: to add a provision subject to our sign provisions in the ordinance. Commissioner Aiello stated section is only for commercial. Commissioner Lamont suggested; signs other than those necessary for safety are not permitted, and place it under Section 3., g.).

Commissioner Baker asked about the Security section on page 4, if it applied to both commercial and non-commercial use. Chairman Steckling stated that it was for just commercial as referenced in No. 4.

Commissioner Aiello amended his motion for recommendation to the Township Board for approval includes the following language additions:

- 1) **Use of the WECS shall be limited to conversion of wind energy to a form of usable energy and shall not provide for any other function including signage other than for safety purposes under Section 3., g.**
- 2) **add a new Section 6. Ancillary Structures: Approval of a Special Land Use under this provision does not extend to any accessory structures or access to the Wind Energy Conversion System. All other such accessory structures or access must be a lawful land use and meet all applicable requirements of this ordinance,**
- 3) **to remove from the end of the sentence the words "and/or profit" from Section 1., b.
Support by Commissioner Lamont as amended.**

Commissioner Aiello recommended that the Commissioners await the changes and make sure they are comfortable with the language. The Commissioners stated they were comfortable with the language.

Vote on the Motion: Yes: Aiello, Baker, Leddy, Lamont, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried

3. Planning Commission By-Laws

Chairman Steckling stated this has been looked at a number of times and believes all the suggestions and comments have been addressed.

Commissioner Baker stated that on the Index Page Procedure is misspelled. On page 4, Section 3, delete the first “may” and Section 5, 1st line, “remove the “s” from meeting(s) and feels that it is an incredible document and applauds those who put it together.

Commissioner Willson moved to adopt the Planning Commission By-Laws and Rules of Procedure with the minor corrections as submitted by Commissioner Baker. Support by Commissioner Baker. Vote on the Motion: Yes: Aiello, Baker, Leddy, Lamont, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried

4. Cell Tower Setback Requirements

Chairman Steckling gave a brief overview of previous discussion on this request. Brian Oppmann prepared language for review.

Commissioner Aiello moved that we set the Wireless Communication Facilities Amendment for Public Hearing. Supported by Commissioner Leddy.

Commissioner Baker asked for clarification on page 2., c., ends with (See Paragraph 4.c., below) should be 4.d., Commissioner Aiello amended his motion with this correction. Vote on the Motion: Yes: Aiello, Baker, Leddy, Lamont, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried

5. Zoning Ordinance Amendment – Landscape Provisions

Chairman Steckling said he had requested this amendment based on the last two (2) site plans submitted to the Commission where a screening requirement is sometimes overbearing and we have no alternative if a waiver is requested. This language would provide the Commission some latitude.

Commissioner Leddy said that in paragraph a.), last word need to be changed from “serene” to screen”.

Commissioner Baker asked for clarification on c.) “sufficient distance between proposed use and the adjoining parcel to render additional screening ineffective.” Being the properties would share a border area did you mean the use on the neighboring parcel. Chairman Steckling said no. As in the last site plan where the church will sit in the middle of a large track of land and to west there is corn fields then beyond that residential zoning. There is a large distance between where the structure is located and where the screening is required. Then if the applicant wanted to build a structure closer to that line they would be back in front of the Commission and we would address the additional screening requirements at that time. Commissioner Lamont would like to see a reference of “as determined by the Commission” as the applicant might think 50’ is enough and the Commission might want 250’ based on height, type, architectural harmony of the structure and other factors. Commissioner Leddy stated that they would have to come before the Commission for site plan approval and it states “it may be waived or modified” which doesn’t mean it will automatically be waived.

Commissioner Baker wanted to know if a resident came in and built a two story home on the small track of land, say adjoining the church, and they now inquire “doesn’t the church have to provide screening so I don’t have to provide it. Chairman Steckling said, even so the ordinance would not require a tree to be planted that is two (2) stories high and said that this brings up a good point.

Commissioner Aiello then wondered if you had two (2) large parcels of 200 + acres of land next to each other and one parcel gets developed before the other with no screening then the second parcel then gets developed with a similar building, each looking at each other with no screening. Wouldn’t that be a concern of the Commission.

Commissioner Lamont responded that it would put the majority of the screening on the second parcel of land when developed at a later date, especially if they were any distance closer to their boundary line than the first parcel. Chairman Steckling said that the 2nd parcel would require the screen just as the ordinance is worded so it wouldn’t put any additional burden on them and possibly will less the requirement later if it is valid and merited.

Commissioner Lamont said that in the first sentence, “Township Body responsible for Site Plan approval”, upon finding “any” do you mean “any **one**” of the following would qualify? : Chairman Steckling responded yes. Commissioner Aiello then stated that “e.) could then be deleted. Chairman Steckling said it was added in case the applicant is thin in regard to a) and b) but the two, existing vegetation and berm together makes it work. Commissioner Lamont then asked again about the first sentence if it should say “waived or modified” or just say “modified”. Where it would allow us on a large development to waive some of the requirements on one boundary line but the entire landscaping will not be waived. Is the language too loose.

Brian Oppmann said he was trying to figure out in the context of the ordinance how this is going to fit and really this amendment is more precise language than what is already in the ordinance currently. In Section 16.06 Screening Waivers and Modifications, 3., c.) 1., you can already reduce or modify the screening based on size, topography, existing vegetation regardless of the size.

Commissioner Lamont just wanted to verify with the Commission if the wording should be waived or modified or just modified and Brian Oppmann stated it is already waived or modified and is consistent with the wording in other parts of the ordinance.

Commissioner Aiello suggested that in 1.) of c.) from 16.06: it gives us the ability to waive or modify if the land between the building and the property line has been specifically designed to minimize adverse impacts through architectural and/or landscaping techniques rather than the entire language submitted.

Commissioner Leddy stated the difference that he sees is that it reduces the usable area and maybe it is for an unnecessary expense to the developer. Commissioner Aiello said okay.

Commissioner Leddy moved to set for Public Hearing with the following corrections:

1. 1st paragraph change “serene” to “screen”,
2. 1st sentence add the word “one” after any to read any one of the following: Supported by Commissioner Aiello.

Commissioner Aiello also stated that the punctuation should be consistent with commas. Also using i.e. is not a common ordinance usage and would the i.e. should be changed to

“because” the adjoining parcel to be screened is at a higher elevation than the subject property, “or for any other similar reason.”

Vote on the Motion: Yes: Aiello, Leddy, Lamont, Steckling and Willson. Nays: Baker.
Absent: Hines. Ayes: 5 Nays: 1 Motion Carried.

Clerk Moreau asked if the Commission was going to address the native landscaping regarding prohibited species as the list was tabled several times. You were given a plant list for your review and she would like to incorporate as many of the language amendments at once for publication as possible and could the Commission address this item at next months meeting. It was agreed that it would be put on the Priority Task List and placed on June's agenda.

PUBLIC HEARING – Rezoning Request 9158 Dixie Highway – R-3 to OS

Public Hearing Opened at: 8:33 p.m. Mr. Louis DeMonico

Mr. Charles Underwood, 7058 Ridgewood Road, Clarkston, stated that he owned property south of 9158 Dixie Highway and feels that the request to Office Service is a good use for the property as a number of the residential properties located in the area are rental units and have been for years and he also would be interested in rezoning his property to OS as well and is in support of the rezoning request.

A letter from Mr. Alan Partington 9448 Softwater Woods Drive, dated April 8, 2009 was read into record and was in protest of the rezoning request. This letter will become a permanent part of this record.

Clerk Moreau stated that she had spoken with Mr. Partington in April and explained the Master Plan and the future proposed use of the property located on Dixie Highway and that the property request was within the vision of the Commission for the future use. Clerk Moreau stated she can not speak for Mr. Partington but he seemed to have a better understanding of the purpose and use of the request after their discussion and is not present this evening.

Public Hearing Closed at 8:35 p.m.

1. Rezoning request 9158 Dixie Highway – R-3 to OS. Louis DeMonico

Mr. Louis DeMonico stated that the property had been purchased in 1968 as a rental property. Mr. DeMonico prepared and presented a Power Point presentation showing maps of the location, current zoning, and the proposed use from the Master Plan along with other pictures of the structure and current layout of the site. He spoke of the increase in traffic and with the addition of the turn lane that traffic doesn't slow down and is not conducive to raising children in such a busy area. The residences in the area are spotty with the majority being rental units and the rest are commercial properties. Mr. DeMonico felt that the proposed insurance office would be a good addition to the Planned Mix Use of the area and feels the property meet the majority of the criteria for site plan compliance except for parking and signage.

Chairman Steckling requested input from Brian Oppmann, Planner who did an analysis of the proposal.

Brian Oppmann started with the Master Plan, as it is the key component to a rezoning request; and its designation is Planned Mixed Use, which that is what is envisioned for Dixie Highway. Dixie is the

main transportation route through the Township providing the best opportunity for encouraging redevelopment and investment along that area. This would not be considered spot zoning as it meets the criteria of the Master Plan. Brian explained that the office use proposed, is the type of use envisioned with Planned Mixed Use. The redevelopment of this property would be very limited due to the size of being approximately ½ acre and feels that it is consistent with the Master Plan designation and is generally consistent with the goals and policies of the Master Plan and would recommend approval.

Chairman Steckling asked for questions or comments from the Commission.

Commissioner Baker stated that he finds the proposal in harmony with the Master Plan and that Office Service zoning has been used to ease the transition between residential and commercial uses and being the small size is not conducive to commercial and he would be supportive of the request.

Commissioner Leddy stated he felt that Planned Mixed Use was for larger developments and not for individual rezoning of property and didn't feel the property should be developed other than this temporary use as an office and if possible be used later on in a larger Planned Mixed Use development. Commissioner Leddy was also concerned about other items such as acceleration, deceleration lanes, handicap access.

Chairman Steckling stated that those items would be handled through the Site Plan review process.

Commissioner Aiello stated that he felt the request was consistent with the Master Plan and was in support of the rezoning request.

Commissioner Lamont concurred with Commissioners Baker and Aiello and requested clarification from Brian Oppmann if the building meets the required setbacks for Office Service Zoning. Brian confirmed that the building did meet the setbacks.

Commissioner Willson concurred with the group and thanked Mr. DeMonco for his thorough presentation.

Chairman Steckling agreed with the Commissioners but cautioned them that if the request is granted, it will be a Use by Right still having to meet all ordinance site plan requirements.

- **Commissioner Baker moved to recommend approval of the Rezoning of 9159 Dixie Highway, from R-3, Single Family Residential to OS, Office Service. Support by Commissioner Aiello. Vote on the Motion: Yes: Aiello, Baker, Leddy, Lamont, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried.**

Other Business

1. Priority/Task List

Commissioner Lamont started discussing Landscaping Provisions. Commissioner Aiello asked for clarification of what we needed to complete. Chairman Steckling stated that the Public Hearing had already been heard, and a decision regarding the native plants section needed to be clarified. There are two segments being Prohibited Species and Natural Landscapes and we need to complete these items. Clerk Moreau made possible suggestions of direction and agreed to come up with some wording and proposal for the Commissioners to review. The Commissioners reviewed the list of items and made some recommended changes, and deletions. Supervisor Trout stated that he would work with Onalee and do some elimination of

items, updating the items for Public Hearings and more consolidation of items and felt that the Commission needs to look at the Soil Erosion Control; with Brian Oppmann's capabilities this could generate some revenue and has a high priority. Brian Oppmann stated that its possible that change would not be a zoning ordinance amendment at all and might fall under the category of a general Township ordinance and Greg Need might be able to handle this item by changing control from Oakland County to the Township. Supervisor Trout went over the Planning Studies items and Policy items and feels the building signs, the site plan, soil erosion and studies should be on the top of the list to look at for the Commission.

Chairman Steckling commented that the merging of the ordinance would be nice and would like to obtain a copy on disc. All of the Commissioners requested a copy on disc after the consolidation has been completed by the Clerk's Department, and still would like to see the suggested motions. Supervisor Trout stated they were being worked on. Commissioner Lamont stated that the Planning Commissioners Toolkit and the MAP, Michigan Association of Planners also has a list of suggested motions and wording for motions. Clerk Moreau stated that an updated disc would be sent to the Commissioners.

Public Comment:

There was no public Comment.

Adjournment:

- **Commissioner Aiello moved to adjourn the meeting at 9:12 p.m. Support by Commissioner Baker. Vote on the Motion: Yes: Aiello, Baker, Leddy, Lamont, Steckling and Willson. Nays: None. Absent: Hines. Motion Carried.**

Onalee M. Carnes, Recording Secretary