

APPROVED 11/2/16

Regular Meeting of Casco Township Planning Commission
September 7, 2016; 7 PM - 9 PM

Members Present: Chairman Daniel Fleming, David Campbell, Lewis Adamson, Greg Knisley and Judy Graff

Absent: Dian Liepe

Staff Present: Al Ellingsen, Zoning Administrator and Building Inspector, and Janet Chambers, Recording Secretary

Also Present: 5 interested citizens

1. **Call to order and review of agenda:** Chairman Fleming called the meeting to order at 7:00 PM. There were no changes to the agenda.
2. **Constitution "Moment":** Chairman Fleming discussed the Constitution for his Constitutional "Moment" (Attachment #1)
3. **Public comment:** None
4. **Approval of minutes of 07/06/2016 Special Meeting:** A motion by Campbell, and supported by Adamson to approve the minutes of the 07/06/2016 Special Meeting. All in favor. Minutes approved with the following correction on Page 2, 5th paragraph, 2nd sentence: ~~Matt Martin~~ **Super said that his property has been a resort since World War I.**
5. **Approval of minutes of 07/06/2016 Regular Meeting:** A motion was made by Knisley, supported by Campbell to approve minutes of 07/06/2016 Regular Meeting. All in favor. Minutes approved as written.
6. **Report from Township Board Representative Judy Graff:** Graff reported on the August 15, 2016 Township Board Meeting. Minutes are posted at www.cascotownship.net. Macyauski was sworn in as a Trustee to fill the vacancy left by Josiah Jessup. Macyauski will be stepping down as Chairman of the ZBA, but will continue as a member of the ZBA. He will no longer be a Planning Commission member. Supervisor Overhiser will bring a nominee's name for a Planning to the September Township Board meeting for their approval.
7. **Report from ZBA representative:** Ellingsen reported on the August 11, 2016. There were three applicants for variances. John and Pat Vandermeer requested a 14' variance to construct a single family residence. The variance was granted.

The second variance request was from Ben Apotheker for a 20' x 28' addition to his home. An 11' rear lot line variance and a 1' side lot line variance was granted.

The third applicant, Jochen Arnold, requested three variances to construct a new residence. A 15' variance from the required lot width, a 5' variance from the west side lot line, and a 4' variance from the east lot line were granted.

The next ZBA meeting will be September 22, 2016.

8. **Report from Water/Sewer representative Lou Adamson.** The Water and Sewer Authority is \$250,000 ahead of what they had last year this time. There have been 7 new water & sewer connections since July 1, 2016.
9. **Old Business – Request from Peter Klein, Seedling Farms, regarding a restaurant on his farm:** Neither Klein nor his attorney attended the meeting. A friend, Melissa Corey, came to the meeting on Klein's behalf to answer questions. The Planning Commission does not have information on what Klein's plans are; therefore, were unable to proceed until Klein submits a plan. Ellingsen provided Corey with a form to apply for Occasional Seasonal events.

Ellingsen provide a letter (Attachment #2) to the Planning Commission regarding restaurants in the Agricultural Zone.

10. **New Business:** None
11. **Public Comment:** Chris Barczyk stated that he was at the meeting to keep informed about what is going on in the township and short term rentals. Graff exchanged email with Barczyk to add him to her Casco Township updates list. Graff informed Barczyk that there will be a Board of Trustees workshop on short term rentals, September 19, 2016 at 5:00 PM, followed by the regular board meeting at 7:00 PM.
12. **Closing Comments and adjournment:** A motion was made by Fleming, supported by Adamson to adjourn. All in favor. Meeting adjourned at 7:43 PM.

Minutes prepared by Janet Chambers, Recording Secretary
Next PC meeting November 2, 2016, 7:00 PM

Attachment #1: Constitutional Moment Attachment
Attachment #2: Letter from Ellingsen, date July 1, 2016, re: Restaurants in Ag district

Summary of the U.S. Constitution

"We the People of the United States, in Order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

The Seven Articles of the Constitution

- I - Legislative Branch
- II - Executive Branch
- III - Judicial Branch
- IV - State's relations with one another
 - Rules for admitting new states
 - Guarantee that the form of state governments will be a republic
- V - Amending the Constitution
- VI - Debts, Treaties, Oath of Office
- VII - Rules for ratification

Closing

Amendments I - XXVII

CASCO TOWNSHIP
Zoning Administrator/Building Official
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1 July 2016

To: Casco Township Planning Commission

Dear PC Members,

As you are aware the Township received a letter from Mr. Peter Klein, Seedling Farms, 6717 111th Ave., requesting that the PC and Board assess the feasibility of amending the Zoning Ordinance to allow restaurants in the Agricultural Zone. Presently, the Township has two sit down restaurants, Cousins on Blue Star and North Shore(C-2 - Community Business District), and Hawks Head(PUD District). Consumer Energy also has a full service kitchen and sit down facility which is supposed to be for their internal conferences only and not open to the general public. Minimal food items are also served at the two operational wineries.

Since the Commission is going to address this issue, I believe there should also be discussion regarding the addition of wineries and special events facilities to the list of uses since wineries have been previously adjudicated as "Farm Markets". I have had at least six inquiries during the past several years regarding wedding venues or banquet halls, either in existing structures or newly proposed buildings.

As I stated at previous meetings, Zoning Ordinances are primarily "permissive" and, therefore, allow for all the uses listed in the ordinance, either as a permitted use or as a special use, but theoretically, all other uses are negated. Saugatuck Township, during my tenure as Zoning Administrator, has always allowed restaurants in the two Agricultural Zones, which comprises approximately 62% of the land area of Saugatuck Township. The use is allowed as a special use and must also comply with the requirements for site plan review after analysis and approval by the Planning Commission. The restaurant must be full service without dancing, floor show, or drive-thru. However, over the course of twenty years I never had anyone apply for, or even discuss, a restaurant project in the Ag Zones in Saugatuck township.

After reviewing several websites where Seedling Farms is mentioned, I believe that Mr. Klein has already had several large gatherings on his property for the purpose of what appears to be an outdoor farm to table dinner for up to 180 persons. There was also a mention that the individual cost for this dinner was \$100 per person.

The Casco Township Master Plan provides some allowance for "small-scale business uses within the Agricultural and Rural Residential Zoning districts". "The decision to allow or not to allow such non-residential uses to mingle with homes in the rural countryside should be made in the zoning ordinance. Obviously, a key consideration in such a decision is the compatibility of those uses with the desired and predominant character of the area. The effects of noise, traffic, and similar impacts upon the surroundings must be carefully considered. The primary objective is to determine which type of uses are allowable ... and the scale that might be allowed."

Since it appears that the Master Plan allows some type of future commercial endeavors in the Agricultural

Zone, either in association with an existing use or as a potential stand alone use , the Planning Commission will have to answer, among others, the following questions:

1. Would small restaurants be appropriate in some areas and in conjunction with certain uses? or
2. Should stand alone restaurants be allowed?
3. Will the use change the character of the area, especially the properties immediately surrounding the property with the change of use?
4. Is the use contrary to the purpose and intent of the zoning district?
5. Will the roads be impacted such as to need upgrading to be safe and not degrade more quickly?
6. Will the use create more demand of Fire/Rescue and Police in terms of potential emergencies?
7. Will the use be able to operate long term without the need for public water and sewer?
8. Is the use primarily for local patrons or is it primarily a destination for travelers?
9. What would be the maximum scale of the facility(Number of seats, size of building, etc.)?
10. Would the Health Department approve these uses?

All of the uses noted in the second paragraph would have to be Special Uses with Site Plan Review approval. There are many other questions that will come up in a public hearing if and when that time arrives. There may also be other uses if the Commission wishes to expand the discussion to add lodging such a "Inns", commercial recreation, or other farm-tourist related uses.

There also may have to be some changes to the parking and signage sections of the Zoning Ordinance, and the noise ordinance.

For years, the rural areas have been off limits to most commercial activities. The addition of Home Based Business, Home Occupations, and Cottage Industry sections to the 2006 Zoning Ordinance has expanded the possibility and opportunity for more commercial enterprises. Because these changes have occurred over a short period of time, the resulting affects have not been fully realized and many people may still be unaware of the options allowed in the existing ordinance. For this reason, I believe that the Township should be cautious and careful in how far it goes in allowing commercial activity in the rural areas.

Alfred J. Ellingsen

Alfred J. Ellingsen
Zoning Administrator