

Springfield Township
Planning Commission Meeting
Minutes May 19, 2015

Call to Order: Vice-Chairperson Hines called the May 19, 2015 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:

Ruth Ann Hines (acted as Chairperson)
Dave Hopper
Bill Leddy
Kevin Sclesky
Linda Whiting
Neil Willson

Commissioners Absent

Dean Baker

Consultants Present

Doug Lewan, Planner, Carlisle Wortman, Associates

Staff Present

Collin W. Walls, Supervisor

Approval of Agenda:

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

Public Comment:

None

Consent Agenda:

1. Minutes of the April 21, 2015 Planning Commission meeting

Commissioner Hopper moved to approve the minutes of the April 21, 2015 meeting as amended removing “Leddy, Sclesky, Willson” from the adjourn motion as voting “Yes:”, and moving them to “Absent:”. Supported by Commissioner Whiting. Voted yes: Hines, Hopper, Leddy, Sclesky, Whiting, Willson. Voted no: None. Absent: Baker. Motion Carried.

Public Hearing: None

Old Business:

1. Mining and Extractive Ordinance Amendments
Amendment Section 40-145, Standards for Special Land Uses
Amendment Section 40-597, Mineral Mining
Amendment Section 12-81, Application Procedure for Mining Permit

Commissioner Hines provided a historical summary of the mining and extractive ordinance amendments to date.

Mr. Lewan explained that the latest versions of the ordinance amendments were provided by Attorney Greg Need. He has been working with Greg Need on these amendments. The most recent copies were provided to the Commissioners with the date April 30, 2015. He also summarized Supervisor Walls' memo that was provided to the Commissioners for Section 40-145(h)(4) regarding Special Land Use and Mr. Lewan agrees with Greg Need's revisions. Mr. Lewan continued with the revisions to Section 40-597 which would allow for mining operations as a Special Land Use in certain districts. This section provides details on standards of approval and gives specific reference to the Mining Ordinance which is Section 12-81. This Section 40-597 gives specifics as to where mining operations might be located, conditions under which they are reviewed and approved, and defers a lot of the standards to Section 12-81. This section also stipulates that this type of Special Land Use approval and a permit for a mining operation run concurrently. This was one of the comments from the Levy Corporation; they wanted them to run together. There is some renewal language in the Mining provision of the ordinance and this language does not require another Special Land Use, only that the mining permit is renewed by May 15th every year. The Special Land Use runs with the property indefinitely. This summarizes the zoning Section 40-597 which is a new section.

Mr. Lewan continued with Section 12-81, which is part of the general ordinance provisions. There were some changes to this section. On page 5, Mr. Lewan summarized the changes including "serious consequences" new language and defining what a "serious consequence" is. This language is taken specifically from Public Act 110.

Mr. Lewan stated that this summarizes the amendments and changes and the hope is that it can be set for Public Hearing. He would suggest that the Section 12-81 is heard at the same Public Hearing because they are related to the other ordinance changes.

Commissioner Hines confirmed that they are leaving their "extractive district" alone and any new operation would fall under the new ordinance.

Mr. Lewan concurred.

Commissioner Hines stated that any property zoned extractive would remain extractive.

Mr. Lewan answered yes. There are only 2 areas zoned extractive in the Township. One at Oakhill under Consent Agreement and one on Andersonville Road and Big Lake Road.

Commissioner Leddy stated that he noticed there are provisions in the ordinance to have monies set aside to repair the land in case they don't do that. He asked about repairing the roads and if there are any provisions through the County to help repair the roads that the trucks damage.

Supervisor Walls answered that it would have to be through the County.

Commissioner Leddy stated that the trucks damage the roads. Other than Dixie Highway, he does not think there is another road in the Township that is suitable for having gravel trucks travel on them. He suggested that they be more specific on the roads being suitable. He also stated that there should be a reduced speed limit for the gravel trucks.

Mr. Lewan answered that these regulations allow it to be a Special Land Use and the Commission and Township Board can make the approval conditional. This makes it possible to revoke if they are not following the conditions placed upon them.

Commissioner Leddy suggested having guidelines so that when they come to the Commission, they are aware of what is required.

Mr. Lewan stated that the Planning Commission should address that as requests are received because they are all different.

Commissioner Hines stated that some of these road conditions are addressed on page 6.

Commissioner Willson stated that if the trucks have to pass through and along the Township roads to leave, that is what they are concerned about.

Mr. Lewan stated that they could require a proper Traffic Study, etc. to address their concerns prior to Special Land Use approval.

Commissioner Leddy suggested making sure that all roads are brought up to State standards.

Supervisor Walls answered that this would not work. The Township does not have any jurisdiction over the roads.

Mr. Lewan stated that the Road Commission would provide a review and analysis.

Commissioner Sclesky stated that if a company got approval through the State, would they be allowed to operate in an area of the Township not zoned for this activity.

Mr. Lewan stated that they do not need a zoning change because they are allowing it in many different zoning areas based on a Special Lane Use.

Commissioner Sclesky asked if the Township could be forced into allowing mining in an area that is not approved for mining in the ordinance.

Mr. Lewan stated that they could request it and the Township could say no. If they didn't meet the provisions like the Special Land Use standards or if there is a serious consequence, they could say no. But the applicant could always take the Township to court.

Supervisor Walls confirmed that they could always go to the appropriate court.

Commissioner Hines confirmed that there would be no point to ask for a rezoning, it would be a lot easier to ask for a Special Land Use.

Commissioners discussed the current mining owners and whether or not they would be in favor of these new provisions.

Mr. Lewan stated that Mr. Carlisle reiterated that the last ordinance that was seen in 2012 was reviewed by CWA and Greg Need and were fine. These amendments that are presented tonight are in response to the Township trying to work with Levy.

Commissioner Leddy agreed but stated that he just wondered how much authority the Township really has.

Supervisor Walls answered not as much as they had in 2012 when the legislature changed.

Commissioner Hopper asked about Section 40-145, asked if there should be a number of administrative attempts outlined in the number of attempts to get them to comply. He stated that it is open because it's not clear what could be considered an attempt.

Commissioner Hines agreed with being more specific.

Mr. Lewan concurred.

Commissioner Hopper asked about Section 40-597, under (b), 3rd line, if it should be "Special Land Use Approval".

Mr. Lewan agreed; he will add it.

Commissioner Hopper, asked about the indentation of numbers after (d).

Mr. Lewan responded that it will be in the correct form.

Commissioner Hopper asked about Section 12-81, first paragraph, they removed the Township in front of the Planning Commission in a few of the spots but it was left in others. He asked about consistency. It should say "Township Planning Commission" in all.

Mr. Lewan answered that they would make it consistent throughout the document. He stated that ordinance sections fit together well now and it is clear how it is supposed to work.

Commissioner Hines confirmed that the Commission does not have any authority over Section 12-81, but it should still be part of the Public Hearing. She asked if the Board would then waive the need for a Public Hearing on this section.

Mr. Lewan answered that this would be a question for Greg Need.

Supervisor Walls stated that this is the only non-zoning ordinance in which Planning Commission has an active role. They would confirm hearing requirements with Greg Need.

Commissioner Hopper asked if Randy Ford had seen these changes.

Mr. Lewan answered no.

Supervisor Walls answered that Mr. Ford's part of the ordinance has not changed; it is based on Holly Township.

Commissioner Hines stated that they have not made changes to the engineering review portion of Section 12-81.

Supervisor Walls and Mr. Lewan concurred.

Supervisor Walls stated that Section 12-81 contains all of the standards.

Commissioner Whiting asked about Section 40-145, under 4, (a)(5), she asked if the "Chapter" refers to the "Chapter" of the ordinance. She has not noticed that word in the other documents. She also asked if "Township" referred exclusively to Springfield Township.

Supervisor Walls answered that Chapter 40 is zoning. It is now the Springfield Township Code of Ordinances, Chapter 40. The "Township" refers exclusively to "Springfield Township." He stated that there at least two provisions in the zoning ordinance, one for noise and one for vibration, that have applications to a mining operation. They know that the noise regulations are outdated and they have hired a consultant to bring those up to current standards. He stated that the vibration standards are good on the lower end, but very permissive on the higher end. This does not track well with the mining operations. They are reviewing this for updating the standards.

Commissioner Sclesky asked if the ordinance changes for hearing would have any effect on the current mining operations.

Supervisor Walls answered no. If they comply with the current, changing the ordinance will not affect them.

Commissioner Hopper moved to set for Public Hearing at the Planning Commission at its next available regular meeting Mining and Extractive ordinance amendments, specifically amendments to Section 40-145, Standards for Special Land Uses, amendments to Section 40-597, Mineral Mining and amendments to Township Ordinance Section 12-81, Application Procedure for Mining Permits all as discussed this evening. Seconded by Commissioner Hines.

Supervisor Walls asked about the changes that Commission Hopper recommended in Section 40-145, the motion does not include those.

Commissioner Hopper stated that this is why he added “as discussed this evening.”

Supervisor Walls stated that Commissioner Leddy also discussed putting in language for meeting road standards. He asked what the Commission wanted.

Commissioner Hopper stated that it was his intent to have the Township attorney look at the number of attempts he brought up and see if he feels that this is defensible in court. He stated because of the Special Land Use standards, they were covered as far as the road are concerned. The only changes he wanted included were the number of attempts and the clerical corrections.

Mr. Lewan stated that he has it in his notes to ask Greg about the number of attempts or making it more specific.

Commissioner Sclesky stated that Commissioner Leddy’s road comment was answered in the discussion that came right after it; they would deal with each development on a case by case basis by applying the Special Land Use standards.

Commissioners concurred and discussed the very serious consequences and the number and type of violation notice attempts.

Mr. Lewan stated that he will ask Greg Need about the type of notification he recommends.

Voted yes: Hines, Hopper, Leddy, Sclesky, Whiting, Willson. Voted no: None. Absent: Baker. Motion Carried.

New Business:

None

Other Business:

1. Priority List

Commissioners reviewed and made updates and revisions to the current Priority Task List. Mr. Lewan stated that they have an upcoming Strategic Planning Meeting on June 2, 2015 at 11:00 a.m.

Supervisor Walls stated that the Administrative Site Plan Committee recently met in reference to a change at the Al Deeby site and as a result of this, requested that the Planning Commission review the parking requirements for auto sales type facilities to address the absence of any provisions for spaces for new and used vehicles. They have to show how many spaces for employees and visitors, but they do not include the inventory parking spaces. Supervisor Walls indicated that another item that they need to look at is that we require three parking spaces per every service bay and they are not sure why.

Supervisor Walls and Commissioners discussed current items and issues that are present in the Township.

Public Comment:

None

Adjournment:

Commissioner Whiting moved to adjourn the meeting at 8:30 p.m. Supported by Commissioner Willson. Voted yes: Hines, Hopper, Leddy, Sclesky, Whiting, Willson. Voted no: None. Absent: Baker. Motion Carried.

Erin A. Mattice, Recording Secretary