

Meeting Minutes

Cascade Charter Township Planning Commission

Airport Commerce AC District Zoning Review Sub-Committee

Wednesday, May 24, 2023

Cascade Charter Township Offices

ARTICLE 1: Call the meeting to order

Meeting called to order by Chairman Rissi at 7:33 am. Sub-committee members present include Scott Rissi and Ralph Moxley. Present was Planning Director Brian Hilbrands. Also present was legal counsel Leslie Abdo. Member Joe Engel was not able to join us for this meeting.

ARTICLE 2: Approve the Agenda

Member Rissi moved to approve the meeting agenda. Member Moxley seconded the motion. Motion approved.

ARTICLE 3: Approve minutes of the April 19 meeting

Member Rissi moved to approve the April 19 meeting minutes. Member Moxley seconded the motion. Motion approved.

Member Moxley stated that on April 19 member Engel had suggested that several corrections be made to the April 11 meeting minutes. Those changes have been made and sent along to Planner Hilbrands. The April 19 meeting minutes do not list the 11 corrections requested by member Engel, but just note that the corrections were made.

ARTICLE 4: Disclose any conflicts of interest

No conflicts of interest were noted by any members.

ARTICLE 5: Acknowledge visitors and those wishing to speak

No visitors were present at this meeting.

ARTICLE 6: Review of airport staff comments on proposed Overlay areas and AC Zoning Amendments

Legal Counsel Abdoos summarized the comments made by airport staff. Regional Airport Authority Act (PA 95) of 2015 states that the airport has exclusive rights to plan and build as they deem appropriate for aeronautical uses. They think they have the exclusive right to build on land owned by the airport without the local governing agency (CCT) having any right to interfere with airport plans.

DeWitt Charter Township ruling (provided to sub-committee members by legal counsel Abdoos) states that the airport has control over aeronautical functions, but the local governing agency has zoning control over non-aeronautical facilities on airport land. This is the same case that was used by Steve Peterson in 2001.

Legal counsel Abdoos does not agree with the comments added on page one (Section 14.02 – Intent) focused on PA. The Township has the right to provide zoning restrictions for non-aeronautical uses. Counsel Abdoos feels that a judge would rule in the Township’s favor if this issue was brought in a legal suit. The Dewitt Township case is a strong precedence in Cascade Township’s favor that has not been questioned or overruled. Cascade Charter Township has the right to rule on zoning issues that are outside of aeronautical facilities.

Chairman Rissi feels that we need to go back to the Planning Commission and review this issue and request they give us final direction on airport zoning revisions.

Member Moxley feels that we are seeing such a broad difference in opinion between the airport and the Township on this zoning issue that we may need to resolve it through a lawsuit between the two parties.

Chairman Rissi suggested that we first meet with Supervisor Grace Lesperance and Planning Commission Chairman Chris Noordyke to bring them up to speed on the legal issues related to airport zoning. We need to ask them “how do you want the sub-committee members to proceed with this airport zoning amendment issue”.

Chairman Rissi suggested that Counsel Abdoos go through the Chapter 14 Amendment first and incorporate those minor tweaks that the airport staff suggested, if acceptable. We can then review this updated version with Grace and Chris. Finally, the sub-committee could have a “work session” with both Planning Commission members and Township Board members present to bring them up to speed on the Chapter 14 zoning amendment proposal.

Chairman Rissi suggested that we add an **Overlay C** area that focuses on the airport core, including the terminal, the parking areas, and the aeronautical functions (private hangers, etc.). Chair Rissi will define and show the outline of this **Overlay C** area at the next sub-committee meeting. This **Overlay C** area will be outside of any zoning review for proposed airport projects by the Township. Planning Director Hilbrands suggested that the only exception to that will be

stormwater review of non-aeronautical projects proposed for this core area of the airport. This is because airport generated stormwater directly affects the residents of the Township.

Chairman Rissi recommends that we keep **Overlay A** and **Overlay B** as part of the Chapter 14 Amendment document. He also recommends that we propose **Overlay C** for the core areas of the airport. He will run that idea past PC Chair Noordyke to get his input and approval.

ARTICLE 7: Goals of our next meeting

Meet with Chris N. and Grace L. to review proposed ideas and how to respond to airport planner comments. Also discuss possible Planning Commission and Board of Trustees work session to review airport response to Chapter 14 Amendments and our response.

The sub-committee will likely then meet at least one more time.

ARTICLE 8: Any other business

No other business items were presented or discussed.

ARTICLE 9: Acknowledge visitors and those wishing to speak

There were no visitors present at this meeting.

ARTICLE 10: Adjournment

Chairman Rissi moved to adjourn the meeting at 8:15 am. Member Moxley seconded the motion. Motion approved.