

Approved April 11, 2018

CASCO TOWNSHIP PLANNING COMMISSION MEETING

March 7, 2018

Members Present: Chairperson Dian Liepe, Daniel Fleming, Dave Campbell, Lou Adamson, Judy Graff,  
Greg Knisley, and David Hughes Absent: None

Staff Present: Kathy Stanton, Substitute Recording Secretary

Also Present: Macyauski, Clerk Brenner, approximately 15 interested citizens.

Dian called the meeting to order at 7:05 and reviewed the agenda

Opening Comments by PC Members

Dan Fleming – read a paragraph from the book - *Laws from England* – author?

**Approval of minutes of February meeting**

Motion by Greg, seconded by Dan

Dave C. page 4 last P, change Mehmed to Nathan Mehmed throughout the document,  
spelling correction only – vote all Ayes, Minutes approved

**Report from Township Board representative Judy Graff**

Tom Jessup reported that there will be Law Enforcement and Headly rollback in Nov possible  
The Zoning Ordinance rental text was approved; A part-time Park employee will be hired for the  
summer. There will be a Special Meeting of the Board on 23<sup>rd</sup> – working discussion meeting.  
Recommendations from Glenn Shores for drain Maintenance – drain manager recommended a major  
maintenance rework. The 7<sup>th</sup> day Adventist Church – will be conducting a door to door ministry. Julie  
Cowey wants to collaborate on improving internet access throughout the township – she has a Facebook  
page related to the effort for both Casco and Ganges Townships.

Report from ZBA representative Dave Hughes – no meeting or meetings planned

Report from Water/Sewer representative Lou Adamson – no meeting with SHAES this month

**Old Business**

Review Draft Zoning changes/additions and determine date for public hearing

**Ordinance changes**

Section 3.39

Dave reminded the group that Nathan was asked to work with the attorney to bring back what they felt  
was appropriate and that is the document being reviewed.

Dan makes the point that people will burn their tongue on their soup with no way for the township to  
protect them. So why is the township liable for driveways? Too much regulation for driveways seems

excessive. Dan believes the problems should be stated as suggestion rather than a regulation. Judy clarified Dan's point and agreed that it was a good point. Judy pointed out that they have no issue maintaining her shared driveway by working together. Dian suggested they start through the ordinance document, starting at section 3.39, Shared Driveways and state what they like and don't like, what's needed and not needed. If Al thinks it's too complicated do we state that an engineering drawing is needed?

Judy said "let's restate why something is in here or why they want it taken out" and Dave C. added that why something is taken out should be documented as well.

Dave Hughes – before we go to #1 – he didn't remember all districts having right to shared driveways. Suggested that AG and RR only for shared driveways. Judy pointed out that shared roads and shared driveways exist in many more areas than just AG and RR.

AG doesn't allow private roads and it's related to second homes not being allowed in AG. Al clarified that the requirements now are different than they used to be. Dian pointed out that private driveways are getting more complicated than private roads. Dave C. reminded the group that they are only looking at the "purpose" of private roads, not the requirements for private roads, which are 6 pages.

Dian asked the difference between requirements for private roads vs. driveways and why there are so many requirements for a shared driveway that you wouldn't go through for an individual driveway. Al explained there has to be an agreement for owners sharing a driveway. After some more discussion, Dian brought the group back to what the group likes and doesn't like.

Dave C. reconfirmed that the discussion is related to AG and RR only because that would change the discussion. Dian restated removing the districts: LR, LDR, MDR, commercial and industrial.

*3.39 A 1: Will not be detrimental to the public health, safety, or general welfare.*

Both private roads and shared driveways start with the same boilerplate text. After discussion it was determined that since the driveway butts up to a public road the point is relevant and to leave it as is.

*3.39 A 2: Will not adversely affect the long-term development policies of the township;*  
The group is OK with this statement.

*3.39 A 3: Will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles and*  
Dan proposed that this just say that it complies with SHAES requirements. Al explained that this is not specific but a general statement and the group was OK with the statement the way it is.

*3.39 A 4: Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the township.*  
A discussion took place regarding why the township needs to be involved in this but decided that it's ok with the statement as it stands.

**Frontage access:**

*3.39 B 1 A shared driveway shall be directly accessible from a public road.*

OK as is.

*3.39 B 2 All lots utilizing a shared driveway shall have frontage on the approved shared driveway for a distance equal to or greater than the minimum lot width required for the zoning district in which the lot is located.*

The group questioned the need for #2. Al says that it needs to be there because the lot width needs to comply with the zoning ordinance (frontage in this situation is along the shared driveway).

**Permits:**

*3.39 C 1 No person shall construct, ~~upgrade~~, or extend a shared driveway without first obtaining a zoning compliance permit from the Zoning Administrator.*

Judy suggested removing upgrade. Dave C. says that upgrade is beyond maintenance so leave it in. Judy asked Al if upgrade is different from general maintenance. He agreed with Judy so will remove the word “upgrade”.

*3.39 C 2 All required Allegan County and State of Michigan permits shall be obtained.*

Group is OK with this

**Design Requirements:**

*3.39 D 1 A shared driveway that extends for a distance of more than one hundred fifty feet (150) shall require review and approval by South Haven Area Emergency Services (SHAES).*

The group is ok with this – stay as is.

*3.39 D 2 A shared driveway shall have a recorded permanent easement with a minimum width of at least thirty three (33) feet. The easement shall also expressly permit public or private utilities to be installed within the easement.*

The question was asked why the second sentence is needed. Al explained the easement is needed for utilities to reach the home that is or could be further down the driveway. It was decided to leave as is.

*3.39 D 3 The area in which the shared driveway is to be located shall have a minimum cleared width of twenty (20) feet, which clearing shall always be maintained.*

A question was asked about how this is different from the easement and Al explained that the 20 feet of cleared driveway is from the fire code and ensures emergency services access.

*3.39 D 4 A shared driveway shall have a ~~finished pavement~~ width of sixteen (16) feet constructed of a minimum of six (6) inch 22A aggregate over a minimum of six (6) inches compacted sand base.*

After discussion and references to earlier discussion about not designating what material the driveway needs to be, the group decided to take out “finished pavement”.

*3.39 D 5 The shared driveway surface shall have a crown sufficient enough to provide for the drainage of stormwater. ~~and shall be constructed with such stormwater runoff, culverts, and drainage contours as required by the Allegan County Drain Commission.~~*

After discussion it was determined that the second half of the sentence could be removed as shown above.

*3.39 D 6 The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the township engineer and any other agency with jurisdiction.*

The question was asked who the township engineer is (Rob Pierson) and it was determined that when these situations occur the engineer or other agency such as the DEQ may need to be involved so it was determined that this should stay the same.

#### **E. Maintenance and Repairs**

~~*3.39 E 1 All shared driveways shall be continuously maintained in such a way that they assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.*~~

The group feels that this has already been covered and that #1 isn't necessary.

*3.39 E 2 All costs for maintenance and repair of the shared driveway shall be the responsibility of the property owners served by the shared driveway.*

The group was in consensus that this is needed and can stay as written.

*3.39 E 3 The applicant(s) of the proposed shared driveway shall provide the Zoning Administrator with a recorded shared driveway maintenance or restrictive covenant among the owners(s) of the shared driveway and the owners of the lots accessed by the shared driveway; the agreement shall provide that the shared driveway shall be regularly maintained, repaired, and snowplowed to assure it is safe for travel at all times. The agreement shall at a minimum contain the following:*

- a. A method of initiating and financing of the shared driveway improvements and maintenance to keep it in a reasonably good and usable condition.;*
- b. A workable method of apportioning the costs of maintenance and improvements;*
- c. A notice that no public funds of the township will be used to build, repair, or maintain the shared driveway;*
- d. Perpetual easements to the public for purposes of emergency and other public vehicles rendering necessary public services.*

After much discussion about the township's role in this, Judy's feeling is that this isn't necessary and that the "township has no business being involved in personal property". Al explained that the township needs to require that there be a maintenance agreement that is then filed at the county, so it indemnifies the township and so it exists beyond the current property owners.

A Motion was voted on to keep #3 in. Liepe, Hughes, Campbell, Adamson, and Knisley voted Yay. Graff and Fleming voted Nay. Motion passed.

## Performance Guarantee, Drawings, and Indemnification

*3.39 F 1 The Zoning Administrator may require that the applicant provide a performance guarantee, in accordance with the provisions of Section 21.05.*

The group is OK with this

~~*3.39 F 2 The applicant(s) shall provide the township with a set of “as built” drawings bearing a certificate and statement from a registered engineer certifying that the shared driveway has been completed in accordance with the requirements of the permit and this Ordinance.*~~

The group and Alfred agree that this should come out as long as the attorney is ok with that

*3.39 F 3 The applicant(s) shall agree by applying for or securing a permit to construct the shared driveway to indemnify and hold the township harmless from all claims for personal injury or property damage arising out of the use of the shared driveway or the failure to properly construct, maintain, use, repair, and replace the shared driveway.*

The group agrees that this needs to stay.

Judy requested clarification on the height language for Building Height, Nonconforming Lots of Record and asked for an example from Al.

Al explained that Height will be measured from average grade to the peak vs. midline between the eave and peak. And Al explained that height will be the lesser of 2 ½ stories or 35’.

Diagrams are staying in – this is not a replacement, it’s an addendum...heights are the lesser of 2 ½ stories or a height of 35’ in non-conforming lots section.

Dave Campbell asked about having 3.28 B.1.e. added to both the 50’ and 60’ lot requirements on page 22 or 23. The group agreed that should happen.

Dave Campbell had a question about Special Events Venue on page 6 – Section 9 under 6.02 – he didn’t believe that represents the issue they are attempting to address. He is wondering why this is being extended to the Rural Residential because the intent is to not extend commercial activity along the Blue Star corridor. Discussion followed about restricting the extension to east of the highway (I-196). After some more discussion a motion was made to remove Rural Residential from this section.

Motion to remove Rural Residential from, Section 9. Amendment of Section 6.02.

Ayes: Graff, Hughes, Campbell, Knisley, Adamson Nays: Fleming,

Dave Campbell – questions about section 10

Number 1 – change to:  
family dwelling located on the property at time of operation.

Number 8 – understood that 100 feet had been changed to 50 feet

Number 2 – Judy asked about 10 acres changing to 5 acres and it was explained that it was 5 originally and that Nate changed it to 10 and that the PC changed it back to 5.

Dave Campbell – Page 2, Section 5 – that section is out...it's the same as what is in there now.

Group decided that it's ok to make changes and go straight to a public hearing. Al can have it ready to put into the paper next Wed. Ron will make adjustments and have it back to the PC for review prior to it going into the paper.

Judy recommended:

1 - That rather than getting only part of a change in context wants updates to include whole sections with the changes highlighted

2 - Have full discussions that are dedicated to single topics so they can be focused and then bundled for public hearing.

Dian thanked Judy for the input.

It was clarified that the public hearing include shared driveways, private roads, building heights, but not lighting. Dave Campbell asked if the hearing will cover non-conforming lots, shared driveways, building heights, and private road definitions.

## **New Business**

March 24<sup>th</sup> Meeting

After a lot of discussion, it was determined that a strategic discussion with the Board would be the most valuable and therefore the agenda would be limited to the following topics:

- 1 – Rental Issue Update
- 2 – Overlay Districts - discussion
- 3 – Master Plan Discussion – where does it stand?

Dian and Mary will bring food

Will only need an agenda photocopied for hand outs.

Calendar will be changed so the Regular Meeting follows the April 11 Hearing/Special Meeting.

## **Public Comment:**

Kathy Watts – feels her complaints were invalidated, was told that her complaints were invalid by her neighbors. She felt blown off by Al. She felt she had pretty legitimate complaints. Reinforced by Judy were questions about why the complaint form isn't part of the flow charts.

Dave explained that he is a chronic complainer also, so welcomed Kathy to the club. There was some discussion between Dave C. and Judy about flow charts and complaints and how that works, considering the situation is unknown because of the potential referendum.

Chris Barczyk – brought up the Regulatory Ordinance and when it would be in effect. He believes that legally the ordinance is in effect. Chris also had a question for Alfred regarding a "taking issue" and Al explained that it is a potential taking issue.

Judy – asked what the effective date of the Regulatory Ordinance? Mary explained that the Regulatory Ordinance may not be in effect until the Zoning Ordinance is in effect, but we haven't gotten a legal opinion on that yet.

Dan – Wants the commissioners to think about the issue of private property and who private property actually belongs to. So much discussion that occurs related to private property, it seems that it would be good to take a deeper look into that issue.

Dan motion to adjourn, Greg seconded, all in favor, meeting adjourned at 9:13pm