

Springfield Township
Planning Commission Meeting
Minutes June 16, 2015

Call to Order: Chairperson Baker called the June 16, 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:

Dean Baker
Ruth Ann Hines
Dave Hopper
Bill Leddy
Kevin Sclesky
Linda Whiting
Neil Willson (arrived at 7:34 p.m.)

Commissioners Absent

Consultants Present

Doug Lewan, Planner, Carlisle Wortman, Associates

Staff Present

Collin W. Walls, Supervisor

Approval of Agenda:

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

Public Comment:

None

Consent Agenda:

1. Minutes of the May 19, 2015 Planning Commission meeting

Commissioner Leddy moved to approve the minutes of the May 19, 2015 meeting as presented. Supported by Commissioner Sclesky. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Whiting. Voted no: None. Absent: Willson. Motion Carried.

Public Hearing:

**1. Mining and Extractive Ordinance Amendments
Amendment Section 40-145, Standards for Special Land Uses
Amendment Section 40-597, Mineral Mining**

Chairperson Baker opened the Public Hearing at 7:32 p.m.

Mr. Richard Zanotti introduced himself to the Commissioners. He explained that he is an Engineer for the Edward C. Levy Company and he summarized his role. He stated that two years ago he was in front of the Commission regarding changes to the ordinance. He stated that at that time they objected to the changes because they were the only company that was involved in these type of operations. He felt that they felt like they needed to be more of a part of the process and at that time the Township stopped the changes and they had time to meet with the Township Planner to discuss their concerns.

Ms. Susan Friedlander, Attorney, introduced herself to the Commission. She stated that the Zoning Act requires that changes to the ordinance are made according to a plan and when she looked at the website, she did not see any recent updates to the 2009 Master Plan with respect to Natural Resources and the mining of Natural Resources. The Master Plan does an excellent job of exploring the land and the natural features. However, the minerals are another natural feature yet the Master Plan says nothing about minerals. The minerals are located where they are deposited and they don't care about zoning classifications. She stated that they believe that the old zoning classification of Extractive made sense because it was a floating zone which recognizes this fact. The Master Plan should also identify where minerals exist and needs to be updated.

Ms. Friedlander explained that their other concern is the revisions to 40-145, Standards for Special Land Use, paragraphs 4 and 5. She stated that her concern is that they are attempting to say that although they have gone through all of the Special Land Use standards and have determined the use to not be a concern for the public health, safety and welfare, in paragraph 4 there is the possibility to revoke Special Land Use in cases of concern for the public health, safety and welfare. She stated that possibly this allows for changes down the road or the presentation of new information that wasn't available at the time of approval. She stated that she thinks the ordinance should be clearer on the intent and under what conditions they would revoke because it is over-broad. She stated that if the property was rezoned after the property received Special Land Use, the zoning law does not allow this to be a basis to revoke because it is a vested land use. She stated that the Zoning Act does not give the Township the power to act as the revocation body. There are provisions in the Zoning Act for enforcement of ordinance which do not include the Township acting as a quasi-judicial body to say they violated the ordinance and their Special Land Use is being revoked. There are other enforcements available that are applicable to this situation.

Ms. Friedlander stated that by the additions to the zoning provisions, they feel like there are improvements over the original and they are now more consistent with State law. However their greatest concern is in the General Ordinance changes to Section 12-81.

Chairperson Baker confirmed that the Planning Commission is only having discussion and offering comments regarding Section 12-81.

Ms. Friedlander continued to offer comments about Section 12-81. There is a distinction between a General Ordinance and a Zoning Ordinance. She understands that they can have a mining ordinance under their General Ordinances and zoning provisions that establish mining as a Special Land Use. She stated that traditionally the mining permit and mining ordinance are related to such issues as hours of operation, noise, dust, traffic, trucks and other operational aspects of a mining operation. She stated that mining permits usually have to be renewed on an annual basis and the Building Inspector or Engineer comes out and determines if they are still in compliance with the regulatory ordinance. She stated that the amended ordinance does not allow a distinction between the zoning ordinance and requires an operator to come in annually not just for renewal of the regulatory permit, but they are now subject to all of the same standards and requirements for obtaining the Special Land Use that established the mining operation originally. The first year they come in as usual but then they have to come back every year and demonstrate that they meet the requirements for a Special Land Use. A Special Land Use is not to be treated any differently than a use that is permitted by right. Other businesses or single homeowners do not have to come in every year for determining if they still comply with the ordinance. The revisions would require the operation to go through the Special Lane Use application and approval procedure every year and they believe that this violates PA 113 of 2011 which added the provisions into the Zoning Act to not enact Zoning ordinances which prevent mining of the property and allow local jurisdictions to place restrictions which are reasonable. She stated that they do not believe that the review and re-application is reasonable.

Supervisor Walls asked what the specific reference Ms. Friedlander made to Section 40-145.

Ms. Friedlander replied Section 40-145 (b)(4), paragraphs 4 and 5.

Mr. Steve Weiner, representing Edward C. Levy Company, introduced himself to the Commission. He apologized for the late arrival. He summarized that Ms. Friedlander adequately described their concerns and it is their intention to prepare a letter to submit to the Township for review by the Board. He is aware that their consultant, David Birchler, had worked with Mr. Lewan's predecessor and he believes that over time the efforts did not mesh together. If there is an opportunity to meet with the subcommittee regarding the changes, their team is willing to do that. He believes they can still find common ground. They are a major mining operation in the State and they believe that they have a good reputation.

Chairperson Baker closed the Public Hearing at 7:49 p.m.

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**

Mr. Lewan summarized the changes that were made to the ordinance based on both the Commission comments and comments made by Mr. Birchler, which were addressed. He stated that in prior versions, the zoning ordinance regarding mining and the stand alone mining ordinance had information and requirements that were duplicated and these duplications were eliminated from the zoning ordinance and referenced back to the general mining ordinance. The language was changed from more negative to more positive and permissive throughout the document. He stated that they tried to clear up the requirement to come back year after year after the Special Land Use was granted. The intent is that an applicant would come to the township and get Special Land Use approval and this special approval package also includes an application for a mining permit. This does not require two separate reviews and two separate processes. He continued that the intent is that only the mining permit will need to be renewed and this is reflected in the amendment language. This allows them to have much more simplified standards. He stated that Section 12-81 has stayed the same except for the areas in which Mr. Birchler requested changes including the sections that had to do with very serious consequences language that was taken right from the law.

Chairperson Baker confirmed that the mining Section 12-81 is to remain unchanged but the procedure will be managed as a parallel process.

Mr. Lewan answered that there are additional changes to this section. He stated that since Section 12-81 is a standalone and not part of the Zoning Ordinance, the Planning Commission is not required to have a hearing on this portion. It was on the agenda for the Commission to look at it in a comprehensive way, but eventually it will go to the Township Board. He pointed out the changes to the Special Land Use Section that will apply to all Special Land Uses. He stated that the proposed language was assembled by the Township Attorney. He stated that the old Section 40-597 was multiple pages and they were able to reduce it to a page and a half and is much simplified. Additionally for Section 12-81, they removed language that could be seen as subjective and added language verbatim from the law.

Mr. Lewan discussed Ms. Friendlander's opinion about the Master Plan addressing the mining. He stated that currently there are only two properties zoned Extractive in the entire Township. There are no areas in the Master Plan zoned Extractive. If someone came in requesting a zoning change to Extractive, they would first look at the Master Plan and since nothing is zoned that way, it would be an uphill battle from the beginning. The way it is being proposed, they are opening up the entire Township for extractive use

but the applicant has to prove that there are resources available and there are no serious consequences. He stated that this is more permissive than the previous scenario and it eliminates the immediate rezoning problem. He understands what the concern was, but he thinks this addresses those concerns.

Commissioner Leddy asked about Section 12-81 (3) and if the renewal has to be brought to the Commission or only if there is a problem.

Commissioner Hines clarified that a renewal of an annual permit was at the bottom of page 4.

Chairperson Baker stated that it appears that when that renewal takes place on May 15th of each year, if there is some dispute, the Township Board may refer the renewal to the Planning Commission for evaluation and study. It doesn't come to the Commission as a matter of course, only if there are issues.

Commissioner Hines stated that she understands Commissioner Leddy's concern because #3 says initial or subsequent renewal applications.

Mr. Lewan stated that the Planning Commission is just being asked to review and provide recommendation.

Chairperson Baker stated that he has never seen one at the Planning Commission and they have two operations in the Township. His interpretation is if a new operation opens up, then the procedure listed in letter A would take place and the Planning Commission may have the opportunity to give comment on the site.

Mr. Lewan concurred.

Chairperson Baker stated that the Planning Commission would see the application at its initiation and then if the Township Board would ever feel that there was a point of clarity with a site that was already permitted, they could engage the Planning Commission to help with fact finding.

Supervisor Walls stated that they have taken notes regarding the Commissioner's comments regarding Section 12-81 and these comments will be given to the Township Board when this Section 12-81 goes for approval.

Commissioner Whiting asked Ms. Friedlander to clarify her comments. She asked if Ms. Friedlander was concerned that the current wording not only makes the initial request for Special Land Use and Mining Permit go together but that would again need to go together every year to be renewed.

Ms. Friedlander stated that as a practical matter, the mining permit renewal makes you go through the whole process that you had to go through to get your Special Land Use. Maybe the only thing you have to prove again is that there are minerals there and that

they are valuable. If you look at the way the two ordinances go together, the new proposed ordinance refers to 40-597, (E) 1, (a), (b) and (c) which are the standards of concern. Ms. Friedlander read the above sections including the requirements for Special Land Use. She stated that the language suggests that when an applicant comes in for an annual renewal, not only do you have to verify the operational concerns, but you also have to prove that “very serious consequences” do not result which is what you had to prove when you originally obtained the Special Land Use. Just to get your mining permit approved, you have to prove again what you were required to prove to get your Special Land Use in the first place.

Commissioner Whiting asked Mr. Lewan if there was enough differentiation between what you needed for renewal and what you needed to obtain the original mining permit.

Mr. Lewan responded that they are not requiring the applicant to come back for another Special Land Use for a renewal mining permit.

Commissioner Hines stated that this is something that the Township Board will need to address.

Mr. Lewan agreed.

Chairperson Baker stated that their role is to offer the public the chance to comment on these proposals and if they feel that they have collected that input and whatever input the Commissioners have to make, then they would make a proposal to move this to the Township Board.

Commissioner Hopper moved to recommend to the Township Board to amend Springfield Township Code of Ordinances, Chapter 40, Section 40-145(h)(4) Article 2, Division 6, Special Land Uses, by adding a new Section 40-597 Mineral Mining to Article 4. Further, the Planning Commission entertained comments related to the Code of Ordinances Section 12-81 therefore the Planning Commission has looked at the proposed amendments to Code of Ordinances, Article 4, Mining Control, Section 12-81, Application Procedure for Mining Permit as presented and has no issues with these amendments as proposed. Seconded by Commissioner Willson.

Supervisor Walls asked if they have no issues with just Section 12-81, or all of them.

Commissioner Hopper added that there are no issues with Section 40-145 or Section 40-597. Since they were just taking input on Section 12-81, he was stating that Section 12-81 was presented to the Planning Commission and they have no issues, but they are not the recommending body. He did recommend the zoning amendments as proposed.

Mr. Weiner stated that the reason the Planning Commission has not seen renewals for mining permits is because the current mining operation of Edward C. Levy is subject to and governed by a Consent Judgement and therefore it does not require renewals. In virtually every other community in which they have mining operations, the renewal is

handled administratively and facilitated by the Township Engineer, submittal of some drawings and a site visit to determine that they are in compliance.

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

New Business:

1. Ordinance Amendment – Dealership Parking - Discussion

Mr. Lewan stated that this was an issue brought up at the last meeting. He stated that he looked at Springfield Township's parking standards and how they related to other communities. He provided a memo summarizing the information for the Planning Commissioners in their packet. He summarized his memo dated May 27, 2015. He commented that Supervisor Walls suggested that a quick fix would be to fix the number of parking spaces required and a long term fix would be to look at the impervious surface requirements for dealerships and for all other uses in the Township. He stated that one community has a land area ratio for dealerships so you would not be paving the entire lot for car storage. He stated that in using the land area ratio, the number of spaces for Szott Ford would have gone down to 261 spaces. He explained that instead of parking minimums, they look at parking maximums to require a certain amount of imperviousness in a site.

Commissioner Hines stated that the quick fix would be to reduce the number of spaces for customer service.

Mr. Lewan concurred

Commissioner Hines stated that if they reduce the amount of impervious surface, they would just rent space from an adjoining business.

Mr. Lewan agreed.

Supervisor Walls stated that one of the problems is that we do not have anything in our ordinance that refers to sales area, new, used or inventory. It is all referred to as parking. We seem to have an excessive amount for customers and employees. The issue that brought this up was the administrative review of an addition at Al Deeby and the fact that they use up inventory for non-customer parking spaces and they already do not have enough inventory room.

Mr. Lewan stated that no other communities talked about inventory except for one.

Supervisor Walls stated that Northville requires a clear delineation.

Commissioner Hopper stated that it does not make sense to have three spaces per service bay. If you have a car in for service, you do not have a car in the parking lot. He stated

that if they are not delineating between cars for sale and customers, they will make room for customers.

Commissioner Sclesky stated that the dealership has no control over it, they are going to want as many spaces as possible to handle the inventory that they are given.

Commissioner Willson stated that the inventory fluctuates throughout the year based on inventory and production schedules and what they saw at Deeby was called build-out which requires them to take an extraordinary number of cars. The building size isn't necessarily related to the dealership sales capacity. He stated if they reduce the amount of parking based on land area ratios, this will force them all to go find additional parking. Service vehicles are always parked in the back and there is a constant movement of cars. The peak season for car sales is December. He stated that it is not a simple ratio based on building size. He asked if that was the objection of the Planning Commission, the large amount of parked cars.

Chairperson Baker answered that this is not the issue on the table. The issue is parking and the fact that the dealership allocates an excessive number of spaces to workers and its customers. He stated that dealerships want to come to Springfield because they are made to put in 80 parking spaces, even though they only need 25 and they can use the extra for inventory. He stated that they are trying to evaluate if their requirements for on-site parking for customers and employees is excessive and if it is, should they reduce it thus reducing the hard surface requirement for those cars and devote a certain amount of hard surface for inventory.

Commissioner Hines asked if this would really reduce the hard surface.

Chairperson Baker answered that the Planning Commission is initiating the rules that they will have to follow.

Mr. Lewan stated that the inventory is the problem. There are not any current hard surface requirements.

Supervisor Walls stated that they do have greenbelt and landscaping restrictions which limit it. The problem that he sees is that two of the three dealerships have an issue because neither site is big enough to handle the inventory in this market and in these conditions. The Szott plan accommodated their need by reducing the green area. It would help if administratively they could reduce the parking for customers and employees, but not use it for inventory.

Commissioner Willson agreed that current parking requirements are excessive.

Commissioner Whiting concurred.

Commissioners discussed the parking at Bordines and Al Deeby site.

Commissioner Hopper stated that if they are making the change, do you make a clear delineation.

Commissioner discussed concerns over enforcement of such a delineation and whether or not it is required.

Mr. Lewan stated that if they make it easier for the dealership to use designated parking spots by the Township, it is better for them.

Commissioner Leddy suggested allowing them to have more pervious parking surface. He suggested have clear delineation of customer parking.

Clerk Moreau stated that she considered a sea of parking to be an eyesore and moving vehicles to a different lot does not resolve the problem. She stated that she would rather see more screening, even if the inventory is stored there.

Commissioner Sclesky referenced the lot behind the old Saturn dealership s a good example of vehicle storage that is less visible.

Mr. Lewan stated that the pervious parking is becoming much more popular, including porous paving.

Commissioners discussed parking requirements. They agreed that the current amounts were excessive but a larger discussion needs to take place regarding impervious versus pervious surfaces while recognizing the dealership operating demands. Commissioners agreed that they need to change the math in relation to dealership parking and suggested that the Northville model is the best model to look at.

Mr. Lewan confirmed that he would work on language based on the comments made during this meeting.

Other Business:

1. Priority List

Commissioners reviewed and made updates and revisions to the current Priority Task

Public Comment:

None

Adjournment:

Commissioner Hines moved to adjourn the meeting at 8:59 p.m. Supported by Commissioner Whiting. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Whiting, Willson. Voted no: None. Absent: None. Motion Carried.

Erin A. Mattice, Recording Secretary