

Minutes of
**PLANNING COMMISSION
REGULAR MEETING
February 28, 2023**



Call to Order: Vice Chairperson Sclesky called the February 28, 2023, Regular Meeting of the Springfield Township Planning Commission to order at 7:00 p.m. at the Springfield Township Civic Center, 12000 Davisburg Rd., Davisburg, MI 48350.

Commissioners

in Attendance:

Jamie Costigan
Ruth Ann Hines
Dave Hopper
George Mansour
Chris Moore
Kevin Sclesky, Vice Chair

Absent: Dean Baker, Chair

Consultants Present:

Julia Upfal, Giffels Webster
Stephanie Osborn, Giffels Webster
Jill Bahm, Giffels Webster
Mike Smith, AEW

Staff Present:

Laura Moreau, Supervisor
Joan Rusch, Planning Administrator

Approval of Agenda:

Commissioner Mansour moved to proceed with the agenda as presented. Supported by Commissioner Hines. Vote: Yes: Costigan, Hines, Hopper, Mansour, Moore, Sclesky. No: None. Absent: Baker. Motion approved.

Public Comment: None

Approval of Consent Agenda:

Commissioner Hopper moved to approve the consent agenda as presented. Supported by Commissioner Mansour. Vote: Yes: Costigan, Hines, Hopper, Mansour, Moore, Sclesky. No: None. Absent: Baker. Motion approved.

- 1) Approve minutes from January 24, 2023, Regular Meeting**
- 2) Accept Communication from White Lake Township – Notice of Master Plan Update**



New Business:

1. Pavement Supplies, 8354 White Lake Road, Preliminary Site Plan Review, PI 07-36-451-021

Casey Leach, Kieft Engineering, introduced himself and the developers for this project, Jim Brown and Chad Swanson. He stated that he was open to any questions or comments from the Commissioners.

Vice Chairperson Sclesky suggested that Ms. Upfal from Giffels Webster begin with her review comments.

Ms. Upfal summarized the project and stated that all items required for preliminary review were submitted. The project complies with all the regulations in the M-1 zoning district. There are several items noted that would need to be addressed for final site plan review. Ms. Upfal stated that the applicant is asking for two waivers for off street parking. The first is a waiver for excess parking. The ordinance requires 15 spaces, but the applicant provided 27 regular spaces with an additional 10 double length truck loading spaces which are needed to support the use as described in the narrative.

Commissioner Hines inquired why more spaces were needed.

Mr. Leach explained that the parking spaces were to accommodate their own employees. There would be 10 office employees and 10 field contractors who would need parking spaces. Only 2-3 other people would visit the site per week.

Commissioner Hopper commented that if the applicant was required to meet the ordinance, then the business would be impacted by not having enough parking for its employees.

The Commissioners discussed this request and were amenable to granting this waiver.

Ms. Upfal stated that asphalt millings in the truck turn around area would need a waiver. This area would not be a high traffic area used by the business. It would only be for trucks leaving the double length loading spaces.

Commissioner Moore asked how they would restrict people from parking there.

Mr. Leach stated that there is no reason for the general public to come to the site, and they would direct their customers and employees not to park in the asphalt millings area.

Mr. Smith commented that based on the operations for this site he sees no problem with leaving this area as asphalt millings.

The Commissioners concurred that they were in favor of leaving this area as asphalt millings to reduce the amount of impervious surface.

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Ms. Upfal stated that the Commissioners should discuss the off street loading area and what the circulation will look like when this area is used. This is for the truck turning area and does not impact the regular traffic on the site.

After a discussion, the Commissioners determined that the loading area is acceptable for the anticipated truck circulation.

Ms. Upfal stated that the Commissioners could grant an access waiver for the second driveway on the site. The second driveway is intended for one way emergency access to the site and will have a cable gate. The ordinance requires a recommendation from the engineer and a waiver from the Planning Commission.

Mr. Smith asked Mr. Leach to give an explanation for why they wanted to keep the existing driveway.

Mr. Leach explained that they wanted to keep the existing driveway instead of removing it because it would be beneficial to have a second access to the site. This driveway would not be a primary access and would be used only for emergencies. It would be locked with a cable gate.

Mr. Smith commented that this driveway approach had previously been approved by the Road Commission for Oakland County when it was initially installed. The RCOC would get a chance to look at this again. Mr. Smith stated that the new access to the site is designed to meet the RCOC standards.

The Commissioners approved granting this waiver as long as the driveway was closed off and used only for emergency purposes.

Mr. Smith commented that this driveway approach had previously been approved by the Road Commission for Oakland County when it was initially installed. The RCOC would get a chance to look at this again. Mr. Smith stated that the new access to the site is designed to meet the RCOC standards.

Ms. Upfal stated that landscaping is another area that will need a waiver. The applicant has provided one interior parking lot tree, but the ordinance requires five trees. However, the Planning Commission may grant this waiver by approving additional plantings if they are along the parking lot perimeter, which the applicant has provided.

Mr. Leach explained that the applicant has provided one island in the parking lot. The applicant is requesting a waiver and has proposed adding additional trees along the perimeter as screening in order to make up for the missing interior parking lot trees.

Commissioner Hopper requested that the trees along the perimeter be staggered and not in a straight line. He also commented that he thought having just one island in the parking lot would be acceptable.



The Commissioners discussed this proposal and were in favor of the adjustments to the landscaping design.

Ms. Upfal stated that the pitch of the roof is required to be 1:3 or 1:1. A pitch of 1:6 is provided. The Planning Commission can grant a waiver for the slope of the roof.

Mr. Leach stated that the applicant did not have a site plan at the time they approached the manufacturer of the building. The building was designed and provided to the applicant and no one was aware that roof pitch would be a problem. He explained that the building plans would be signed by a structural engineer licensed in the state of Michigan.

Commissioner Mansour explained that he has had experience with low pitch roofs and has had no issues with them. He commented that aesthetically this would look fine, and he would be in favor of granting a waiver for this.

Ms. Upfal stated that one of three conditions must be met for this waiver: a) The modification will achieve a specific architectural objective or purpose; b) The standard creates a practical difficulty; c) Proposed building facades, roofs, materials, and colors are consistent with those within the immediate surrounding area.

The Commissioners discussed this waiver and agreed that the conditions are met.

Ms. Upfal stated that the Commissioners should discuss outdoor storage locations. They should examine noise, screening, equipment staging and the process of loading vault tankers.

Mr. Leach explained that vault tankers hold the sealcoating product. This product is mixed with water on another truck on the site. This area would be screened with arborvitae.

Commissioner Mansour asked if there would be any crushing of material on site.

Mr. Leach stated that there would not.

Mr. Brown explained that their product is an eco-friendly sealcoat for driveways. There would be no noise or large machinery at this site. The loading process would take only 15-20 minutes each time.

Ms. Upfal stated that the applicant has provided a color palate for the building exterior which is compliant with the code and shows that nothing is metallic.

Mr. Smith provided comments for his review. The stormwater system must be designed in accordance with the new guidelines from Oakland County Water Resource Commission which are reflected in the Township's new Design and Construction Standards. There is a large pond to the west of the site. There is an existing recorded agreement in place that allows this site to discharge



to that retention basin without being detained. He will work with the applicant on this before the final site plan submittal. Water quality is also a concern and solutions such as bio retention may be suggested.

Mr. Leach stated that they have provided room for a full pond and wanted to show that on the plans.

Mr. Smith stated that the Township has adopted a policy that, when there are detention systems or water quality type treatment devices on site, the developer is required to enter into a Stormwater Management Operations and Maintenance Agreement. This agreement will be reviewed during the engineering process and executed and recorded with the County. He asked the applicant if a permit from EGLE is required for the discharge of the stormwater to the pond.

Mr. Leach stated that they have an environmental professional on staff who will follow up with EGLE and determine what is needed.

Mr. Smith commented that the well and septic system will require approval from Oakland County Health Department. Mr. Smith stated that he received a letter from Mr. Leach requesting a determination if a geotechnical engineer would be required to perform infiltration borings and testing due to the site history. Mr. Smith recommended that the applicant determine what soils are on site and provide a report.

Commissioner Mansour raised a concern on page C1.21 on the plans regarding the elevations provided for two catch basins.

Mr. Leach stated that the figures provided were for the top elevation of the rim.

Mr. Smith commented that this information would be checked during the engineering review.

Vice Chairperson Sclesky stated that the applicant should have all the feedback they need from the Planning Commission. The waivers look good, so they can continue to move forward with final site plan review.

Old Business:

1. Proposed Ordinance Amendments for Discussion

a. Expanding and Extending Nonconformities

Ms. Upfal explained to the Commissioners what “increasing a nonconformity” means. What is considered an increase of an existing nonconformity can be interpreted in two ways: 1.) An expansion that does not meet all the dimensional standards of the ordinance, or 2.) An expansion that extends the nonconformity further into a required setback. The Planning Commission should refine the language to make it clear how the ordinance is to be applied so there is no room for interpretation.



Ms. Upfal noted four considerations that the Commissioners should discuss. 1.) Consistency with the intent of the ordinance; 2.) Is special application of the ordinance justified; 3.) Should there be additional parameters to the extent of an expansion; 4.) Potential risk to health, safety, and welfare. She explained the importance of setbacks and provided examples of different scenarios.

Ms. Upfal explained that there is a difference between nonconforming uses and nonconforming structures. At this point the Commissioners are only talking about nonconforming structures because there is a dimensional element.

The Commissioners discussed how they could address the issues created by nonconformities through revising the ordinance language. Vice chairperson Sclesky asked Supervisor Moreau to speak to this topic of nonconformities from her perspective in the Supervisor's Office.

Supervisor Moreau stated that the clarification provided of what it means to expand a nonconformity has been helpful. From an administrative standpoint, expanding into the required setback area is, in fact, expanding the nonconformity. The ordinance could be clearer in this regard. She realizes that some situations will need to go to the ZBA.

Supervisor Moreau also commented on possible special application of front setbacks as they pertain to Dixie Highway. Something to consider would be measuring the front setback from the edge of road instead of the road right of way. This would address varying right-of-way depths and provide some relief for nonconforming structures.

Supervisor Moreau stated that the intent of the ordinance is that nonconformities can't continue encroaching into setbacks. Some interpretations made recently have been that not increasing the nonconformity, as long as the nonconformity is not getting worse, is acceptable. The Commission must make clear what is allowed to make sure that this ordinance is applied equally.

Commissioner Moore asked Ms. Upfal what is allowed in other townships.

Ms. Upfal stated that most communities do not allow a nonconformity to expand.

Commissioner Costigan clarified that the Commissioners are trying to agree on what not expanding means. He stated that, based on Supervisor Moreau's definition, not only can an expansion not make the nonconformity worse, but the nonconformity also can't continue and expand into an area it shouldn't be.

The Commissioners continued to discuss this topic and how to interpret the intent of the ordinance.

Ms. Upfal stated that she will bring draft language to the Commissioners at the next meeting, based on the discussion of the Commissioners tonight.



Supervisor Moreau stated that she has information from the Zoning and Assessing Assistant regarding this topic and will share it with Ms. Upfal. The information also pertains to setbacks for nonconforming lots which is the next item up for discussion.

b. Setbacks for Nonconforming Lots

Ms. Upfal explained that this issue came up at a recent ZBA meeting and the ZBA asked the Planning Commission to look at this section of the ordinance. Conforming lots usually have ample space for building, although sometimes adding an accessory structure depends on where the principal structure is located. The Commissioners may want to consider reductions to rear or side setbacks for detached accessory structures. Items for the Commissioners to consider are zoning districts, accessory structure height, setbacks for side entrances, and accessory structures in front of the principal building. The second part of this discussion is the setback for nonconforming lots. The formula in the ordinance for side yard setbacks is appropriate. There are questions about how the front and rear setback calculation is applied. It is suggested that when making the calculation, the measurement used is to the required setback and not to the actual setback, so relief can be granted. Ms. Upfal reviewed and explained the provided recommended ordinance language.

The Commissioners discussed allowing detached accessory structures in front setbacks and how this would affect lake lots. They also discussed the side entrance setback requirement.

Ms. Upfal summarized the discussion and concluded that the Commissioners would like to see the ordinance revised to address accessory structures in front of the principal building and the language refined to ensure that the calculation most likely to provide relief for front and rear setbacks is used.

c. Short Term Rentals

Ms. Upfal explained the discussion at the state level regarding short term rentals (STRs). As of the end of last year, the bill that was in the legislature has died and is not expected to return. Ms. Upfal reviewed two examples of case law influential in interpretations of this issue. She stated that the Commissioners should discuss the definitions of motel and hotel and how these apply to short term rentals. First, the Planning Commission should decide if the Township should allow short term rentals. They should consider whether to include an ordinance in the general code or the zoning code or both. Important considerations are: what zoning districts STRs should be allowed in; time limits on how long people can host STRs; what type of STRs should be allowed; should STRs be owner occupied or can they be investors; limits on number of guests and vehicles; caps on the number of STRs; permit applications; revoking a permit; what to do with existing STRs; allowing for certain exceptions; and designating between short term rentals and long term rentals. Ms. Upfal stated that, according to the two most popular STR websites, there are four properties available for short term rental in Springfield Township. The first question the Commissioners must decide is if STRs should be allowed or not.

Vice Chairperson Sclesky acknowledged a communication from Jane Magidsohn, a Springfield resident, who would like to see short term rentals prohibited.



The Commissioners discussed this topic and shared personal experiences with STRs. They discussed what limitations STRs should have; how to protect neighbors from noise and crime; how to monitor time rented; permitting and what code these should be regulated under; and how to limit to residents and dissuade investment companies.

Ms. Upfal stated that STRs can be monitored using the principal residence exemption to ensure that only owner-occupied properties are rented. There could be a limit on the number of people and/or vehicles associated with the STR.

Vice Chairperson Sclesky stated that he liked the ordinance provisions of Hamlin Township that were provided in the Commissioner's packets.

Supervisor Moreau commented that she would be in favor of requiring a principal residence exemption, as this would eliminate investment properties. She also thought that putting this ordinance both in the zoning code and in the general code would be preferred. At the very least there should be some parameters that allow the Township to monitor properties and deny permits if necessary. Supervisor Moreau stated that the Planning Commission does have the ability to prohibit STRs and not allow them at all. The STRs currently operating would be considered pre-existing, nonconforming and would not have to be shut down.

Commissioner Moore asked if the existing STRs could be regulated.

Supervisor Moreau stated that if there is a permitting aspect to the ordinance, the property owners could be required to follow regulations the Township establishes.

Janet Magidsohn stated that she has concerns with STRs, but not only because she lives on a lake. With STRs, the Township would get more transients and traffic. She does not have concerns with rental property in general. However, short term renters tend to be loud, cause damage, and disturb neighboring residents. She would like to see the Commissioners prohibit short term rentals.

Paula Lentine, a resident on Dixie Lake, stated that she does not want to see short term rentals allowed in the community. Investors make a lot of money from STRs, and this is a big business. She is not in favor of this being approved in the Township.

The Commissioners discussed setting parameters for allowing STRs. They discussed not allowing investment companies to buy properties for this sole purpose. The Commission could adopt an ordinance and change the language if it isn't working.

Supervisor Moreau asked the Commissioners if there is a compelling reason to allow STRs. The easiest action to take at this point is to not allow. Once they were allowed, this would set up a process for permits, inspections, ordinance enforcement, and so forth.

Commissioner Moore inquired, if the Township were to prohibit short term rentals, what would happen to the four existing STRs in the Township and how they would be regulated.



Supervisor Moreau stated that they could be sent a letter notifying them that this use is not allowed and that the Township is aware of their activities.

Ms. Bahm stated that, presumably, STRs are not permitted now. Because generally, if a use is not listed as permitted, then it is prohibited. The Township attorney would need to be consulted regarding the general code. The easier approach would be to prohibit STRs. However, there could be reasons to allow STRs on a limited basis.

Commissioner Moore expressed concern about who would enforce regulations for STRs. It seems like permitting them may cause more problems for the Township.

Ms. Bahm stated that the Township could prohibit STRs for now and see if there are any concerns raised.

Supervisor Moreau stated that her office does receive questions about if STRs are permitted in the Township. If there was an ordinance that clearly prohibited STRs, then the Township could keep track of those properties it is aware of. When the office gets inquiries, the inquirer can be told that STRs are not allowed.

Ms. Bahm said that then it is a matter of defining what is meant by short term rental, so the ordinance is clear and STRs can be prohibited.

Ms. Upfal stated that STRs can be prohibited while continuing to allow hotels and motels and designating the differences. There are currently no bed and breakfast type properties in the Township, and these would most likely be prohibited as well.

Commissioner Hines asked if bed and breakfasts were allowed in the Township.

Ms. Upfal reviewed the ordinance and stated that bed and breakfasts are allowed in the Village Center district.

Ms. Upfal stated that the Commission has given some good direction for the STR issue. She will work on drafting language to prohibit them, while making clear that hotels and motels are allowed.

Ms. Upfal reviewed the upcoming schedule for the Planning Commission:

- The March 28 Planning Commission meeting will start with a workshop at 6:00 p.m. to work on the Master Plan goals and objectives.
- The March 28 regular meeting will include follow up on the ordinance amendments discussed today and introduce a text amendment for Pawn Shops. The Commission will also discuss a non-designated land use request at the March meeting. The ordinance has a process for proposed uses that are not designated under any specific zoning district. It is

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CHARTER TOWNSHIP



Sean R. Miller, Clerk

required that these proposed uses to go to the Zoning Board of Appeals for a land use determination, and the ordinance also requires that the Planning Commission provide a recommendation for the ZBA.

- In April the Commission will encourage participation of seniors and focus on housing and transportation.
- In May there will be a discussion with Parks and Recreation focusing on sustainability, resiliency, and non-motorized transportation.
- In June the Commission will discuss economic development on Dixie Highway and Downtown Davisburg.

Public Comment:

None

Adjournment:

Commissioner Mansour moved to adjourn the meeting at 9:25 p.m. Supported by Commissioner Moore. Vote: Yes: Costigan, Hines, Hopper, Mansour, Moore, Sclesky. No: None. Absent: Baker. Motion approved.

Joan Rusch, Recording Secretary