

## WAKESHMA TOWNSHIP QUARTERLY PLANNING COMMISSION MEETING

MONDAY, APRIL 14, 2014 7:00 PM

The meeting was called to order at 7:02 PM by Mr. Burr. Those present were: Craig Rolfe, Township Attorney, Supervisor Jim Deming, Planning Commission members: Delbert Burr- Vice-Chairperson, Jerry Hamelink, Jeff DeCuypere, John Wright, and Barbara Thole. Five citizens were also in attendance.

The minutes from the special meeting of March 24, 2014 were read by Secretary Barbara Thole. A motion was made by Mr. Wright and supported by Mr. Hamelink to approve the minutes. The motion was approved.

Attorney Rolfe was asked to address the planning commission members. He explained the history of the proposed draft ordinance. The master plan was taken into account as well as our current ordinance number 38, when writing the draft. He also informed the planning commission that issues such as the International Property Maintenance Code, noise issues and vehicle parking on the streets would fall under the jurisdiction of the Township Board rather than the Planning Commission.

A question was asked by Mr. DeCuypere if the proposed zoning ordinance has to go before the voters. Attorney Rolfe said that the Township Board would enact the ordinance and if any citizens do not agree they have the right to petition for a referendum by the voters of the township.

Attorney Rolfe advised the planning commission that after they have completed their review of the draft and have any questions answered by him, that the next step would be to hold a public hearing. The hearing will need to be published in the Kalamazoo Gazette. The public hearing is where the planning commission hears comments from the residents of the township in regard to the draft ordinance. After this the planning commission would then make an advisory recommendation to the township board. Our duty is to act in the best interest of the entire community.

There were questions by Mr. DeCuypere in regard to the administration of the ordinances after they are enacted. Attorney Rolfe explained that the substance of the ordinances and who should administer them are two separate issues. Mr. DeCuypere was concerned about the redundancy of services. He also asked

a question about the fracking issue in regard to the drilling for oil. Attorney Rolfe said that at the local level there is no right to regulate the drilling of oil. Also budget issues and taxing authority are not concerns of the planning commission. Budget issues are dealt with by the township board. In regard to setbacks in the draft, those should be decided by local preference. Attorney Rolfe said the rule to follow is to adopt what you are prepared and willing to enforce and enforce those ordinances that you have adopted.

Attorney Rolfe spoke of the difference in agricultural zoning, residential zoning and industrial zoning with what we currently have and what is proposed in the draft. A land use cannot completely be excluded unless there are not places for it.

The following were briefly reviewed: Chapter 4-Consolidating of zoning districts, Chapter 5- Agriculture, Chapter 6- Single Family Residential, Chapter 7-Multi-Use Overlay with some accommodation for commercial and industrial.

Mr. Hamelink wanted to discuss the section on wireless communication towers. Attorney Rolfe said he reacted in the draft to what was written in the present ordinance. Page 10-10, 10-15 and 10-18 were reviewed. Mr. Hamelink also spoke regarding parking and loading spaces, signs and setback parking (not street parking). Attorney Rolfe stated that existing entities, such as Thrasher's Store as an example, are considered legal non conforming and are grandfathered in.

We discussed page 12-4, Section 12-10. This section is about parking of motor vehicles in residential zones and outdoor storage of vehicles such as trailers, campers or boats in any residential zone. What does the planning commission think should be the rule of our community? Attorney Rolfe said that once a zoning ordinance is passed if there are issues there is the power of amendment.

A public hearing on amendments requires at least 15 days posting before the day of the hearing. After a public hearing the township board does not have to send the issue back to the planning commission.

Under the draft text, billboards are not allowed in the township. Mr. Hamelink asked if there is a need for language on signage. Page 13-2 was discussed.

Ms. Thole asked the attorney to speak regarding variances and the Zoning Board of Appeals in Section 17. Variances should be very difficult to obtain. A variance is a deviation from a rule. Variance authority is very limited. Wants don't necessarily count in variance relief. The ZBA makes decisions on certain standards. Getting a lot of variance requests means there might be something wrong with a rule.

Mr. Wright asked questions about the Enbridge project in the township. There was an agreement brokered with Michigan Township Association and Enbridge regarding the pipeline.

Attorney Rolfe indicated that he could be present at a public hearing to answer questions about the proposed draft ordinances if we felt it to be helpful.

Supervisor Deming said much of the present is grandfathered and the proposed ordinances would apply mostly to the future. It was questioned about the township's fiscal ability to enforce the ordinances.

Mr. Burr spoke about the Right to Farm Act. There is a potential for a change in GAMPS (Generally Accepted Management Practices), but it should not affect anything in the draft. Farming is a permitted use. Allowing livestock in residential was discussed. The current draft does not allow for livestock in residential zoned areas.

The attorney said we have three loose ends to be discussed at our next meeting.

1. Hunting blinds or buildings. Should they be allowed? Currently, they are not allowed.
2. The schedule on page 9-1 Lot and area requirements.
3. Page 12-4, Section 12-10.

A special meeting of the Planning Commission will be held on Monday, May 12, 2014 at 7:00 PM. At this meeting we can discuss and set the public hearing if we are prepared to do so. We could have it in June or July. The attorney would be available on June 9 or July 14. The township clerk will need to post the special meeting in May and the date of the public hearing when it has been ascertained.

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A motion was made by Mr. Burr and supported by Mr. Hamelink to adjourn. The motion was approved. The meeting adjourned at 9:32 PM.

Respectfully submitted:

Barbara Thole, Secretary for the Planning Commission