

CASS COUNTY PLANNING COMMISSION
Minutes of July 27, 2016

The meeting was called to order by Barbara Cook at 3:00 p.m.

Members Present: Barbara Cook, Roseann Marchetti, Gwenn Johnson, Annie File, David Kring, William Zuhl, and David Fleming

Members Absent: Tom Swartz and Andy Anderson

Approval of Agenda: A motion was made by Roseann Marchetti to approve the July 28, 2016, agenda amended to re-order items for efficiency's sake. The motion was seconded by Dave Fleming with all in favor and motion carried.

Approval of Minutes:

A motion was made by Roseann Marchetti to approve the June 22, 2016, minutes. The motion was seconded by Gwenn Johnson with all in favor and motion carried.

New Business:

Village of Marcellus – Zoning Ordinance

James Thomas, Jr., from the Village of Marcellus was present to answer questions about the ordinance. However, the ordinance has not gone through a public hearing yet, and probably could use the input of a consultant.

A motion was made by Roseann Marchetti to send a letter to the Village of Marcellus thanking them for the changes in their ordinance, but reminding them that they should please resubmit the draft after their public hearing. The motion was seconded by David Fleming with all in favor and motion carried.

Milton Township – Proposed Zoning Ordinance

The CCPC had a few questions and made a number of suggestions/recommendations:

Definition of Child Care Home, Family (page 2-7) – references less than “seven (6) minor children”. The seven or the (6) needs to be corrected.

Section 3.16 Setback Measurements – Ordinance says that side line setbacks should be measured from the property line to the roof overhang (drip line); shouldn't a deck get measured as the outermost point of a structure?

Section 3.21 Outdoor Storage in Residential Districts – Ordinance references parking of vehicles shall be limited to the lot or parcel upon which the owner of the vehicle also makes his primary residence. Will this account for non-Michigan vehicles owned by out-of-state seasonal residents?

Chapter 5.03 Special Land Uses – An attorney should probably review the legality of “agricultural labor housing.”

Chapter 5.04 Dimensional Requirements – Why list a maximum of 10 acres? That seems limiting.

Chapter 16 Nonconformities – There are a number of typos/glitches in the headings for “nonconformity.”

Overall, we also would encourage a table of contents and/or an index to ease a reader’s ability to find specific information. The zoning map was also too small to be helpful.

A motion was made by David Fleming to approve the Milton Township zoning ordinance. The motion was seconded by Annie File with all in favor and motion carried.

Porter Township – Rezoning Request from Mr. David Hoffman

A motion was made by Roseann Marchetti confirming that the Porter Township rezoning request has been received by the Cass County Planning Commission, and that no action will be taken; Mr. Hoffman has the choice of appealing to the Porter Township Zoning Board of Appeals. The motion was seconded by Annie File with all in favor and motion carried.

Volinia Township – Proposed New Zoning Ordinance

Volinia’s proposed new ordinance is very well done and the commission is appreciative of the professional presentation throughout. The planning commission makes a few suggestions:

A note early in the document telling readers where to find definitions would be very helpful. This is most helpful when readers get to sections with more obscure acronyms, such as in the wind turbine section.

Table 3.2 Permitted Principal Uses in Agricultural and Residential Zoning Districts – The commission cautions that having too many restrictions for agricultural usage can be detrimental to agricultural-based family businesses. Also, the permitted use of “hunt clubs” appears to be contradictory between line 1 and line 7 in the table. Perhaps line 7 can refer to “shooting ranges *that include* hunt clubs.”

Section 6.3 Nonconforming Uses – As stated before during planning commission meetings, there is a concern that any stipulation about damages beyond 50% of replacement value for older, non-conforming buildings, puts a home owner or business owner in a difficult bind regarding insurance coverage and the ability to reconstruct the building. Is a township legally protected in that scenario?

Section 13.5 Private Roads – The specific reference to Township Clerks receiving copies of road easement and maintenance agreements is a wise decision. Too often these disputes end up with the township, not the road commission. In addition, regarding “design standards,” it is strategic to define the center of the road as the center of the easement.

A motion was made by Roseann Marchetti to accept unconditionally Volinia's new zoning ordinance and to commend the Township for a job well done. The motion was seconded by Annie File with all in favor, Gwenn Johnson abstaining, and motion carried.

Silver Creek Township – Amendment to Silver Creek Township Zoning Ordinance

A motion was made by David Fleming to approve the Silver Creek Township Zoning Ordinance with the suggestion that they remove all private road easement stipulations and references. The motion was seconded by Roseann Marchetti with all in favor, William Zuhl abstaining, and motion carried.

Adjournment: The meeting was adjourned at 4:35 p.m.

Next Meeting Date: August 24, 2016, at 4:00 p.m. at the County Building, Kincheloe Room