

Approved 6/15/22

Casco Township Planning Commission  
Regular Meeting  
May 18, 2022; 6 PM

**Members Present:** Chairman Andy Litts, Vice Chairman John Weaver, ZBA Representative Sam Craig, and Ryan Brush.

**Absent:** Secretary Greg Knisley, Board Representative Dan Fleming, and Kelley Hecker

**Also Present:** Zoning Administrator Tasha Smalley, Leeward Pool owner Julie Werkema, and Engineer Rob Pirsein and approximately 6 interested citizens and Recording Secretary Janet Chambers

1. **Call to Order:** The meeting was called to order by Chairman Litts at 6 PM.
2. **Review / Approval of Agenda:** Motion by Weaver, supported by Craig, to approve agenda as presented. All in favor. MSC.
3. **Public Comment – items not on agenda:** John Barkley said page 12 of packet has a good list of zoning requirements including C 2a, 3.28, 3.10 and 3.33. Please let us know which setbacks you recognize because they are not on the drawing.

Franklin O Sisson, 7207 Lakeview Avenue, asked why did not receive information concerning this meeting and has not received information about the project. He is the closest neighbor to the west right next door. Sisson stated he was at a meeting concerning changing the zoning for the pool property, and a lot of people were against the rezoning to Commercial. The proposed change had not been decided that night. Only those few who were requesting the change were in favor. He heard Allan Overhiser was going to push it through, so he came tonight.

Smalley said a pool is permitted by right. We are not required to hold a public hearing, which is why Sisson was not notified.

Bill Chambers said last month there was a request for an event venue and not a single neighbor was in favor of it. Only the owners of the venue were in favor of it. This is a like condition. How many neighbors think this pool is a good idea? It is important as we move forward with this to consider setbacks, buffers, parking and traffic impact on neighbors. This is especially important when all the neighbors say they object to it.

Litts said we are here to interpret the zoning and bring a level of fairness to everyone. That is what our job is. There are people who are not in support of the pool, and we are going to discuss it right now. There are 25 people who own it and will use it 3 months out of the year.

Julie Werkema, 7256 Lakeview, member of pool group, said there are 52 people in favor of the pool (25 families). She added Section 3.33 on buffers is referring to incompatible uses. She feels her plan is compatible with the neighborhood. Neighbors could have a pool.

4. **Acknowledge / read correspondence received:** (Attachment 1) Letter dated May 16, 2022, from Valeria Baas, in opposition to the Leeward Pool sighting difference between a commercial pool and a private pool. Bass stated Section 3.28 does not invalidate requirements of Section 3.33, and does not meet the standard of Contract Rezoning, which states “Stricter standards shall apply” when C-2 is in an LDR zone. Her letter also stated the size of the parcel does not meet lot size, setbacks or buffer zone requirements.

Litts stated he read Baas’ letter and called the Atty. Bultje for advice prior to the meeting.

- A. **4/20/22 minutes:** Motion by Weaver, supported by Litts, to approve minutes of 4/20/22. With the following corrections: 1. Ryan Hamlin be changed to Ryan Brush throughout the minutes. And a line space be added between 3<sup>rd</sup> and 4<sup>th</sup> paragraph on page 3. All in favor. MSC.

5. **Public Hearing – none:**

6. **New Business:**

- A. **Site Plan Review, Leeward Pool Association, 7203 Lakeview Dr., 02-542-053-00, C-2 A (conditional rezone):** Attachments 2, 3, & 4.

Chairman Litts said he would like to address Valerie Baas’ letter. He spoke with attorney Bultje about the zoning requirements within the C2 zoning and buffer requirements of 3.33. This is a nonconforming lot and based on the definition of 3.28 Section B1: Where a single lot of record in a platted subdivision does not meet the minimum requirements for lot width, lot depth, or lot area, that single platted lot of record may be used for any purpose permitted by the zoning district in which the lot is located. Minimum lot width shall be 60’, 100’ depth, lot coverage 25%, front 25’, Rear 20’ and side 10’. We only need to follow 3.28. Section 3.33 does not apply.

Valerie Baas said there are no options to disregard 3.33.

Litts said Baas’ letter had some good points which is why he went to the attorney.

Baas said under Contract Zoning Section 21.09G 2 says *“Upon rezoning, the use of the property in question shall conform to all of the requirements regulating use and development within the new zoning district; however, the more restrictive requirements of the zoning agreement shall apply”*.

Litts said Smalley gave her analysis of the project, so they need to go through 17.03 Site Plan Submittal.

Smalley said Blue Star has a special 50’ setback.

Litts said items 17.03 3 b numbers 1 – 7 are generic items on the drawing.

Smalley said on #23 there will be no garbage. People must carry it off with them.

Litts said #20 is regarding landscaping. He asked Werkema about the trees that are cleared and what trees are remaining.

Werkema said trees that are left would be inside the fence. On the South side there will be a privacy fence. There will be no view of the pool from the front side.

Smalley said there is a 6' privacy fence on the Blue Star right out by the road. A front yard can only have a 4' fence.

Smalley said in the case of double frontage, she gets to pick which is considered the front. Smalley read from the ordinance. A fence may not exceed a height of 3' within any required front yard setback. Smalley continued to read 3.32 Fences E. In the case of a double frontage (through) lot in any residential district, a fence up to seven feet in height may be erected in the rear yard, as determined by the Zoning Administrator, but shall not block clear vision for area driveways or roadways.

Brush asked the height of the rod iron fence.

Pirsein said the rod iron fence is 6'.

Litts asked where pool chemicals would be stored, in reference to #24.

Pirsein said they will be inside the building.

Litts told Pirsein he needs to add that to the notes section of the plan.

Litts asked Pirsein if there would be any signs. (#21)

Pirsein said no.

Litts asked about approval from Allegan County Road Commission, Allegan County Drain Commissioner and SHAES. (#27)

Pirsein said they have approval from Road Commission and SHAES, but do not need anything from drain commission because they are smaller than a house and it is not needed.

In reference to #20, Smalley said with a double frontage she can pick which is the back yard.

Discussion continued about how high a fence could be on the Blue Star side if Smalley doesn't choose the Blue Star side to be a front. Smalley asked Werkema if they would be willing to move the 6' privacy fence away from Blue Star (currently 2' off right-of-way).

Werkema said they could remove the privacy fence all together and put in plantings.

Smalley said they could also move the 6' privacy fence to where the rod iron fence is (rod iron fence is 25' from Blue Star right-of-way)

Weaver said she could plant pine trees.

Litts said where the ornamental grass is on the plan landscape plan (Blue Star Hwy. side) could be changed to trees. Litts said the trees should be named on the plan.

Litts noted the plan is for Arborvitae outside the rod iron fence (fence is 5' from property line) on the west side.

Craig said the timing of the landscaping must be provided.

Workema said it would be Fall.

Litts added that an inspection would be done when everything is completed. Landscape timing should be added to the notes section of the site plan.

Chairman Litts went through 17.07 Review Standards:

- 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.** Litts said everything is enclosed. It may end up looking like a lot of houses on that street.
- 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.** Litts: yes
- 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:** Litts: Already covered.
- D. **Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress and egress points, and with the site. Drives, roads and other circulation routes shall be designated to promote safety 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 ion the area shall provide a safe and efficient circulation system for traffic within the Township:** Already have

- 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. Litts: Already have**
- 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. Litts: SHAES will review.**
- 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. Litts: There is one off street parking, no vehicles, just golf carts.**
- H. Unless a Planned Unit Development, all dimensional requirements of the zoning district(s) shall be met. Litts: This is covered by contract zoning**
- 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. Litts: it is adequately buffered**
- 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 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 Section 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. Litts said this means you cannot place water on neighboring property.

- 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.** Litts: This is basically the same thing.
- M. Slopes of over 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.** Litts: That's why we have 6' fences and trees on the west and fence on the north

- 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.** Litts asked if lighting was downward facing? Smalley said there are just 3 lights on the bathhouse. There are no lights around the pool, just inside the pool.
- 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.** Litts: none
- 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 feet in height.** The fences are not less than 6' 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.** They will have all approvals
- T. **The general purposes and spirit of this Ordinance and the goals and policies of the Master Plan shall be maintained.**

Litts asked if we need all permits accounted for? Pool and building need building permits, etc. should be a condition.

Smalley said noise ordinance compliance should be added.

Commissioners went over conditions

- 6' fence on Blue Star Hwy will be removed and replaced with screening plantings. Plantings shall be named on the plan.
- Time of landscape completion should be added to notes on plan.
- Chemicals place of storage added to plan in notes section
- No storm water runoff shall be directed towards neighbors added to notes.
- Shall be in compliance with noise ordinance
- Necessary County, State, Federal and Township permits must be obtained
- Landscaping shall be maintained

Mr. Sisson asked about a tree that is on the property line between him and the pool. He asked that it not be cut down. He also asked what Arborvities are.

Smalley said Arborvites are tall, slender, dense and fast growing.

Werkema agreed the tree would not be removed.

Valerie Baas asked about all the tables and chairs in the plan (42 seats) and if they were considering holding events.

Werkema said they will not be holding events at the pool.

Litts said he was concerned about the screening plantings. They need to make sure they are maintained for screening.

A motion by Craig, supported by Brush to approve the site plan with the above listed conditions. Roll Call Vote: Craig-yes; Brush-yes; Litts-yes; Weaver-yes. All in favor. MSC.

Smalley said she will need two revised and sealed plans.

**B. Any other business that may come before the commission: none**

**7. Old Business:**

**A. Continue campground / resort text amendment discussion: Draft 4-20-22 (Attachment 6)**

Weaver made a drawing of a 3-acre site for campground with 15' wide sites.

Litts explained to Brush, who is a new commissioner, the PC was asked to take a look at the current campground ordinance and make sure we are still happy with it. There was discussion on whether a campground could be put one on 3 acres. Weaver drew up a 3-acre parcel and put in campsites with necessary setbacks.

Craig said there is a little campground off Phoenix Street that is always full.

Litts also said we need to look at the definition of campsite.

Brush asked what campgrounds are in Casco.

Commissioners named the following: Camp Smore, Glamping on 68<sup>th</sup> Street, Jensen's, Singing Sands, the golf course.

Litts said the PC is trying to be more accommodating of the different types of camping, including domes, cabins, etc. He said the board put a moratorium on new campgrounds until we get an ordinance written.

Discussion ensued about the definition of campground. Commissioners agreed they like the proposed definition on Smalley's 04-20-22 draft as follows:



Campground means a publicly or privately owned establishment intended to contain temporary or permanent buildings, tents, recreational vehicles, or other structures established or maintained as temporary living quarters, usually operated for recreation, religious, education, or vacation purposes.

Commissioners went over 1 thru 12 on Smalley's draft:

1. The minimum parcel size shall be ~~three~~ ten acres.
2. There may be a dwelling occupied by the owner or manager on the parcel of the campground. (No change)
- ~~3.~~ A minimum distance of ~~15~~ 20 feet shall be provided between all camping ~~structures,~~ tents or recreational vehicles sites.
4. Included in #5
5. Public stations, housed in all-weather structures containing adequate water outlet, waste container, toilet and shower facilities shall be provided. Each project containing more than ~~60~~ 25 camping sites shall provide a masonry building containing showers and flush toilet facilities and over sites the store floor area not to exceed 2,500 square feet.
6. No changes
7. No changes
8. No changes
9. No changes
10. No changes
11. Add first sentence as follows: *A greenbelt strip around the perimeter of the campground shall be no less than 20 feet in width.* The greenbelt shall have a minimum of one evergreen tree of at least five feet in height, for every ten feet of length of the greenbelt. The greenbelt shall be situated to provide an effective sound and visual permanent buffer. Protected vegetation may be considered in lieu of the evergreen quota. The Planning Commission may alter plant material requirements or may require additional landscaping, berming, wall or stockade fence in addition to the greenbelt area, in order to provide an effective screen. Greenbelt and landscaping materials shall contain groundcover and live materials. Pavement gravel or other hard surfaces are not considered landscaping. Any plant material required as part of the greenbelt which die shall be replaced by the property owner.

Litts said one item he would like to add is to require any campground include a minimum of 5 state licensed campsites. Otherwise, if they only have cabins, they are cutting into resorts and B & B's business. Commissioners all agreed.

Smalley asked about dump stations. She said she would include State minimum amenities because you cannot be less than the state.

- B. **If time allots, go over other amendments to work on; fire pit, etc:** Draft (Attachment 7)  
Litts said there have been questions and the PC has been asked to clarify the ordinance.

Weaver said there are houses where propane burners with a flame can sit on a table.

Smalley said this ordinance is referring to outdoor burning devices. The current ordinance is to protect neighbors.

Weaver said he has a neighbor that burns real wood on his deck.

Smalley said it is currently 25' from a structure and 15' from a property line, but does not define firepit.

Litts said it falls into two categories. A wood fueled fire and natural or bottled gas.

After discussion commissioners agreed a wood fire being 15' from a property line and gas fire being 10' from a property line. Gas fires must be per manufacturer's instructions. All must comply with SHAES.

- C. **Any other business that may come before the commission:** As of today there is no site plan for next month

**8. Administrative reports:**

- a. **Zoning Administrator:** (Attachment 8) No questions
- b. **Township Board representative:** absent
- c. **ZBA representative:** Dan Fleming asked for a variance for an addition on home. The variance was granted. Carl & Herbert Weber requested a variance for a garage setback, and another for front yard setback for his home. The setback for the garage was not needed because he decided to turn the garage. The setback variance for the house was granted.

Smalley said she may have an application approximately June 9. Someone owns lot on Adams Road and wants to subdivide but doesn't meet the requirements.

- d. **Water / Sewer representative:** no one from Water & Sewer on PC

**9. General Public Comment:**

Bill Chambers said in regard to the Leeward Pool, there is a man with stage 3 COPD who does not want to live next to the pool. The PC had the chance to give him some level of protection from the disturbance and chose not to include a buffer zone. His property value is affected because who wants to live next to that. The only thing that would have given him some relief, the Planning Commission chose not to enforce.

10. **Adjourn:** Motion by Craig, supported by Weaver to adjourn. Meeting adjourned at 8:30 PM

*Next meeting Date Wednesday June 15, 2022, 6 PM*

Attachment 1: Correspondence from Valerie Baas, 7220 Beach Dr., May 16, 2022, Re: opposition to Leeward Pool

Attachment 2: Site Plan #1

Attachment 3: Site Plan #2

Attachment 4: Landscape plan

Attachment 5: Zoning Administrator assessment of Site Plan

Attachment 6: Draft 4-20-22 of Campground Amendment

Attachment 7: Draft 4-20-22 of Fire Pit Amendment

Attachment 8: Zoning Administrator report

*Attachments available at Township Hall upon request*

Minutes prepared by Janet Chambers, Recording Secretary