

Minutes
Cascade Charter Township
Planning Commission
Monday, December 18, 2023
7:00 pm
2870 Jacksmith Ave SE

ARTICLE 1. Vice Chair Moxley called the meeting to order at 7:00 pm.
Members Present: Noordhoek, Richardson, Bruneau, Moxley, Engel, Rissi, Rowland
Members Absent: Noordyke (excused)
Others Present: Zoning Administrator (ZA) Madison Smith-Jacoby, Mike Homier with Foster Swift, and others listed on the sign-in sheet.

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Rissi to approve the current agenda. Supported by Member Engel. Motion carried 7 to 0.

ARTICLE 4. Disclose any conflict of interest

There were no conflicts of interest disclosed.

ARTICLE 5. Approve the Minutes of the December 4, 2023 Meeting

Chair Moxley said that the minutes had an incorrect date listed.

Member Bruneau noted in the last paragraph of Article 7 that the applicant's comment was inaccurate and needed to be reworded.

Member Engel suggested rewording the last sentence in paragraph 3 of Article 9 due to an editing error.

Member Bruneau wanted Article 8 to include information regarding the applicant's need for 30 parking spaces before configuring that 23 spaces would be sufficient.

Motion was made by Member Engel to approve the December 4, 2023 meeting minutes with the proposed changes. Supported by Member Rissi. Motion carried 7 to 0.

ARTICLE 6. Acknowledge visitors and those wishing to speak

There was no one wishing to speak.

ARTICLE 7. Case #23-3801 Epique Homes/Schrotenboer

Property Address: 3660 Cherry Lane

Requested Action: Seeking a Type I Special Use permit for an accessory building exceeding 832sqft.

ZA Smith-Jacoby explained that this item was tabled at the previous meeting pending some revisions to their plans. They reduced the size of the accessory building to 2,560 sqft, including a lean-to of 64 sqft, bringing the total to 2,624 sqft. The design will be in alignment with the home currently being built.

Member Rissi asked if the enclosed building footprint was the same as previously presented and if the applicants just eliminated most of the large overhang. ZA Smith-Jacoby confirmed that was accurate.

ZA Smith-Jacoby noted the neighbors to the north are no longer concerned about any negative impacts due to standards set in the variance approval.

Staff recommended approval of the accessory building with the condition listed in the packet.

Vice Chair Moxley asked if their water diversion plan had been reviewed by the township engineer and if they completed a survey. ZA Smith-Jacoby stated that they have not yet submitted a building application, which would trigger a review to ensure that all criteria have been met before approval.

Member Bruneau thanked the applicants for sharpening their pencil and being within 5 percent of 3 times 823 sqft.

Scott Schrottenboer said they have met much of the criteria talked about during the past few meetings and they are hopeful to move forward with the project. He stated the neighbors to the north are fine with the plans since there will be a water diversion plan and evergreen trees planted.

Member Rissi asked the applicant if they were comfortable with the changed plans. Schrottenboer said he was looking forward to the extra space for storage, but wanted to ensure agreeance with everyone.

Motion was made by Member Rissi to approve the accessory building up to 2,800 sqft with the conditions listed in the packet and any conditions set by the Zoning Board of Appeals. Supported by Member Noordhoek. Motion carried 5 to 2.

ARTICLE 8. Ordinance Amendment

Mike Homier, legal counsel at Foster Swift, explained why the Planning Commission was proposed to be removed from the Township's Zoning Ordinance and transferred to a police power ordinance per the Michigan Planning Enabling Act (MPEA). The MPEA allows local governments to create and continue a planning commission, provide regulations, and the commission will have the ability to create new bylaws without the need for Township Board approval. As a result of an ordinance amendment, a public hearing notice must be provided 15 days before the meeting.

Member Bruneau expressed concern about the Planning Commission operating without a guiding document for a period of time between the removal of bylaws from the Zoning Ordinance and the adoption of new bylaws. Member Bruneau wanted clarification on what it means to strip the Planning Commission of their bylaws. Homier

explained that there will be roughly 30 days for the commission to create and adopt new bylaws. The process involves a 15-day public hearing notice period followed by consideration by the Planning Commission. The Commission will then recommend to the Township Board, which will then be considered for adoption. The ordinance will become effective 7 days after publication.

Member Engel questioned if there was a way to create bylaws before removing the Planning Commission from Chapter 23 of the zoning ordinance to eliminate any voids in governance. Homier gave reassurance that there should be adequate time to consider and adopt the bylaws. Homier explained the possibility of doing both alongside each other to prevent that gap.

Member Rissi suggested finalizing the bylaws in the upcoming meetings and then initiating the public hearing.

Homier explained that the organizational part of the Planning Commission is formed and adopted by the Township Board using their police power ordinance; everything else procedurally will be in the bylaws created by the Planning Commission.

Members discussed with legal counsel some potential revisions they wanted to make within the bylaws, the history of the bylaw preparation process, and general planning and zoning questions in relation to due process.

Vice Chair Moxley suggested that legal counsel prepare the bylaws, including the code of conduct, for the January 15 meeting.

Motion was made by Member Bruneau to schedule a public hearing on February 5 regarding the removal of the Planning Commission portion from Chapter 23 of the zoning ordinance. Supported by Member Rissi. Motion carried 7 to 0.

ARTICLE 9. Farmland Preservation Subcommittee Update

Member Rissi provided the commission with documents containing updates and goals on the Farmland Preservation Subcommittee. They have been discussing uses and special rights allowed in agricultural rural conservation and farmland preservation, navigating how to incentivize farmers and builders to utilize a preservation program, and are hoping to incorporate a preservation system inspired by Grattan Township and Lancaster Pennsylvania's ordinances. Member Rissi questioned if McKenna or legal counsel should be involved with drafting a new ordinance to ensure alignment with the master plan.

Member Bruneau elaborated further on the preservation system which consisted of developers needing to allocate a certain amount of open space to receive a density bonus.

The Farmland Preservation Subcommittee was approved to work with McKenna.

ARTICLE 10. Acknowledge visitors and those wishing to speak

There was no one wishing to speak.

ARTICLE 11. Any other business

Member Rissi had noticed increased tabled cases and wanted to explore alternative solutions for the Planning Commission to remain efficient.

Vice Chair Moxley thanked ZA Smith-Jacoby for the extra work she has been doing in the absence of a planning director.

ARTICLE 12. Adjournment

Motion was made by Member Rissi to adjourn the meeting. Supported by Member Engel. Motion carried 7 to 0. The meeting adjourned at 9:09 pm.

Respectfully submitted,

Joe Engel, Secretary