

Springfield Township
Planning Commission – Business Meeting
Minutes October 15, 2012

Call to Order: Chairman Baker called the October 15, 2012 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
Bill Leddy

Commissioners Absent

Kevin Sclesky
Neil Willson

Staff Present

Collin Walls, Supervisor

Consultants Present

Brian Oppmann, Planner

Approval of Agenda:

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

Public Comment: None

Consent Agenda:

1. Minutes of the September 17, 2012 meeting

Commissioner Hopper moved to approve the minutes of the September 17, 2012 meeting with the following amendment: Delete the second “because” on page 3, paragraph #8. Seconded by Commissioner Hines. Voted yes: Baker, Hines, Hopper, Leddy. Voted no: None. Absent: Sclesky, Willson. Motion Carried.

Public Hearing: None

New Business:

1. Recycling Facilities – Zoning Ordinance Amendment

Supervisor Walls stated that nothing is in the Ordinance regarding recycling facilities and there are at least two facilities that would meet the definition that are currently in the Township. He stated that the decision of the Zoning Board of Appeals decision from 1990 regarding recycling facilities was never incorporated into the ordinance. He referred to Greg Need's recommendation that the decision from the ZBA is the beginning; this is a topic that the Planning Commission might want to look at in more detail.

Chairperson Baker stated that the 1990 decision by the ZBA on whether or not a recycling facility is allowed in M1 zoning and to describe limitations. It also defines what types of materials may be accepted and whether or not Special Land Use would be required and what other limitations would be placed on the property by the Township.

Supervisor Walls indicated that at that time recycling facilities were actually sorting facilities where the packers would dump on the ground and the materials would be sorted and it was important that these activities were inside a building. This decision led to a center being operated at the corner of Andersonville Road and Northwest Court.

Chairperson Baker stated that they are working towards having ordinance language for this type of use; where it can be and how it will be governed.

Mr. Oppmann stated that Greg Need's memo points out that they are not bound by the 1990 ZBA decision. They can now create language based on the opinion of the Planning Commission and Township Board. He stated that discussions should be held regarding where it shall be allowed, whether it will be a permitted use or a Special Land Use, etc.

Supervisor Walls stated that the decision of the Zoning Board is the law of the Township currently. This is the interpretation that they have to follow and it is much more limiting than facilities are that are in operation today.

Chairperson Baker asked Mr. Oppmann if neighboring communities have sample language that they could look at.

Mr. Oppmann answered that he and Mr. Carlisle are going to start looking at other communities and other language that can be used. These will be provided to Collin Walls and will address current operating recycling centers.

Commissioner Hines stated that she has no idea what a facility would be like.

Commissioner Leddy stated that there are so many different types of recycling that you almost have to consider each type for whatever district you are going to allow it in. For example, there is a wood dump at I-75 and Grange Hall Road and you might have another one that is recycling farm waste where you have to address smells, etc.

Commissioner Hopper stated that it is a moving target because what was considered junk 10 years ago can now be recycled. The whole idea is to reduce the impact on landfills and

this is why they have to make sure that they are covered for smells, and it is going to be hard to define exactly what materials, because these might change.

Mr. Oppmann stated that if they look at the definitions provided by Greg Need, there is a wide range of materials represented, from yard waste to glass and paper.

Chairperson Baker stated that there are many different items that need to be addressed including materials, smells and location.

Mr. Oppmann stated that some communities have landfill zoning districts, but there is no mention of recyclable facilities in the communities of Auburn Hills or Lake Orion. He stated that he and Mr. Carlisle will come up with examples for the Planning Commission to look at.

Commissioner Hopper stated that M1 and M2 would be the only districts and having Special Land Use would give them control.

Mr. Oppmann concurred and then they could establish standards and criteria that they would have to meet to go in those areas. This would also trigger a Public Hearing so it would provide notice to neighbors.

Commissioner Hopper concurred.

Supervisor Walls suggested that Mr. Oppmann look at Oakland County's Solid Waste Plan for definition language.

Mr. Oppmann agreed.

Chairperson Baker stated that he thinks of yard waste as compost and recycle as some type of item that has had some manufacturing to create it and will be returned to some other tertiary use.

Commissioner Hopper suggested that what Greg Need presented in his memo to the Commission was good; it just needs Special Land Use added for either districts. He stated that the definition was broad and he agrees with that.

Chairperson Baker asked if Mr. Oppmann was prepared to put together a draft.

Mr. Oppmann agreed.

2. Definition of Structure – Amendment

Chairperson Baker stated that the current definition of structure includes fences and signs but since fences and signs are already regulated under other ordinances, Greg Need has proposed a revised definition.

Commissioners agreed with the language proposed by Greg Need.

Commissioner Hines moved to schedule a Public Hearing as soon as practical for the amendment to Section 40-2 Definition of Structure as presented by Greg Need. Seconded by Commissioner Leddy. Voted yes: Baker, Hines, Hopper, Leddy. Voted no: None. Absent: Sclesky, Willson. Motion Carried.

3. Wireless Communication – Zoning Ordinance Amendment

Mr. Oppmann stated that the State Law has time limits and restrictions so that a brand new tower needs to be approved or denied within the time limit of 90 days. The collocation time limit is 60 days. He stated that one way to allow the Township to have a new tower reviewed by both the Planning Commission and Township Board and meet ordinance restrictions is to eliminate the Concept Plan Requirement for a Special Land Use and they would go right to Final Site Plan.

Chairperson Baker stated that a new tower would still create a site plan and present it to the Planning Commission. He clarified that recommended changes would be made and then the plan would be presented to the Township Board.

Mr. Oppmann stated that the application goes to the Supervisor first and he has 14 days to review it. Once it is complete, the clock starts on the 60 or 90 days.

Supervisor Walls reiterated that there is no time now; the Planning Commission would either recommend approval or recommend denial. The Township Board would hold a hearing for a Special Land Use. In prior years, this has been at the concept stage but they are proposing that this is held for the Final Site Plan because of the time factor.

Commissioner Leddy asked what if they recommend approval with conditions.

Supervisor Walls clarified that it would still go to the Township Board as an approval with conditions. There is no time for tabling. He stated that it might be very difficult to make a decision because the Statute also limited the amount of fee that may be collected. This fee is not enough to cover the consultants' charges to do a review. He stated that Mr. Carlisle had a suggestion that they tell the applicant that the fee is not enough for additional review for the consultants. The applicants can then either bring more money, or go before the Planning Commission who will not have enough information to make an informed decision.

Mr. Oppmann stated that they would then recommend denial.

Chairperson Baker stated that Greg Need recommends adding a new section for Wireless Facilities and this is the proposal.

Commissioner Hines moved to schedule a Public Hearing regarding Section 40-648(c)(3) a procedure for Special Land Use facilities for Wireless Communication

facilities with the Public Hearing to be scheduled as soon as practical. Seconded by Commissioner Hopper. Voted yes: Baker, Hines, Hopper, Leddy. Voted no: None. Absent: Sclesky, Willson. Motion Carried.

Old Business:

1. Mining and Extraction Ordinance – Update/Discussion

Mr. Oppmann stated that what was provided was Greg Need's comments on the section that the Planning Commission looked at last month and also Greg Need's changes to the General Mining Control Ordinance.

Commissioner Hines asked if they were supposed to act on this.

Mr. Oppmann stated that this will go right to the Township Board but it makes sense that they should see how they fit together. He stated that the general Code Ordinance sets the general standards, what the fees are, some of the standards for operations like the hours, etc. The Mineral Mining is the zoning portion and last month they had talked about adding transitional districts at the beginning because right now it is prohibited in several districts and he will add these transitional districts.

Commissioner Leddy stated that on page #8 of Code of Ordinances, Chapter 12 – Environment, Article IV – Mining Control, it is listed as 120 feet under Road Access and it was deleted on the other document.

Mr. Oppmann concurred.

Commissioner Hines stated that on page #2 of Section 40-597 Mineral Mining, under a. Additional Requirements, (1) it says "country primary road" and it should say "county primary road."

Mr. Oppmann concurred.

Commissioner Hines stated that at the top of page #2 lists the recommendation of the Township Board; she asked if the Planning Commission provides feedback.

Mr. Oppmann stated that this would be a Special Land Use so that the Township Board ultimately makes the decision but the Planning Commission does consider the same information in their recommendation.

Commissioner Hopper stated that if they felt that items weren't addressed, this could be in the motion provided by the Planning Commission. He asked Mr. Oppmann to recheck all numbering so that it is correct.

Mr. Oppmann stated that they will make sure that it is correct.

Commissioner Leddy asked if a haul route permit would be issued for County roads.

Supervisor Walls answered that he did not know, but they would need a driveway permit.

Mr. Oppmann answered that the County does not review all routes.

Commissioner Hines asked how road signs get posted in the Village of Holly to detour all trucks around the Village.

Mr. Oppmann answered that they were able to work with someone in the Road Commission; he is not sure who. It may have taken action by the Village Council.

Commissioner Hines asked if our Township Board could make a request.

Mr. Oppmann answered possibly.

Supervisor Walls stated that the Township does have a truck ordinance that may come into play.

Commissioner Hines stated that she does not see how any of these could be approved when you look at #6; it would do all of these items. They are using the definition of "unreasonably". Commissioner Hines stated that this would be enacted and they would rescind the "Extractive."

Mr. Oppmann stated that when the Board adopts the Zoning Ordinance, they will adopt the amendments to the Mining Control Ordinance so that they are consistent. He stated that first they have to go through a Public Hearing on Section 40-597 Mineral Mining. He stated that the Township Board will get them both as a package.

Chairperson Baker clarified that the Extractive District will disappear.

Commissioners concurred.

Chairperson Baker stated that they will have a Public Hearing on Section 40-597 at the Planning Commission.

Commissioners concurred.

Commissioner Hopper stated that they are trying to eliminate the inconsistencies.

Mr. Oppmann stated that there are also changes to the Zoning Enabling Act that requires them to look at it closer.

Mr. Oppmann stated that he will include the transitional districts in the document before it is brought to Public Hearing.

Commissioner Hines clarified that there will be changes to Section b adding the transitional districts.

Chairperson Baker asked if she would like to see the document again before a Public Hearing is scheduled.

Commissioner Hines answered no. Chairperson Baker concurred.

Commissioner Hines moved to schedule a Public Hearing as soon as is practical for Section 40-597 Mineral Mining Regulations with the amendments presented tonight to add transition districts to subparagraph (b) and changing (a)(1) to “county road”, revision date September 6, 2012. Seconded by Commissioner Hopper. Voted yes: Baker, Hines, Hopper, Leddy. Voted no: None. Absent: Sclesky, Willson. Motion Carried.

Supervisor Walls asked if there should be a Public Hearing at the same time to delete the Extractive provisions because they flow together.

Mr. Oppmann stated that they are also going to have to address the two properties. It may make sense to do them concurrently.

Chairperson Baker stated that they will still be in place until they are removed.

Mr. Oppmann stated that Supervisor Walls is suggesting that they also have the Public Hearing striking the Extraction District.

Commissioner Hines asked what they were going to change those properties to.

Commissioner Hopper agreed and stated that they would have to decide what zoning those properties were going to be changed to.

Mr. Oppmann stated that they could leave it in and then follow up with the elimination of the district and then a recommendation for those two properties and what to change them to. He stated if they haven't thought about what to change them to, they can't eliminate the district.

Commissioner Hopper stated that he doesn't see how it hurts to move ahead with this and then follow up when they figure out what they are doing with the two properties.

Mr. Oppmann stated that since they haven't talked about the properties and what they will be, this would be the best option.

Commissioner Hines stated that this information will be important for the property owners and would include future use of those properties; it must be a decision that is well thought out.

Chairperson Baker stated that they should have a zoning district prepared to let them know what it was going to be and what the uses were.

Mr. Oppmann stated that they should have a meeting with the property owners introducing the new terminology regarding zoning.

Supervisor Walls stated that he can see the property owner asking which zoning ordinance applies to my property. He stated that they have left it extractive, but they have new provisions. So, is it the extractive provisions or the mineral mining provisions that govern the property. He answered neither one because of their preexisting nature.

Mr. Oppmann stated that it would take 45 to 60 days to eliminate the district, or 90 at the most.

Supervisor Walls stated that the property north of Holly Road is going to be easy but the Valentine's site is going to be more difficult. He stated that under the restrictions that are going to be imposed for the mineral mining they are going to have to decide what they want this area to be rezoned. He stated that there will be a legal question because they have maintained their mining permit continuously and thus have maintained their mining status.

Mr. Oppmann stated that if they rezone the Valentine's site to R1, they are still under preexisting conditions but if they cease operation then it will go forward as residential property. He stated that it may not be a mining operation in the future and it is preexisting now. This may also change the reclamation plan.

Chairperson Baker asked if the reclamation plan that was in place before continue because of the grandfathering or does the new document say that they have the ability to impose a reclamation plan.

Mr. Oppmann stated that it is in the Mining Control section and with the permit they must have a reclamation plan and if they are under existing permits, then they have reclamation plans on file.

Supervisor Walls stated that there has been mining on that property before there was zoning.

Mr. Oppmann asked if they were under consent agreement.

Supervisor Walls answered that one of their holdings; the Valentine's property was not under consent.

Commissioner Hines asked what the reclamation plan was.

Mr. Oppmann answered that it was a conceptual plan of what the future use was going to be. This is described on pages 4 and 5 and it looks like a plot plan and grading is the most important part.

Commissioner Leddy asked if they could be R1 zoning with Special Land Use.

Mr. Oppmann stated that once it ceases, they lose the nonconformity.

Commissioner Hines asked if the Dave Field property would have to be rezoned to industrial zoning before he could apply for a Special Land Use.

Chairperson Baker summarized that they voted to proceed to a Public Hearing as soon as it was practical for Section 40-597.

2. Dixie Corridor - Discussion

Mr. Oppmann stated that Mr. Carlisle provided the Planning Commission with a summary of the Joint Meeting and the notes and general topics. He also put together an action plan going forward. These items were for their review.

Supervisor Walls stated that hopefully they will decide if the Action Plan was agreeable and it will move forward. He stated that the Township Board felt that the Task Force items should be deferred until there is more of a unified vision of the Corridor. The first area that they are trying to work on is the evaluation of the Sanitary, Sewer/Water and Storm Water. It was felt that if the Planning Commission was willing that some of the items in the list that had to do with existing ordinance or ordinance reviews and maybe the evaluation of different overlay subareas might be an area that they would look at.

Commissioners concurred.

Commissioner Hopper reminded Commissioners that Supervisor Walls had asked for 3-5 areas that each Commissioner wanted to work on. He asked if each Commissioner could send these items should be sent to Collin for his review.

Chairperson Baker concurred.

Other Business:

1. Update Priority List

Commissioners reviewed and updates and revisions to the current Priority List.

Public Comment: None.

Adjournment:

Commissioner Hines moved to adjourn the meeting at 8:46 p.m. Supported by Commissioner Leddy. Voted yes: Baker, Hines, Hopper, Leddy. Voted no: None. Absent: Sclesky, Willson. Motion Carried.

Erin Mattice, Recording Secretary