

**Public Hearing & Special Meeting
of
Casco Township Planning Commission
Roessing Special Events Venue
January 16, 2019; 6 PM**

Members Present: Chairman Dave Campbell, Vice Chair Dian Liepe, Board Representative Judy Graff and PC members Greg Knisley, Dan Fleming and Dave Hughes

Absent: Secretary Lewis Adamson

Staff Present: Recording Secretary Janet Chambers, Building Inspector Alfred Ellingsen, and Zoning Administrator Tasha Smalley

Also Present: Supervisor Overhiser, Paul Macyauski, Clerk Cheri Brenner, applicants Jeff and Melissa Roessing and 7 interested citizens.

5 interested citizens

1. **Call to order and review agenda:** The meeting was called to order at 6 PM by Chairman Campbell.
2. **Reading of Notice of Public Hearing and Special Meeting** Chairman Campbell read the Notice of Public Hearing (Attachment #5) published December 30, 2018 in the South Have Tribune.
3. **Presentation by applicant:** Jeff and Melissa Roessing purchased the property about a year ago. He has been an urban farmer prior to moving to Casco and would like to combine farming with a Special Events Venue. He plans to sell vegetables and flowers to restaurants, caterers and events venue guests.
4. **Questions from Planning Commission/Zoning Administrator:** Campbell invited Ellingsen to speak. Ellingsen said it was all in his report (Attachment #16) included in the mailed-out packet.
5. **Public comment / correspondence**
Carl Hewitt, 332 63rd Street, asked if the SLU Permit goes with the property and any future owners.

Campbell explained once issued a SLU stays with the property.

Ellingsen said the SLU stays with the property and could continue under new ownership.

Hewitt asked if the permit could be revoked.

Building Inspector Ellingsen said possibly if a new owner stopped running the Special Events Venue.

Zoning Administrator Tasha Smalley said if there were issues the Special Use could be revoked with a public hearing, but they would have to be doing something wrong.

Hewitt asked if the applicants would have to get a liquor license.

Roessing said he checked into it and that responsibility would be left to the caterers and therefore licensing would be their responsibility. He said he would require servers to be **TIPS (Training for Intervention Procedures) trained**.

Theresa Nowak, 62nd Street said she lived next door to Roessing and was concerned about traffic, noise and enforcement.

Ellingsen said the applicants would have rules. As far as noise, there is a noise ordinance. It will be tested, and noise will need to be 60 decibels or less during the daytime and 53 or less at 10 pm. The decibels will be tested at the property line. The Applicants will require that guest use their sound system which will be used in testing so they will know how far it can be turned up. Ellingsen added on warm, humid summer days noise carries further and sound system will need to be turned lower. If someone complains it will be metered again to see that it is compliance.

Jeff Roessing said they have rules for guests on their website (www.BlackSheepShelter.com). They have a consultant who has suggested some of the rules.

Nowak asked if there are any other Special Event Venues in Casco.

Campbell said Special Event Venues is a new ordinance in Casco. There is only one other so far.

Ellingsen added VanWagoners on 62nd Street just got approved for a Special Event Venue.

Nowak asked about parking.

Ellingsen said parking will be to the south. It is not paved but is required to be dust free.

Nowak asked about the property setbacks. Ellingsen said the setback from the road is 50'. There is also a 50' setback from any dwelling.

6. Determine compliance with Chapter 15 Special Use General Review and Specific Use Standards for a special Events Venue and vote.15.04 general review standards

15.02 C 1.

In addition to the standards established for specific special uses in Section 15.04, an application for a special use approval shall satisfy the following general review standards which are basic to all special uses:

a. The use is generally compatible with the intent of the Master Plan. 1. In addition to the standards established for specific special uses in Section 15.04, an application for a special use approval shall satisfy the following general review standards which are basic to all special uses: **OK**

b. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed. **OK**

c. The use is, or will be as a result of the special use permit, served adequately by public services and facilities, including, but not limited to roads, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sanitary sewer facilities must be available.

Liepe asked if they had a trash pickup contract. Roessing said their plan is to run a zero-waste business. They will require real plates, no disposable place settings. This will be included in their contract and is on their website (www.BlackSheepShelter.com)

Graff requested the Roessings give a copy of the contract and rules to the Planning Commission. Roessings agreed to do that.

d. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or

b. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.

c. The use is or will be as a result of the special use permit, served adequately by public services and facilities, including, but not limited to roads, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sanitary sewer facilities must be available.

d. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors. **OK**

e. The use will be compatible with the natural environment and will be designated to encourage conservation of natural resources and energy and will be compatible with the rural nature of the Township. **OK**

Section 4 Amendment of Section 5.02 UU (attachment #2) answered as follows:

Approved 02-06-2019

1. Yes
2. Yes, the property is over 7 acres
3. Campbell said the PC will need an update as to where we stand with the health Department. Roessing said the caterers will be required to have a license. Food will be prepped off site and brought in, due to the cost of a big commercial kitchen. Roessing stated the Health Department told him it would be the caterer's responsibility to be licensed regarding food service. There would be warmers and chafing dishes, but not preparation on site.

Hughes asked if there is a specific spaced planned for the caterer's truck. Roessing said there will be a specific place provided for the caterers. If someone holding an event hires the caterer, they would be required to bring proof of their license to the Roessings. Caterers licenses are issued county by county. Hughes said there would need to be a log of record on file of caterers verifying they are licensed. Hughes also enquired about rules concerning location of bathrooms and proximity to caterers. Roessing said there would to be a portable restroom with washing sink specifically for caterers.

4. Hours of operation will be 10 am to 10 pm. Campbell stated this may be a long day, taking pictures, etc. Length of day, alcohol use, etc. will have a big impact on number of restroom facilities required.
5. Campbell asked if the plan was for up to 150 attendees. Graff added Ellingsen advised listing a 150 limit. Campbell said if over 100 sprinkling, etc. may come into it.

Ellingsen said because it is an outside venue the sprinkling would not be required. Discussion ensued as to whether there would be 3 sides open and whether curtains would qualify as open. Ellingsen said it exits may have to be marked if closed with curtains or you may have to limit to 100 people. There may be a requirement for a certain width left open. It may also depend what the curtains are made of. If it is canvas, you may get into whether the building code kicks into or not. Ellingsen said that leads him to discussion of whether the roof is structurally sound or not. He concluded with some people would be inside and some outside. As long as you have 100 or less inside the 50' x 64' structure you will be ok.

Graff said the capacity is established by SHAES. There may be different situations, sometimes with curtains and sometimes open. It should be noted as a condition that a solution for this question be given.

Roessing added he has no intention of building walls. He also stated that, although it is listed that the pavilion is 40 x 64, it is in fact 50 x 64. He said the eastern side will always be open.

Hughes noted 150 people does not include support people.

Ellingsen said if curtains are provided for inclement weather, even though you

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are trying to promote the open space atmosphere, on a limited basis you may use curtains and would not have that many people. They could be tied back most of the time.

Knisley asked if there were other areas people could duck out of the weather. Roessing said the pavilion is the only area.

Fleming stated whatever options you have, #5 still stands. The facility has to be approved by SHAES building codes and the Roessings are aware of the tipping point. Roessing will get back with SHAES and provide something for the PC on this.

6. Campbell asked if the noise test will be a one-time thing. Ellingsen will testing for noise decibels prior to opening, and if there are complaints, it could be tested again.

7. Ok

8. Commissioners asked if there was a setback issue. Ellingsen said for the back of the property for an existing building. The building will be considered an accessory building which requires a 50' setback. There will need to be a setback variance.

Roessing said he talked to Tony Brush and offered to purchase property from him so that a variance would not be required. Brush was not interested in selling the property.

9. Campbell stated this will be covered in the Venue's contract.

10. Campbell said there are several factors they would have to apply in determining number of portable bathrooms needed that can lead to significant differences.

Roessing stated he talked with two different companies and plans to have 3 units for guests and 1 for caterers. They will be left on the property and cleaned weekly.

Campbell said the length of the event, number of people, alcohol served, number of men and number of women, etc. will all be a factor.

Knisley asked if Campbell's information came from a State law.

Campbell said it is not a law, just a site with facts that would be helpful for a successful business.

Roessing said he would eventually like more permanent facilities.

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11. Campbell said parking is available and handicap accessibility is reserved closest to the venue. It is quite flat and larger than needed.

Roessing said it is all sand, not muddy, drains well and the same as a mowed field. The applicants stated they did not want gravel or pavement. They prefer a nice grassy field. No sidewalks are needed, and it is dry and flat already. Roessing said she has a relative in a wheel chair and she gets around well.

Campbell said parking will be in accordance with Chapter 18 and the ZA will be looking at it.

12. A letter from Allegan County Road Commission (attachment #7) indicates nothing needs to be done there.

Discussion ensued on what conditions needed to be in a motion to approve or disapprove the compliance with Chapter 15.

Graff asked that a copy of Roessings rules and contract be given to the Planning Commission. She also stated the PC will need a statement from SHAES stating there can be up to 150 guests. The noise level testing will need to be done. Getting a setback variance from the ZBA would be a condition of approval, or the building would need to be moved.

Roessing said she did not have the finances to move the building, and the variance would be needed.

Hughes added the integrity of the building would need to be adequate.

Campbell asked who would be checking into the building integrity?

Ellingsen said he would need a statement from a structural engineer. When they get a permit, it will require structural approval.

Because standards of Chapter 15 were met, a motion was made by Knisley, supported by Liepe that the applicants are in compliance with Chapter 15 Special Use General Review and Specific Use Standards for a special Events Venue with the following conditions:

- Health department approval for up to 150 guests
- Applicants provide a copy of the rules
- Applicants provide a copy of their contract
- Noise test be done
- Pending on setback variance approval

All in favor. MSC.

7. Determine compliance with Chapter 17 Site Plan Requirements **and** vote

17.03.C (Attachment #4) answered as follows:

1. Provided

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2. Provided
 3. Provided
 4. Provided
 5. Provided and dated November 29th, 2018
 6. NA
 7. Provided
 8. Correction on site plan (attachment #1). Building size is listed as 40' x 64'. Is actually 50' x 64'
 9. Provided
 10. NA.
 11. NA Roessing said there are 2 wells. One by garden area and one for irrigation. 2nd well will be added.
 12. NP Not shown on site plan (attachment #1). One drive. Road Commission has approved (attachment #7). It may be graded a little better than it is now. Campbell said it is the existing driveway and SHAES has reviewed it and said it is adequate.
 13. NA Aerial photo provided (attachment #14). Is on site plan (attachment #1)
 14. Provided
 15. Not provided. Won't be paved. Campbell said he assumes it will meet ADA requirements. Roessing said yes. Ellingsen said ADA and Barrier free is the State of Michigan and would fall under Building Inspector responsibility.
 16. Provided (Attachment #12). 3 Handicap spaces. Surface prepared. 2 drives, 3 rows. Applicants will direct cars and there will be signs. There is 32' of sand drains. In September the applicants had 130 guests and had no problem.
- Hughes asked about lighting. There is solar lighting and meets standards for parking lot lighting. Lights will be timed off. Hughes asked if lighting will be compliant with the new lighting ordinance when it is adopted. Roessing said it will be in compliance with the new ordinance.
17. NA
 18. NA
 19. NA
 20. Provided
 21. Not provided. Sign will be compliant with size requirements. There will be no lighting on sign.
 22. NA
 23. Not provided
 24. NA
 25. NA
 26. NA
 28. NA
 29. Have received

Chairman Campbell asked if there were any other comments.

Graff said she noted 2 conditions and 3 site plan corrections.

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Liepe said directions on site plan (attachment #1) are not correct.

Graff stated the building size needs to be changed from 40' to 50'; 2nd well needs to be added; setback change required needs to be changed to 35' and NSEW notations need to be corrected.

17.07 Review Standards were reviewed as follows:

- A. Ok
- B. OK. Hughes asked about safety and security issues. Ellingsen thought that should be dealt with. Ellingsen added in Chicago off duty cops are often used. Campbell asked if that was required in the previous Special Event Venue approval. Hughes asked Roessing how he plans to deal with this. Roessing said his plan is being on site at all times there is an event, and if he cannot resolve a problem himself, he would call police or fire protection as needed. Campbell said another concern would be the fact that beer and wine will be served. He asked if whoever is serving alcohol will have the responsibility to monitor. Knisley said if the alcohol server is TIPS trained, they should know how to deal with checking id's, etc.
- C. Campbell said the applicants have this checked off
- D. This is ok
- E. Not an issue
- F. Ok
- G. Ok
- H. Setback variance will be a condition
- I. Ok
- J. NA
- K. Ok
- L. NA Does not have an impact
- M. NA
- N. NA
- O. Will be covered with decibel test
- P. OK
- Q. One sign and it will be in compliance
- R. This will be dealt with. And asked if there will be cans available if necessary. Roessing said if needed they will be provided. Recycling will be I back, not out in effort to force customers not to generate garbage. It will be covered in the contract that caterers carry off trash.
- S. Will be dealing with Zoning Administrator and Building Inspector as applicants go through this process.
- T. We are good with that

Section 1708 Conditions of approval

- D. A record of conditions shall be maintained. Conditions as follows:
 - Building width changed from 50' to 50' on building at west end of property
 - Rear setback changed from 50' to 35'
 - Add 2nd Well to site plan (attachment #1)
 - ZBA rear setback variance from 50' to 35'
 - NSEW corrections be made on site plan

Approved 02-06-2019

Fleming questioned Section 17.08 E and it was decided it could be stated, because the applicant as met the review standards... etc.

A motion by Liepe, supported by Knisley to approve application because the applicants have met the review standards of 17.07 and 17.03 with the following conditions:

- Building with changed from 40' to 50' on building at west end of property
- Rear setback changed from 50' to 35'
- Add 2nd Well to site plan
- ZBA rear setback variance from 50' to 35'
- NSEW corrections be made on site plan

All in favor. MSC.

8. Adjournment of Special Meeting

A motion by Graff, supported by Knisley to adjourn. Meeting adjourned at 8 PM.

Next meetings: Regular Meeting February 6th, 7 PM

Public Hearing February 20th, 6 PM

Attachment #1: Site Plan

Attachment #2: Section 4 Amendment of Section 5.02 UU

Attachment #3: Site Plan Review SLU Application & Requirements

Attachment #4: Site Plan Review Checklist

Attachment #5: Notice of Public Hearing published Dec. 30, 2018

Attachment #6: Special Use Application Responses by Roessings

Attachment #7: Allegan County Road Commission inspection

Attachment #8: Allegan County Drain Commissioner letter, 9/21/2018

Attachment #9: SHAES checklist, 8/23/2018

Attachment #10: Email correspondence from between Ellingsen & Roessing

Attachment #11: Landscape sketch

Attachment #12: Parking Sketch

Attachment #13: Applicants additional responses to amended Site Plan

Attachment #14: Aerial view of applicant's parcel showing neighboring dwelling

Attachment #15: Tax map of property

Attachment #17: Section 17.06; 17.07; and 17.08 of Zoning Ordinance

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out of the use of the shared driveway or the failure to properly construct, maintain, use, repair, and replace the shared driveway.

Section 4. Amendment of Section 5.02. Section 5.02 – Permitted Uses and Special Uses is amended such that the following land use is added in alphabetical order:

USES	AG
Special Events Venue	SU

Section 5. Amendment of Section 15.03. Section 15.03 – Specific Use Standards is amended to include a new subsection UU which reads as follows :

UU. Special events venue

1. The use shall be owner-operated, and the owner shall live in a single-family dwelling located on the same lot during the operation of the special events venue.
2. A special events venue shall be located on a lot of five (5) acres or greater.
3. The use shall be licensed and inspected by the Allegan County Health Department and comply with all applicable laws and regulations regarding food service.
4. Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
5. The maximum capacity of the venue shall not exceed that established by South Haven Area Emergency Services (SHAES) or its successor, or applicable building codes, whichever is less.
6. Amplified music must comply with Township ordinance limitations, unless a condition of the special use is to prohibit amplified music.
7. No activity or structure pertaining to the special events venue may be located within fifty (50) feet of the public road right-of-way.
8. No activity or structure pertaining to the special events venue may be located closer than fifty (50) feet from any dwelling unit on another lot.
9. Suitable containers for rubbish shall be placed on the lot for public use and shall be properly disposed of on a regular basis to avoid overflowing and a foul odor.
10. Suitable restroom facilities shall be provided on the lot as approved by the Allegan County Health Department.
11. Parking shall be available on the same lot and in accordance with Chapter 18.

12. Access to the lot and the venue on the lot shall be constructed and located in accordance with Allegan County Road Commission requirements.

Section 6. Effective Date. The foregoing amendment to the Casco Township Zoning Ordinance was approved and adopted by the Township Board of Casco Township, Allegan County, Michigan on _____, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on _____, 2018, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Allan Overhiser,
Township Supervisor

Cheryl Brenner,
Township Clerk

Casco 42 Zoning Text Amendment Ordinance - Shared Driveways and Special Events Venue 03232018

#3

Casco Township
7104 107th Avenue
South Haven, Michigan 49090
(269) 637-4441 / Fax (269) 639-1991

PAID
CK # 136 # 700⁰⁰
RAH 12.19.18

SITE PLAN REVIEW/SPECIAL USE/PUD APPLICATION & REQUIREMENTS

1. Applicant Information:

Name Jeff and Melissa Roessing
Address 342 62nd Street City South Haven State MI Zip 49090
Telephone 616-335-0797 Fax NA
Person in charge of project Jeff Roessing

2. Property Information:

Address: 342 62nd Street South Haven, MI 49090
Parcel #: 0302-026-002-00 ; Do you own the parcel? Yes ; No
Current Zoning Ag Conforming use in zone? Yes ; No
Other action required?: Variance ; Re-zone ; Special Use

and Parcel
0302-
026-
001-00

3. Type of improvement (Check as many as applicable)

New Building Addition Condominium Site Condominium
 Open Space Dev. Subdivision PUD
 Other (Describe) Some renovation of existing structures

4. Engineer or Surveyor Information:

Name Mitchell & Morse Land Surveying (Bruce Mitchell) Address 234 Veterans Blvd Edward Morse
City South Haven State MI Zip 49090 Phone 269-637-1107 License # 47966

5. State proposed use of property:

Wedding Venue - host wedding ceremonies and
receptions and other special events outdoors and in pavillion space.

6. Provide site plan as per Chapter 17 of the Casco Township Zoning Ordinance.

Did you receive a copy of Chapter 17 and the Checklist? Yes ; No .

Provide information requested in Chapter 15 if Special Use.

Provide information requested in Chapter 16 if PUD.

Provide information requested in Section 15.04(Z) if Open Space Preservation project.

7. Provide a brief narrative describing the items listed in Section 17.03(a) and the following:

- a. Types and size of structures to be erected.
- b. Timetable regarding stages of project and completion date.
- c. Any objective or subjective information you wish to convey to the Planning Commission.

Applications with completed site plan and other required information must be filed with the Zoning Department at the Township Office 35 days before the scheduled Planning Commission meeting. All amended site plans must be submitted at least 21 days before the meeting or the hearing/ review will not be held. All applicable fees must be paid at that time. By signing this application, I agree to pay all applicable fees and costs associated with the site plan review process as detailed on the reverse of this application.

I hereby authorize Casco Township Planning Commission members and Township staff to inspect the proposed site at their discretion.

Applicant Signature Jeff Roessing Date 9/3/18

For Office Use: Date Rec'd: _____ ; Fee Rec'd _____ ; Fee Amt. \$ _____ Hearing Date _____

Remarks: _____

SITE PLAN REVIEW CHECKLIST

NA, NP, or P	Final Site Plan Requirements
P	1. An inset location sketch showing at a minimum, properties, roads, and use of land within one-half (1/2) mile of the site.
P	2. Legal description and parcel number of the subject property.
P	3. The date, north arrow and scale.
P	4. Name and address of the property owner or petitioner.
P	5. Name and address of the person or firm who drafted the plan and the date the plan was prepared and any subsequent revision dates.
NA	6. Seal, name, and address of the professional individual responsible for preparation of the final site plan.
P	7. Property lines and required setback lines shown.
P	8. Size (in acres) of the subject property and number of acres allotted to each proposed use and gross area in building, structure, parking, public roads and drives, and open space.
P	Dimensions of all existing and proposed structures on the subject property, and building setbacks on each building site including dwelling unit densities by type, if applicable.
NA	10. Specific location of existing and proposed stormwater facilities including stormwater calculations.
NA	11. Detailed design for all utilities, including any proposed connections to public or private community sanitary sewer or water supply systems.
NP	12. Dimensions and radii of all existing and proposed drives, cross sections of roadways, acceleration/deceleration lanes.
NA	13. Recreation areas, common use areas, floodplain areas, and areas to be conveyed for public use purpose.
P	14. Existing zoning and use of all properties abutting the subject property.
NP	15. Design and location of sidewalks and trails.
P	16. Specific location and design of exterior lighting, curbing, parking areas including the dimensions of a typical parking space and the total number of parking spaces to be provided, fire lanes, and unloading areas.
NA	17. Development agreement (as required).
NA	18. Easement descriptions and dedications.
NA	19. Approved road names.

Final Site Plan Requirements

P	20.	Detailed landscape design, including method of protecting existing vegetation, species listing and sizes for new landscaping materials and profile of proposed buffer strips, screening, berm and fence design, as appropriate. Timing of landscaping must also be provided.
NP	21.	Any signs not attached to the building(s).
NA	22.	Site grading plan.
MP	23.	Location of all solid waste disposal facilities, including recycling, and screening.
NA	24.	Location and specifications for existing or proposed outside, above or below ground storage facilities for hazardous materials.
NA	25.	Detailed inventory of significant natural features, and other natural characteristics, including but not limited to open space, wetlands, landmark trees, stands of trees, brooks, ponds, floodplains, hills, slopes of over fifteen (15) percent, and similar natural assets or hazards.
NA	26.	Detailed means of protecting natural features during construction.
P	27.	Written reviews and approvals by the Allegan County Road Commission engineer, Allegan County Drain Commissioner and South Haven Area Emergency Services fire inspector.
NA	28.	Where required, a 433 Agreement with the Allegan County Drain Commissioner.
P	29.	Any changes to the originally submitted narrative.

Key- NA = Not Applicable

NP = Not Provided

P = Provided

Casco Township
Notice of Public Hearing & Special Meeting

Please be advised that the Casco Township Planning Commission will hold a public hearing at a Special Meeting meeting, Wednesday, 16 January 2019, at 6:00 pm(note earlier time) at the Township Hall located at 7104 107th Ave., South Haven, MI 49090, to accept public comments and inquiries, and consider the following application:

A review of a Special Use application submitted by Jeff & Melissa Roessing, 342 62nd Street, South Haven, Michigan 49090(Parcel #'s 0302-026-001-00 & 0302-026-002-00) consisting of approximately 7 acres. The request is for the operation of a Special Events Venue primarily for wedding events of 150 or less under an open air, roofed over existing pavilion, but may house other gatherings with a similar occupant load. An ancillary tent for overflow guests may be used if allowed by the Planning Commission and approved by the Fire District. The applicant must comply with Chapter 15, Special Uses, Section 15.03UU, Specific Use Standards for a Special Events Venue, and Chapter 17, Site Plan Review.

The Planning Commission will adjudicate the Special Uses and Site Plan and either approve, approve with conditions, or deny the uses and/or plan.

The application, site plans, and all other pertinent information may be viewed at the Township Hall during regular business hours. All interested parties may comment regarding the proposed use by attendance at the meeting or by letter or fax prior to the meeting. Your letter or comments will become part of the permanent record.

Facilities for impaired persons shall be made available upon 7 days notice to the Clerk.

Cheryl Brenner
Casco Township Clerk
Phone-269/637-4441

Alfred J. Ellingsen
Zoning Administrator
Fax-269/639-1991

(Please place in the South Haven Tribune for publishing on 30 December 2018)

Special Use Application, Responses
Jeff and Melissa Roessing
342 62nd Street
South Haven, MI 49090

6. Provide information requested in 15.03 if Special Use.

1. The use shall be owner-operated, and the owner shall live in a single family dwelling located on the same lot during the operation of the special events venue.
-We live on site in a single family dwelling year round.
2. A special events venue shall be located on a lot of five (5) acres or greater.
-The property is 7 acres.
3. The use shall be licensed and inspected by the Allegan County Health Department and comply with all applicable laws and regulations regarding food service.
-We've reached out to the Allegan County Health Department and have received some feedback as to their expectations but we are unsure how the licensing process takes place. Since we don't have permanent restrooms or a commercial kitchen on site, our restrooms won't be present to inspect until we open (hopefully next summer) and licensed caterers will be preparing the food off site and bringing and serving it on site. The Health Department did specify that we need a special portable toilet and hand washing sink for the caterers (the sinks can be portable too they said) which we will obviously comply with.
4. Hours of operation shall be limited to the hours between 7am and 10pm.
-We are planning to offer day rentals from 10am-10pm.
5. The maximum capacity of the venue shall not exceed that established by South Haven Area Emergency Services or its successor, or applicable building codes, whichever is less.
-As the venue is a pavilion and many of the ceremonies will be held outside we are not sure of the maximum capacity. The space under the pavilion is 4,000 square feet. However, we desire to keep the events to a reasonable size and are planning to cap the number of attendees at 150. We shared this information with Tony from the South Haven Area Emergency Services and he said that was fine.
6. Amplified music must comply with Township ordinance limitations, unless a condition of the special use is to prohibit amplified music.
-We will comply. We were told the Zoning administrator will come out to perform a decibel test. For what it is worth, we are not fans of loud

-The Allegan County Road Commission examined our existing driveway and approved it.

7. Provide brief narrative describing the items listed in Section 17.03(a) and the following:

(a) Types and size of structures to be erected.

The existing pavilion (barn-like structure with roof and one wall to the west but no other walls) will be renovated to ensure its structural integrity but it will stay a pavilion with only the western wall in place and the remaining sides open. We are working with a licensed contractor and engineer to do this.

We also plan to pour a concrete floor under the pavilion prior to opening.

(b) Timetable regarding stages of project and completion date.

We hope to open the Venue in June of 2019, pending approval.

Likewise, as we are not swimming in money, we are waiting to pull the trigger on these more expensive improvements to the structure until the Special Use is granted.

(c) Any objective or subjective information you wish to convey to the Planning Commission.

We are excited at the prospect of opening this business but want to express that we feel and take serious the weight of opening such a special use venue with its potential impact on the community. While it will encourage more outside dollars spent at local businesses, it will also mean more traffic on our road and activity on the weekends. Even though our neighbors' houses are relatively far away from our property, we do want to be contentious of the impact this could have on them. This has contributed to our decision to require renters to use the very small sound system that we will provide, and to our ban of hard liquors at the venue (we have it clearly spelled out on our website and in our contract that only beer and wine will be allowed at events).

of music and will be purchasing the sound system for the venue that renters will be required to use if they want to use a sound system. We have a friend who is a sound engineer and we are getting his help to find something that is small and without much bass, but produces a high quality sound.

7. No activity or structure pertaining to the special events venue may located within 50 feet of the public road right-of-way.
 - Our structures and events will take place more than 50 feet from public road (see Site Plan map).
8. No activity or structure pertaining to the special events venue may be located closer than 50 feet from any dwelling unit on another lot.
 - The closest dwelling unit to our events venue is over 900 feet away.
9. Suitable containers for rubbish shall be placed on the lot for public use and shall be properly disposed of on a regular basis to avoid overflowing and foul odor.
 - See our response on site plan: "Integral to the identity and mission of our business is the zero waste philosophy where the aim is to move to a circular economy where we write out trash and the need to for landfills. Renters and caterers will know in advance and need to adhere to a contract that outlines our guidelines for maintaining a zero-waste property. For example, caterers will need plate-ware that is non-disposable or compostable, and couples will be required to use decorations that are re-usable and/or they will be responsible for removing from the site when done." We have discussed this with a caterer who we hired as a consultant and she liked the idea of zero-waste and said it can work well if caterers know in advance. We will be clear with prospective renters and caterers about how zero-waste works and provide expectations and guidelines.
10. Suitable restroom facilities shall be provided on the lot as approved by the Allegan County Health Department.
 - Emily McGrew from the Allegan County Health Department did email us saying ADA compliant portable restrooms will be okay for our venue.
11. Parking shall be available on the same lot and in accordance with Chapter 18.
 - Parking will be available on our lot and we've outlined the parking in accordance with Chapter 18 on our Site Plan answer 16.
12. Access to the lot and the venue on the lot shall be constructed and located in accordance with Allegan County Road Commission requirements.



ALLEGAN COUNTY ROAD COMMISSION

#7

To whom it may concern

08/27/18

The driveway at 342 62nd St meets our standard at the Allegan County Road Commission. Any questions or concerns you may contact me at 269 673 2184.

John Sharpe
Traffic & Safety Superintendent
07/24/2018

8

ALLEGAN COUNTY DRAIN COMMISSIONER

DENISE MEDEMAR
Drain Commissioner

CAROLYNN PARNELL
Chief Deputy

September 21, 2018

Mr. Allan Overhiser, Supervisor
Casco Township
7104 – 107th Avenue
South Haven, MI 49090

Re: Site Plan Review for Storm Water Management
Proposed Black Sheep Shelter
342 62nd Street, South Haven, MI 49090

Dear Mr. Overhiser:

I had the Site Plan Reviewed by Peter Klooster, P.E. from ENG, Inc. on September 11, 2018, for storm water management for the propose development project at 342 62nd Street in Casco Township known as the Proposed Black Sheep Shelter. Mr. Klooster reviewed the survey drawing dated July 30, 2018 prepared by Mitchell & Morse Land Surveying for compliance to Allegan County Drain Commissioner's Development Standards for Stormwater Management Systems, revised January 19, 2010 (the Standards).

The proposed project consists primarily of the repurposing of four small buildings into a wedding venue. No storm water management measures have been proposed for the site. We do not see a need for the Drain Commissioner to impose the Standards on this property for the following reasons:

- The 7-acre subject parcel is not proposed to be subdivided.
- No additional impervious surfaces are proposed for the intended use.
- No significant earth change activity is proposed.
- The subject property does not directly discharge to a County Drain.

I therefore am not requiring any storm water management unless plans are submitted to the Township that show activities that affect one of the about bullet points.

If you have any questions please contact me at (269) 673-0440.

Sincerely,



Denise Medemar
Allegan County Drain Commissioner

Cc: Jeff Roessing, 342 62nd Street, South Haven, MI 49090

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ALLEGAN COUNTY DRAIN COMMISSIONER

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Denise Medemar
Allegan County Drain Commissioner

Cc: Jeff Roessing, 342 62nd Street, South Haven, MI 49090

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SITE PLAN REVIEW

Preliminary Site Plan Final Site Plan

Name of Applicant: Jeff Roessing

Address of Applicant: 342 62nd Street South Haven, MI 49090

Applicant Telephone No: 616-335-0797

Project name, if any: 342 62nd Street South Haven, MI 49090

Project location: 342 62nd Street South Haven, MI 49090

Brief project description: creating a pavillion for wedding ceremony

Are fire hydrants available at the site? Yes No

Comments: _____

Is water pressure adequate for the project? Yes No

If no, explain: _____

Does project layout provide easy access for fire protection? Yes No

If no, explain: _____

Are the proposed plans acceptable to the Fire Department? Yes No

If no, explain: _____

Other comments / recommendations:

Fire extinguishers in thr pavillion

Review performed by Tony Marsala Deputy Chief/Fire Marshal.SHAES

Date 8/23/18

Re: December 5 meeting

#10

From: [skwirely \(skwirely@frontier.com\)](mailto:skwirely@frontier.com)

To: theroessings@gmail.com

Date: Wednesday, November 28, 2018, 4:41 PM EST

Jeff & Melissa,

I talked to the vice chair of the PC yesterday and they will set a future date for your hearing at the 5 Dec 2018 meeting. I assume it will be sometime in January 2019 since I need to publish 15 to 25 days before the hearing. Because of the items the PC required on the Site Plan for the Special Events venue on 1020 62nd Street I would suggest you add the following items to your site plan to avoid any more potential delays.

1. #7- setback lines
2. #12- width of driveway
3. #16- specific location of lighting
4. #21- position of sign, size, and copy
5. #23 location and screening of garbage disposal container(s)

I also notice there is no dimension between the west lot line and the building where the events would take place. The rear setback in the Ag zone is 50 feet and it appears the building is much closer to the west lot line than required. You may have to remove a portion of the building to come into compliance or request a variance from the ZBA. Also, the venue must be barrier free and ADA compliant.

Al Ellingsen
Casco Township

On Wednesday, November 28, 2018, 12:13:37 PM EST, Jeff and Melissa Roessing <theroessings@gmail.com> wrote:

Hi Al,

Just checking in, seeing if there are any updates on our application? I'm thinking Melissa or I will come to the December 5 planning meeting, maybe a friendly face will help Planning Commission remember us :)

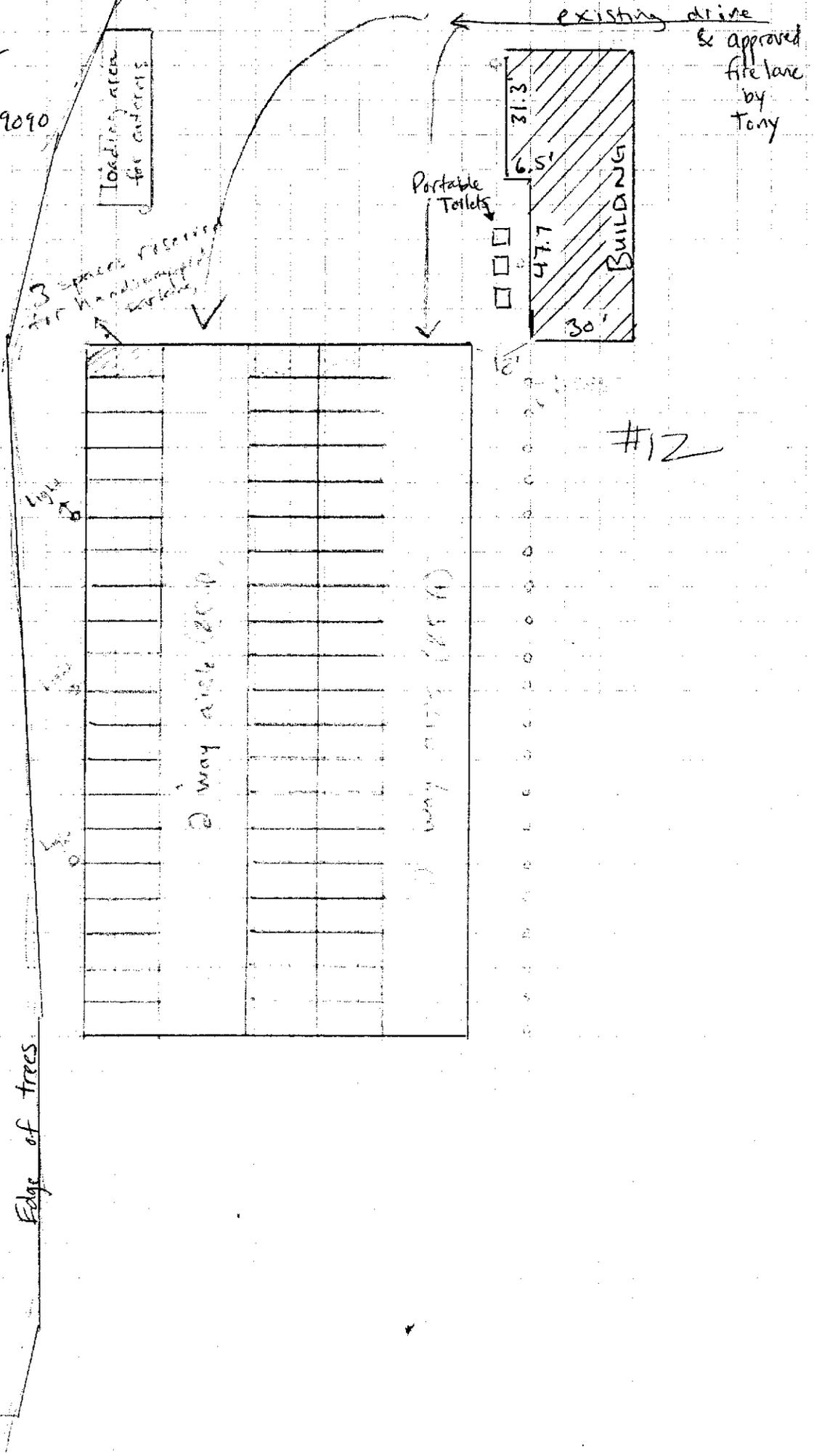
Take care,

Jeff and Melissa Roessing
Black Sheep Shelter
342 62nd Street
South Haven, MI 49090

Black Sheep Shelter
342 62nd Street
South Haven, MI 49090
Parking Lot Plan



1 Square = 10x10ft



#12

#13

Site Plan , Additional Responses
Jeff and Melissa Roessing
342 62nd Street
South Haven, MI 49090

16. Specific location and design of exterior lighting curbing, parking areas, including the dimensions of a typical parking space and the total number of parking spaces to be provided, fire lanes, and unloading areas.

The parking lot will be located on a 22,000 sq ft section of a field and include two two-way aisles with widths of 25 ft each, serving three rows of 90 degree angle parking spaces. Each parking space will have a width of 10 feet and a length of 20 feet (18.03, G).

In accordance with 18.05, B, use Institutional (Churches, theaters, assembly areas, auditoriums, gymnasiums which specifies one parking space for every three seats) the parking lot will provide 60 spaces and the venue's capacity will be limited by 150 seats. (18.06, C). A loading space of over 10 feet by 50 feet will be provided for caterers.

Lighting will be sufficient for safe entry and exiting of property, with over one lumen per square foot of parking lot space, but will not be excessive and viewable from adjacent properties. Posts not exceeding 15 feet in height with larger (brighter) solar powered lights will be set along western edge and shorter posts with smaller lights will be set along eastern edge (18.03). See the attached drawing.

20. Detailed landscape design, including method of protecting existing vegetation, species listing and sizes for new landscaping materials and profile of proposed buffer strips, screening, berm, and fence design, as appropriate. Timing of landscaping must also be provided.

See attached drawing.

Items in black are already planted, while items in blue are to be planted this Fall or in the Spring of 2019. No significant alteration of the land is planned. Some sumac was pulled out of area where cottage garden is being developed, and various sassafras and cherry trees were cut down that were encroaching upon the pavilion structure and could have comprised its integrity. Also, several pine trees will be removed just to the south of the pavilion per the recommendation of Tony at the fire department.

21. Any signs not attached to the building(s).

One non-illuminated sign to be erected indicating name of business that will be less than 32 sq ft and not higher than 4ft and set back 15 ft from edge of road (section 19.07).

23. Location of all solid waste disposal facilities, including recycling and screening.

Integral to the identity and mission of our business is the zero waste philosophy where the aim is to move to a circular economy where we write out trash and the need to for landfills. Renters and caterers will know in advance and need to adhere to a contract that outlines our guidelines for maintaining a zero-waste property. For example, caterers will need plate-ware that is non-disposable or compostable, and couples will be required to use decorations that are re-usable and/or they will be responsible for removing from the site when done.

27. Written reviews and approvals by the Allegan County Road Commission engineer, Allegan County Drain Commissioner, and South Haven Area Emergency Services fire inspector.

See attached. Allegan County Drain Commissioner has not submitted their review because they do not have engineer on staff. I will continue to request the review.

*Distances from Venue to property line and to neighbor's houses:
(collected from Allegan County GIS)

Distance to Theresa (neighbor to the north):

- a) to her property line it is 315 feet
- b) to her house it is 952 feet

Distance to Tom and Stephanie (neighbor's across the street and to the north):

- a) to their property across the street it is 400 feet
- b) to their house it is 941 feet

Distance to Mike (neighbor across street and to the south):

- a) to his property across the street it is 405 feet
- b) to his house it is 1119 feet

Distance to Todd and Ginger's (neighbors to the south):

- a) to their property line it is 1410 feet
- b) to their house it is 1524 feet

Note, Tony Brush owns and farms the 43 acres surrounding us to the east and to the south.



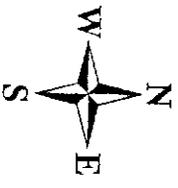
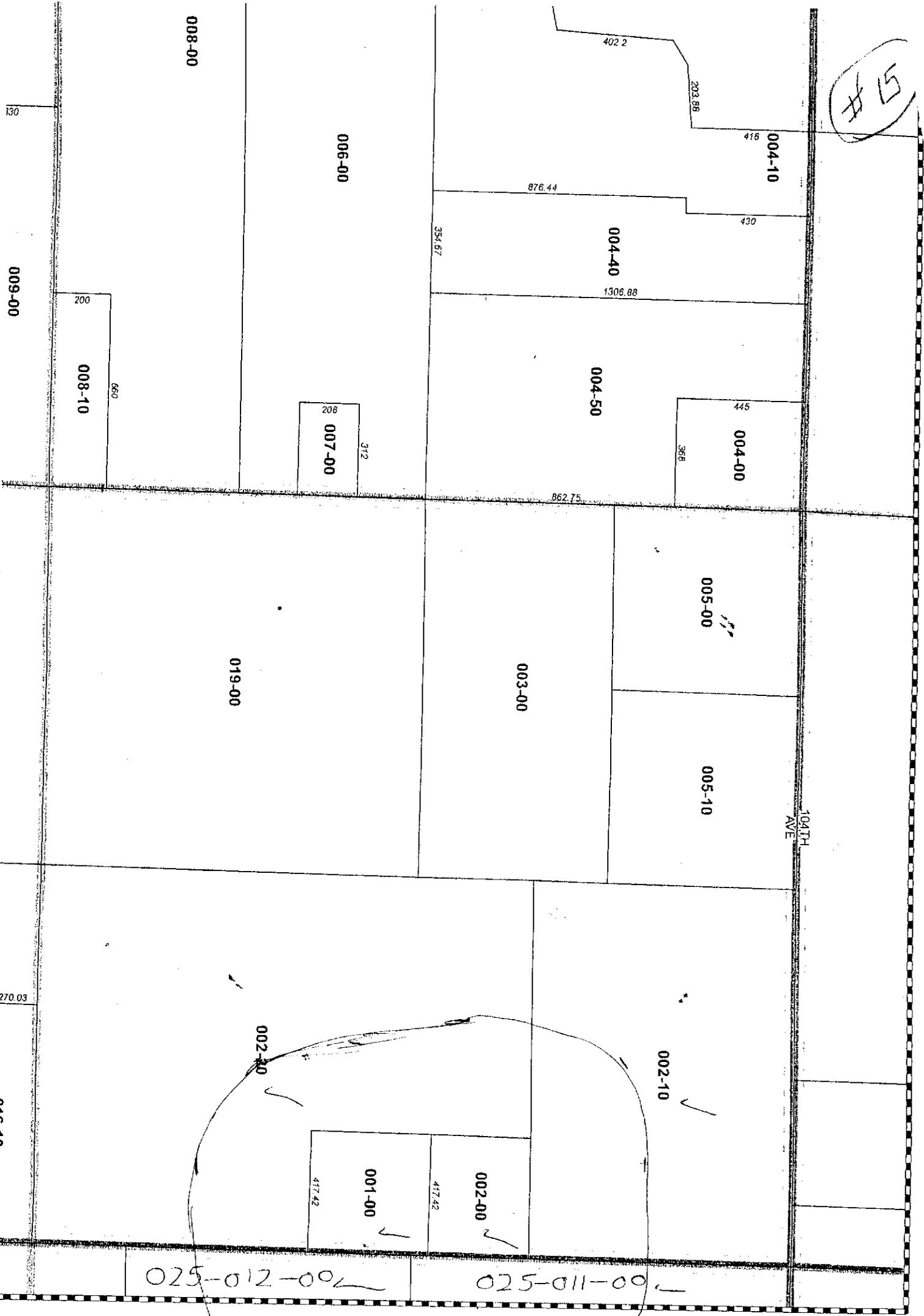
nd St

62nd St

Google

14

#15



1 in = 400 ft

This map was compiled for tax administration purposes only. It does not represent a legal property survey.

Tax Year:
2016

Map Printed:
5/9/2016

Casco Twp
T1N R16W

#16

CASCO TOWNSHIP

Alfred J. Ellingsen

Building Inspector – Registration #003075

Zoning Administrator

7104 107th Avenue

(269)637-4441 / Fax (269) 639-1991

26 December 2018

To: Casco Township Planning Commission

Re: Special Events Venue

Parcel # 0302-026-001-00 & 0302-026-002-00 Approximately 7 acres

Applicants: Jeff & Melissa Roessing

Property address: 342 62nd Street, South Haven, Michigan 49090

Agricultural Zone

Document List:

1. Site & Utility Plan prepared by Mitchell & Morse.
2. Zoning Ordinance amendment adding Section 15.03UU, Special Events Venue.
3. Application and documents for Special Use and Site Plan Review.
4. Site Plan Review checklist prepared by Zoning Administrator.
5. Notice published in South Haven Tribune and sent to property owners within 300 feet of the proposed project.
6. Applicants narrative and specific answers to Section 15.03UU.
7. Road Commission Letter
8. Letter from Drain Commissioner.
9. Letter from Tony Marsala, Deputy Fire Chief – SHAES.
10. E-mail from ZA requesting addition information on Site Plan.
11. Landscape design adjacent to open air pavilion.
12. Draft drawing of parking area(Approximately 60 vehicles).
13. Applicants additional responses to amended Site Plan.
14. Aerial view of applicant's parcel showing neighboring dwellings.

This is the second request for approval of a Special Use allowed by the new Zoning Ordinance amendment adding Section 15.03UU, Special Events Venue, that the Township Board adopted and became effective on 7 May 2018. This project is much simpler in scope and does not have the amenities that the Van Wagoner site will provide when completed.

The Commissioners may determine the order of procedure before reviewing this request. Generally speaking however, the Special Use request should be adjudicated first, and if approved, Site Plan Review would follow.

The applicant has provided information that states compliance with Section 15.03UU regarding specific requirements for the particular use as shown in Document #6. The Commissioners should dialogue with the applicants in regards to these 12 requirements for more details for this use, especially for the involvement of the Health Department and the method of handling rubbish, both of which are different than what would be considered usual amenities(modern conveniences) at a banquet hall.

The Commissioners would then need to address the General Standards found in Section 15.02C1 to determine if the use is 1)reasonably compatible with the general area and the Master Plan; 2) does it change the existing or intended character of the general vicinity; 3) is the use excessively detrimental to any persons, property, or the general welfare because of noise, traffic, smoke, fumes, glare, odor, or similar conditions; 4)does the use strain the capacities of public services; 5) is the use compatible with the natural environment and the rural nature of the Township.

Be reminded that a Special Use stays with the land unless a finite time is imposed as a condition. Also be reminded that the Planning Commission, after a duly noticed public hearing, recommended to the Township Board that this use be allowed as a Special Use as long as the 12 requirements in Section 15.03UU were diligently followed and the use would not create an excessive nuisance. It appears that the applicants are or will be compliant with the specific requirements of the Special Events Venue prior to opening next year.

The Commissioners should then weigh all of the documentation and the testimony of the applicant and the general public to determine if the Special Use should be approved, denied, or approved with conditions.

If the Special Use is approved or approved with conditions, the Commissioners must proceed with the process of Site Plan Review.

I have added the Site Plan Review Checklist(Document #4) into your packets based upon the 29 items listed in Section 17.03C and whether each item is Provided(P), Not Applicable(NA), or Not Provided(NP) since the applicant wishes to obtain final site plan approval for the project. The applicants have also provided additional information regarding parking, landscaping, signs, and refuse(Document # 13).

Items 1 thru 9 inclusive have been provided on the Site Plan except for the seal which I do not believe is necessary since the plan was prepared by a local professional. Required setbacks are shown as requested in item 9 and dimensions of each existing and proposed structure are provided. Items 10 and 11 are not applicable. Item 12 shows the position of the existing driveway, but does not show cross sections or turn redii. The Allegan County Road Commission did not require any acceleration/ deceleration lanes for this use(Document # 7). Item 13 does not appear to be applicable to this project. Items 14 and 16

inclusive are provided; approximately 60 parking spaces are available for guests(Documen #12). Item 15 regarding sidewalks has not been provided but should be shown or stated in the narrative since this use would require ADA and Barrier-Free access to the entire complex. Items 17 thru 19 are not applicable. Item 20 is provided and is shown in Documents # 11(Landscaping adjacent to pavilion) and #14(Existing vegetation around property). No other new landscaping would be added unless the Commissioners require additional buffering. Item 21 has not been provided. The applicant has stated that a new sign will be added near the road entrance and will be compliant with the current sign regulations found in Chapter 19 of the Zoning Ordinance. Item 22 is not applicable. Item 23 was not provided since the applicant has a unique method of processing all waste materials. Item 24 is not applicable. Items 25 and 26 were not provided, but may not be necessary for this development. Item 27 has been provided; the Allegan County Health Dept., Drain Commissioner, Road Commission, and SHAES have been contacted or have reviewed the project and provided attached documentation; driveway into and out of the parking area and residence is sufficient and an acceleration/deceleration lane is not required. Since this is not a multi-parcel development item 28 is not applicable. Item 29 has been provided.

The Commissioners must review the 20 standards found in Section 17.07 A thru T inclusive to determine if the site plan would be granted approval. Some of the standards may not apply to this particular use and the "standards shall not be regarded as inflexible requirements, and are not intended to discourage creativity, invention, or innovation." I have enclosed a copy of Section 17.07 of the Zoning Ordinance for your convenience while you are reviewing the site plan at home to see if the plan is compliant with these standards. Use the blank page on the back for notes or questions.

As I stated in a previous report, I have discussed the Event Venue(Banquet Hall) use with an agent of the Liquor Control Commission and he stated that as long as the caterer or the wedding party's family provide and serve the alcoholic beverages and do not charge any remuneration, no license is necessary for the owners of the Event Venue. If any food prep is done on site the caterer would need a temporary food license from the Health Department for the property.

It is assumed that most of the guests will be seated under the roofed over area of the existing open sided pavilion for both any ceremony that takes place or for serving a meal. If there is a necessity for a tent for any occasion, the tent must be compliant with the currently enforced Fire Codes and a permit may be necessary from the Fire Authority. The applicants have stated a maximum number of guests would be 150 persons on the property for any event. The Commissioners should place a limit as a condition.

A band or DJ will probably play music for the occasion and be located at the west end of the pavilion. In order to determine compliance with the adopted noise ordinance, the applicants and I will perform a sound test to determine the decibel levels on the site with music at a normal intensity or higher and then at the closest property line, which would be at the road and also at the north and south lines.

I believe that the Commissioners should additionally question the applicant regarding the following items:

1. Discuss who and how any security issues would be handled.
2. Determine the intensity and illumination patterns for the additional exterior on site lighting; also shielding.
3. The structural integrity of the existing pavilion, since I have no documentation of this structure. Our files have no record of this building, which construction may have been started as a farm building, but was never completed and has been subject to severe weathering for many years.
4. Definitive involvement of the Allegan County Health Department regarding portable restrooms and caterer requirements.
5. Access from the parking lot to the building and bathroom area must meet Barrier Free and ADA requirements.

One final item that has to be addressed is the fact that the existing building to be used for the events is non-conforming since the rear setback should be 50 feet from the property line but is actually only 17.3 feet from the line. I have requested that the applicant try to buy a small portion of the parcel directly to the west of the building to be compliant with the required setback otherwise the applicant may have to request a variance from the ZBA.

I have asked Mr. & Ms. Roessing to allow the members of the Planning Commission to tour the existing site. I believe it would be imperative that each member of the Commission perform an on site inspection to determine if the plan is compatible with the required standards. Please call 616/335-0797 to set a time for the tour, and remember no more than 3 members could be on site at the same time due to the quorum rule for meetings.

I believe that this is a viable project and that sufficient information has been given to the Commissioners to come to an informed decision. As always, the Commissioners may also ask for any additional reasonable information or add reasonable conditional requirements that are deemed necessary to protect the health, safety, and welfare of the occupants within the project and the Township citizenry in general. If the Commission approves the Special Use and approves the Site Plan I would ask the applicants to submit an "as built" site plan if the Commissioners request any additions or changes to the submitted plan. The members can then sign off on this document at a later date.

Also, if any member of the PC believes they know of other items that I may have missed in my review, please bring it to the attention of all the members.

Alfred J. Ellingsen

SECTION 17.06 CHANGES IN THE APPROVED SITE PLAN

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design or any specified conditions imposed as part of the original approval. Minor changes shall include only the following:
 - 1. Change in any building size, up to five (5) percent in gross floor area.
 - 2. Movement of buildings or other structure by no more than ten (10) feet.
 - 3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
 - 4. Changes in building materials to a comparable or higher quality.
 - 5. Changes in floor plans which do not alter the character of the use.
 - 6. Changes required or requested by the Township, the County Road Commission, or other County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment, and shall be reviewed in the same manner as the original application, including payment of an application fee. The previously approved site plan shall be provided to the Planning Commission for comparative purposes. Proposed changes shall be noted on the site plan or in narrative form.

SECTION 17.07 REVIEW STANDARDS

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements, and are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site.
- B. The site shall be adequately served by essential public facilities and services, such as roads, police and fire protection, drainage systems, water supply and sanitary sewage facilities.

- C. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- D. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress and egress points, and within the site. Drives, roads and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress and egress points. Shared drives with adjacent uses are encouraged if practical. The arrangement of vehicular and pedestrian connections to existing or planned roads in the area shall provide a safe and efficient circulation system for traffic within the Township.
- E. All roads and driveways shall be developed in accordance with Township ordinances, the County Road Commission, or Michigan Department of Transportation specifications, as appropriate. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks shall be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles. The Planning Commission shall require trails or sidewalks within developments and along the frontage of all public roads adjacent to a development. For frontage trails, the Planning Commission may permit a dedicated, recorded easement for future trail development if immediate trail development is not warranted.
- F. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access. To this end the Township shall refer all site plans for review and comment by the Township Fire Department.
- G. Off-street parking and loading areas shall be provided where required, with particular attention to internal circulation, vehicle conflicts and effects of noise and glare on adjoining properties and properties in the proposed development.
- H. Unless a Planned Unit Development, all dimensional requirements of the zoning district(s) shall be met.
- I. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another, and from surrounding public and private property.
- J. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved, insofar as practical, in their natural state to provide areas for natural habitat, preserve drainage patterns, and to maintain the natural characteristics of the land.
- K. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm

drainage system. Provisions shall be made to accommodate stormwater on-site, as deemed necessary by the Allegan County Drain Commissioner or designee, using sound engineering practices. In accordance with the Michigan Drain Code of 1956, the drainage of any proposed plat/site condominium shall be contained within either an established or new drainage district or districts. **The Township requires a Section 433 Agreement for any multiple property development or alteration of an existing multiple property development affecting more than one (1) acre of land.**

Section 433 of the Drain Code provides for enlargement of existing drains and districts and the creation of new drains and districts where none currently exist. A formal agreement is required between the proprietor and the Drain Commissioner or Drainage Board. Owners of adjoining properties who will be included in the assessment district for maintenance of the drain must be parties to the agreement. The property of any adjoining landowner who refuses to sign cannot be included in the assessment district for assessment purposes. However, surface and subsurface runoff from the adjoining property must be accommodated by the stormwater collection system and outlet. An "Agreement to Establish a County Drain" will be used to establish a drainage district per Sec. 280.433(5) of the Drain Code of 1956. An "Agreement for the Extension of a County Drain and County Drainage District" will be used to add lands or storm drainage systems to an existing 433 District Agreement. The developer/land owner must contact the office of the Drain Commissioner to determine which agreement will be necessary. This document will be prepared by the developer or the developer's agent and submitted to the Allegan County Drain Commissioner's Office for review and approval. The approval of the County Drain Commissioner is required prior to final site plan approval by the Township.

- L. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention or retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not restrict vehicular or pedestrian traffic, or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- M. Slopes of over fifteen (15) percent are protected and maintained in a natural state.
- N. As appropriate, pedestrian gathering and seating plazas, greenways and tree lined drives shall be within parking lots and throughout the site to provide an inviting pedestrian environment, protection of the pedestrian from vehicular circulation for improved traffic operations and views. Other site amenities to create a pedestrian scale environment shall be provided such as bike racks, benches, information kiosks, art, planters, or streetscape elements to separate principal buildings from the parking lots.

- O. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within the site and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- P. Exterior lighting shall be arranged so that it is deflected away from adjacent properties, and does not interfere with the vision of motorists along adjacent roads. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the character of the Township.
- Q. The compatibility of any signs and their proposed lighting, if any, relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties, shall be considered.
- R. All loading and unloading areas, outside storage areas, and areas for the storage of trash which are visible from residential zoning districts or public roads, shall be screened by a vertical screen consisting of opaque structural or plant materials no less than six (6) feet in height.
- S. Site plans shall conform to all applicable requirements of County, State, Federal, and Township statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Township permits before site plan approval or an occupancy permit is granted.
- T. The general purposes and spirit of this Ordinance and the goals and policies of the Master Plan shall be maintained.

SECTION 17.08 CONDITIONS OF APPROVAL

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of this Chapter are met and shall meet the requirements of the Zoning Act.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.

- F. The Zoning Administrator may make periodic inspections of developments for which site plans have been approved. For all projects subject to site plan review, where Drain Commissioner approval has been required, upon completions of any and all changes required by the Drain Commissioner, the developer shall submit to the Zoning Administrator documentation that all requirements of the Drain Commissioner have been completed, inspected and accepted by the Drain Commissioner. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.