

Springfield Township  
Planning Commission – Business Meeting  
Minutes November 19, 2012

Call to Order: Chairman Baker called the November 19, 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  
Neil Willson

Commissioners Absent

Kevin Sclesky

Staff Present

Collin Walls, Supervisor

Consultants Present

Brian Oppmann, Planner

Approval of Agenda:

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

Public Comment: None

Consent Agenda:

**1. Minutes of the October 15, 2012 meeting**

**Commissioner Hopper moved to approve the minutes of the October 15, 2012 meeting as presented. Seconded by Commissioner Leddy. Voted yes: Baker, Hines, Hopper, Leddy, Willson. Voted no: None. Absent: Sclesky. Motion Carried.**

Public Hearing:

**1. Definition of Structure – Amendment to Section 40.2**

**Public Hearing OPENED at 7:32 PM.**

No public comment was heard.

**Public Hearing CLOSED at 7:33 PM**

**2. Wireless Communication – Addition of Section 40-648(c)(3)**

**Public Hearing OPENED at 7:34 PM.**

No public comment was heard.

**Public Hearing CLOSED at 7:35 PM.**

New Business:

**1. Definition of Structure – Amendment to Section 40.2**

**Commissioner Hines moved to recommend the adoption of the “Definition of Structure – Amendment to Section 40.2” as presented to the Township Board. Seconded by Commissioner Hopper. Voted yes: Baker, Hines, Hopper, Leddy, Willson. Voted no: None. Absent: Sclesky. Motion Carried.**

**2. Wireless Communication – Addition of Section 40-648(c)(3)**

**Commissioner Hines moved to recommend to the Township Board the adoption of “Wireless Communication – Addition of Section 40-648(c)(3), procedures for Special Land Use for wireless facilities to indicate that the concept plan and approval would not be required, as presented. Seconded by Commissioner Hopper. Voted yes: Baker, Hines, Hopper, Leddy, Willson. Voted no: None. Absent: Sclesky. Motion Carried.**

**3. Performance Guarantees – Discussion Regarding Section 40-35**

Supervisor Walls stated that the Commission was presented with amendments for Performance Guarantees and Site Condominium sections of the ordinance that were provided by Dick Carlisle. He stated that currently the Performance Guarantees only applies when the Township Board has conditioned approval of a site plan on application of performance guarantees and a timeline by which the development must take place. This predated the change in the ordinance which gave Planning Commission jurisdiction over non-special land use site plans. He stated that he cannot recall a site plan that the Township Board approved with a performance guarantee as a condition. He stated that it includes a 25% administration fee and the fee ordinance is 15% administration fee. He stated that the language from Dick Carlisle was given to the Commission for their review. It changes the purpose and intent from mandatory to optional and it adds performance guarantee types of things like Master Deed, By Laws, easements or other legal documents. It also suggests the addition of an item in the procedure which was moved to paragraph #9 in which the township can request information from the engineer consultants on performance guarantees, how much they should be, etc. He stated that there is provision in the ordinance now which states that the township should put the money into an interest bearing account which is not legal; trust funds do not bear interest. He stated that Mr. Carlisle is suggesting converting this to an administrative procedure that has the flexibility to deal with the projects and their needs. He stated that the Section 45-93, Condominium projects which is the only place that has a specific reference to Performance Guarantees. It contains strange language in reference to building permits where the structure appears to be intended to deal with the development but when you

have site condominiums, they do not have building permits until such time that they want to build a house on an individual unit. The presented document has language to clean this up and to apply it to the performance guarantee section. He stated that the Board of Appeals has to do an interpretation this month. He stated that the development Miller Farms brought this issue up because there is a buyer for the project and the buyer approached Supervisor Walls regarding the performance guarantees and this is what prompted the review of this issue. Supervisor Walls stated that they have been doing performance guarantees but they have not been doing it in accordance with the ordinance language and the language that Mr. Carlisle presented establishes consistency.

Chairperson Baker recalled that the interpretation that came up was regarding Miller Farms. He summarized that there was an inconsistency in the fee structure between the 25% and the allowable 15%.

Supervisor Walls stated that the problem is that the ordinance refers to obtaining performance guarantees before a permit is issued and the permits are issued down the road in this case.

Chairperson Baker stated that the Commission was provided draft language to consider.

Commissioner Hopper stated that he just received the draft today and he had issues with the old condominium regulations, both e. and f. because he doesn't know of any bank that would loan money on a temporary C of O. He stated that this seems to be dealt with in the suggested language.

Chairperson Baker asked the Commissioners if they would like time to reflect on the language before scheduling a Public Hearing.

Commissioner Hines stated that she would like time to review it. Commissioner Willson concurred.

Chairperson Baker suggested that they bring this back in December for more discussion. Commissioners concurred.

Mr. Oppmann stated that the key is clearing up the inconsistencies and that is what they are trying to do and the appropriate thing to do is take the time to review it and look at it again next month.

Commissioner Leddy asked how this would affect Miller Farms and the proposed development.

Supervisor Walls stated that it won't affect it because they are going to be ruled by the interpretation that will be made by the Zoning Board of Appeals on Wednesday, November 21, 2012.

Commissioner Hopper suggested that Greg Need take a cursory look at the proposed language and Supervisor Walls concurred.

Old Business:

**1. Mining and Extraction Ordinance – Update/Discussion**

Mr. Oppmann stated that one of the topics that came out of last month's meeting was how they would deal with the two extractive operations that they currently have operating in the Township. He stated that they decided to keep the E-1 district in place and they would apply to existing operations. He stated in doing this they would continue to operate as they have been. He stated that Greg Need's review letter recommended that they set a date that the current operations would have to come into conformance; right now they are existing permitted uses but at some time they would have to conform to the current ordinance. The Commissioners would have to decide when to set this date and Greg Need recommends either a calendar date or when the new mining provisions are approved.

Commissioner Hines asked if this would be a provision for the mining operations already in place.

Mr. Oppmann restated that it addresses the problem of having already existing operations in the Township and allows them to still exist under E-1 zoning but future mining operations would need to obtain a Special Land Use permit under the new Section 40. They want the current mining operations to come into conformance with the new Section 40-597.

Supervisor Walls reiterated that E-1 will not end and when these 2 operations finish mining they will have to come in and apply for a rezoning.

Commissioner Hines asked what the time limit applied to.

Supervisor Walls answered the General Ordinance. The two current mining operations are preexisting, nonconforming. This is operational as well as zoning classification. The operational provisions will no longer be in the zoning ordinance, they will be in the general ordinance and you do not get nonconforming status for operational. The time frame is when the operational standards for the existing facilities would kick in.

Mr. Oppmann stated that they need to select a date because there is no grandfathering in the General Ordinance; they will have to conform by this date. It could be when Article 12 is adopted or it could be January 1, 2013.

Commissioner Hines asked what would happen to the consent judgment that they are operating under.

Supervisor Walls stated that one of the two operations is under consent judgment. He stated that he would presume that for the operational standards, the most restrictive would apply.

Mr. Oppmann stated that if there are different provisions in the consent judgment, it is likely that they would apply but the difficulty is that it is so old. They don't know if the operation is following their end of the agreement because they do not have a copy.

Supervisor Walls stated that he believes that it is 3 ownership changes away from the consent agreement.

Commissioner Hopper stated that he likes the idea of leaving the E-1 district and it seems to relate to the existing only. He asked if there is any way to put damage provisions in the ordinance to help pay for the damage of the roads caused by the gravel haulers.

Mr. Oppmann answered that he would look into it and get back to him about that because he is not sure that they can because the Road Commission has jurisdiction over the roadways. They can't create an ordinance jurisdiction that is outside of their jurisdiction.

Commissioner Hopper concurred with the idea of putting in a date but he does not know what date would be appropriate. He stated that this document does incorporate much of the changes that they wanted.

Mr. Oppmann stated that Greg Need suggested changes to Section 40-597 b. and this is something that he will fix.

Supervisor Walls stated that they are looking to change a General Law provision and there is not a Public Hearing typically held for this by the Planning Commission although the Planning Commission can make a recommendation to the Township Board regarding this. He stated that this date can be inserted when the Zoning change is made but as a Board member, he would like the Commission's opinion on what they recommend. They do not have to worry about setting that date at the time of setting the zoning provisions.

Commissioner Hines asked where the date was going.

Mr. Oppmann replied under the principal uses permitted section, in the zoning section. He stated that they could pick a simple calendar date but they could also coordinate it with the Board adoption of the Chapter 12 Mining Control which is the General Code Ordinance.

Chairperson Baker stated that they would have a Public Hearing on the proposed changes to E-1 and for the General Ordinance changes. He proposed a wording change under E-1, under intent, it says, "at the same time allow for the extraction of minerals in locations that presently exist" should be changed to "mineral removal processes" because the minerals exist there.

Mr. Oppmann concurred. He stated that according to the draft document the activities would be allowed in M-1, M-2 and R-1A. It is prohibited in every other district.

Commissioner Hines asked why it was permitted in residential.

Mr. Oppmann stated that if they restrict residential zoning, they would essentially eliminate it from the Township. They would be forcing the rezoning of a large portion of land and they would create spot zoning. He stated that it would be a special land use in R-1A.

Chairperson Baker stated that they would have to abide by the standards including reclamation as they move forward and proper stock piling of materials.

Mr. Oppmann stated that it would still require a Public Hearing because it would be a Special Land Use so the neighbors would be notified. He stated that he still has to revise the document based on Greg Need's comments and he will do that before the next meeting.

Commissioner Hines stated that they still needed to add the date also.

Mr. Oppmann answered that they want to set the date for the Chapter 12 and he has to come up with language for this.

Supervisor Walls stated that Greg Need and he discussed this and Greg Need didn't see any reason why it couldn't coincide with the adoption of the other amendments. He stated that it might be fair to say January 1, 2014 and since it is not going to be easy either way, at least this way there would be a built in time frame to consider the change.

Mr. Oppmann concurred with January 1, 2014. This would give the Township time to assist in the process.

Commissioners concurred and discussed date selection.

**Commissioner Hines moved to schedule a Public Hearing the amendments to Section 40-553 Extractive District and Division 14 at the next most practical date. Seconded by Commissioner Willson. Voted yes: Baker, Hines, Hopper, Leddy, Willson. Voted no: None. Absent: Sclesky. Motion Carried.**

## **2. Recycling Facilities – Update/Discussion**

Mr. Oppmann stated that Mr. Carlisle and he have been working on a draft and it would be available for review at December's meeting.

### 3. Dixie Corridor - Update

Supervisor Walls stated that Mr. Carlisle had recommended a course of action on how to work on the Dixie Corridor Update. The primary item that came out of the meeting is that Mr. Carlisle and Mr. Ford are going to be putting together some budgetary estimates that will be presented to the Township Board in December for adoption. Mr. Carlisle is doing the land use component with Mr. Ford working on the sanitary component. HRC has retained the services of Dave Wardin of Kieft Engineering to assist in the non-interceptor kinds of community septic. It is more complicated because the State rules are in the process of changing. If the budgets are okay, they set a meeting in early January. There was a change in the electoral process at the Water Resource Commission. The Water Resource Commission acquired the sewage treatment plant from the City of Pontiac and there is talk that this will be used to assist the Clinton System. Mr. Carlisle is looking at involving the Planning Commission to look at some of the sub areas; the sanitary plan will go along with this.

Commissioner Hines asked what the plans were for the River because she is aware that they have made parking lot changes.

Supervisor Walls answered that he did not know.

#### Other Business:

#### 1. Update Priority List

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

Commissioner Hopper stated that when they look at the Dixie Highway Corridor Overlay they should look at provisions for electric car charging stations.

Trustee Vallad stated that they should look at Auburn Hills and the ordinance changes that they have made because it seems very complete and could be looked at as a model.

Commissioners discussed the need to look at electric car charging station provisions.

Public Comment: None.

Adjournment:

**Commissioner Hopper moved to adjourn the meeting at 8:40 p.m. Supported by Commissioner Hines. Voted yes: Baker, Hines, Hopper, Leddy, Willson. Voted no: None. Absent: Sclesky. Motion Carried.**

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Erin A. Mattice, Recording Secretary