

DRAFT

Regular Meeting of Casco Township Planning Commission
March 6, 2013 7:00 PM

MEMBERS PRESENT: Bruce Barker, Dian Liepe, Daniel Fleming, David Campbell, and Paul Macyauski,

ABSENT: John Stroud, Judy Graff is excused

STAFF PRESENT: Alfred Ellingsen, Zoning Administrator; and Janet Chambers, Recording Secretary

ALSO PRESENT: Patrick Hudson, Planner

1. **Call to order and review of agenda.** Meeting called to order at 7:06 PM. There were no changes to agenda

2. **Approval of minutes**

- Motion by Liepe, supported by Fleming to approve minutes of the regular meeting of 2/6/13 as written. All in favor. MSC
- Motion by Fleming, supported by Liepe to approve minutes of the Special Joint Meeting of 2/9/13 with the following amendments. All in favor. MSC
Page 1: Members Absent: John Stroud and Paul Macyauski *were excused*.
Amend Page 3, paragraph 3, 3rd sentence as follows: You can zone development ~~in~~ out, but can't zone it ~~out~~ in.
Page 3, last paragraph, line 15: Campbell asked if acquiring grants will be more competitive because of Janowski's *Genetski's* proposal ...
Page 4, 2nd and 4th paragraphs: the name Rene Garrity changed to Debra Schuette, and name Bill Garrity changed to David Schuette.
- Motion by Fleming, supported by Macyauski to approve the minutes of the Public Hearing of 2/20/13 as amended. MSC.
Page 2, 6th paragraph, last sentence amended as follows: Chairman Barker pointed out that, although there is currently agricultural district west of 196, in the Master Plan, all agricultural districts are located ~~west~~ east of 196.
Page 2, paragraph 12:reasonable at 1,000 to ~~12,500~~ 1,250 ft.
Page 4, paragraph 3, add to end of paragraph: *Day/Night decibels were discussed. Campbell pointed out in the Michigan State WECS Zoning Ordinance sample, which can be found at:*
<http://www.oem.msu.edu/userfiles/file/resources/windandhealthreport.pdf>
Page 5, paragraph 2: Campbell felt the 200' height in residential is *one* show stopper for Wind Towers. *Chairman Barker said* with the setback it would be eliminated from the residential areas because of the fall setback. *Macyauski said* it would take 4 acres.
At the end of the same paragraph the following sentence is added: *Campbell noted that Mason County exempts from the Special Use Requirement, towers less than 66' and the State recommendation is less than 70'.*

3. **Public Comment & Correspondence:** Letter from Charles Shaw, Oerther Vineyard, 2/12/13, requesting a 12 month extension for his vineyard and winery project (attachment #1). Chairman Barker made a motion, seconded by Fleming to grant a 1 year extension to Charles Oerther Vineyard, LLC, for their final plan approval. All in favor. MSC
4. **Report from the Township Board of representative** none
5. **Report from the ZBA representative:** Macyauski reported that the ZBA will have a meeting March 7, 2012, for a variance request. The applicant wishes to construct a new dwelling 11 feet from Maple Street in Sunset Shores Subdivision, which requires a 25 ft. setback.
6. **Report from Water/Sewer representative** none
7. **Comments on Saturday 2/9/13 Township meeting:** Was covered earlier during discussion of approval of minutes.
8. **New Business – Review all Zoning Districts to amend 4.07 & 4.08 specifically on permitted and special uses for each district.** Ellingsen recommended that 4.07 and 4.08 Charts be removed from the Zoning Ordinance Books. Commissioners felt the reason for the chart is that it is easier to read and needed to continue to be used by commissioners, but could be eliminated from the ordinance book because it is redundant with the same information is covered in text.

Bill Chambers, 7340 Lake Ridge Road, cautioned that if the charts (4.07 & 4.08) are continued to be used, but are not part of the ordinance, they will eventually not match as changes are made to the ordinance. At the present time there is a procedure for changing the Zoning Ordinance books, but not for a separate document. There needs to be a specific procedure for making changes that insures both the charts and the ordinances are kept up to date.

After discussion Chairman Barker said it was the consensus of the Commissioners to take out 4.07 and 4.08, using the charts as reference for the PC, but not part of the Ordinances. Campbell expressed the need for a system for getting the charts updated as changes are made in the Ordinances. Chairman Barker said it would be the responsibility of Ellingsen or the Township Clerk to keep the charts up to date, and should be specifically spelled out in minutes at the time ordinance changes are made.

Hudson noted that there are areas where the charts (4.07 & 4.08) and the Zoning Ordinance text do not match. In most cases the charts are correct and the text was not updated.

Chairman Barker charged Hudson to go through the Master Plan and the Zoning Ordinances to find conflicting areas.

Hudson went through a list of problems he found in the Table of Permitted Uses Section 4.08 (attachment #2). He added that in reviewing what to allow in a district, commissioners must ask what nuisance might be caused to the neighbors, and what can be done to eliminate those nuisances.

1. No conditions listed for *"Nursery"* on page 3. Changed to Permitted in Ag and RR districts. Text needs to be added.
"Production or refining of petroleum products" is listed as SLU under Industrial. It was left as SLU. Text needs to be added. Question was raised about whether this needs to be in the ordinances at all. Campbell thought it should be left in case it is needed in the future, and Hudson should find some text to go with this section.
"Truck & freight terminal with or without maintenance facilities" was left as SLU under Industrial. Text will need to be added to the ordinance.
2. In the Floodplain Overlay district the following are listed as SLU but no conditions are listed. *"Parking Lots, loading areas, and storage areas for equipment and machinery easily moved or not subject to flood damage"*. Because State Law governs floodplain districts, this was changed to "Permitted" under FPO. Also *"Structures designed and constructed to accommodate a 100-year flood"* was changed from SLU to P under FPO. Commissions wondered if the FPO section should be kept in the ordinance at all because it is regulated by the State.
3. *"Wireless communication towers and buildings"* was moved to bottom of page to keep alphabetized.
4. The following use has been pre-empted by the state legislature. It can still be a SLU, but must be allowed in all zoning districts: *"Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soils or mineral resources"*. Changed to SLU in all zoning districts. Hudson stated that SLU is the only way the township has any control over nuisances such as noise, etc. Ellingsen will work out wording of this with the attorney.

Fleming questioned what amount of sand could be moved before it would be considered "sand mining". Chairman Barker said that 20,000 yards of soil can be moved for personal use before it is regulated. This would allow for digging a pond, etc.

Discussion will continue on the rest of Hudson's list at a future meeting.

"Adult Foster Care Family Homes", which could be 6 or more clients, was changed from not allowed to SLU in the Ag district.

Fleming questioned why *"Assembly buildings, including dance pavilions, auditoriums, and private clubs"* could not be a permitted item in the Ag district. This would allow a person to use his barn for extra income.

Ellingsen informed commissioners that building codes, fire codes, etc. might not be met in a barn, and using a building for a business is much more complicated. Liepe stated that if a

person wanted to have a wedding in Casco, there is no place to have it. Ellingsen said a private party would be different than charging for the use of the building.

Ellingsen stated SLU and P should both be held to the SLU standards.

At Ellingsen's request, discussion skipped forward to "*Elderly Housing*" under Section 0, pg 15-13. There are parking and density issues in this section.

Question was brought up why not permit Elderly housing in MDR and Commercial. After discussion, Elderly housing was changed to SLU in the MDR area. Chairman Barker requested Ellingsen come up with suggestions for text. He added that the township would like to encourage elderly housing and asked that Ellingsen bring back a reasonable package that could encourage development. At the April 10th Regular PC meeting commissioners will take a look at this.

Discussion will continue at the next regular meeting, with the idea of looking for P as opposed to SLU as much as possible. There will also be more discussion on what will require Site Plan Review.

9. **Old Business:** Hudson will get the WECS Ordinance text to Chairman Barker by Monday, so that it can be studied prior to the April 13, 2013 continuation of the Public Hearing on WECS.

10. **Public Comment:** none

A motion to adjourn was made by Fleming, seconded by Campbell. All in favor. Meeting adjourned at 9:10 PM

Next PC meeting will be a continuation of WECS Public Hearing Wednesday, March 13, 2013 at 6 PM
The April regular PC meeting will be Wednesday, April 10, 2013 at 7 PM

Minutes by Janet Chambers, Recording Secretary

Attachment #1: Extension request from Charles Oerther Vineyard, 2/12/13

Attachment #2: Hudson's 4.07 & 4.08 draft 2-28-13 #4