

**REGULAR MEETING OF
CASCO TOWNSHIP PLANNING COMMISSION
September 6, 2017
7 PM – 9 PM**

Members Present: Vice Chairman Dave Campbell, Dan Fleming, Lou Adamson, Greg Knisley, Dave Hughes and Judy Graff

Absent: Chairperson Dian Liepe

Staff Present: Janet Chambers, Recording Secretary

Also Present: Cheri Brenner, Clerk, Supervisor Overhiser and Jeff & Melissa Roessing

Supervisor Overhiser; Cheri Brenner, Clerk and approximately 20 interested citizens (Sign-in Sheet attachment #1)

1. **Call to order and review of agenda:** The meeting was called to order by Vice Chairman Dave Campbell at 7 PM. Campbell said a new letter from Alfred Ellingsen, Zoning Administrator (attachment #2), regarding zoning considerations in the Ag district would be added to the agenda; along with the possibility of a lighting ordinance.
2. **Opening comments by PC members:** Graff expressed her frustration with all of the paperwork she is being invaded with. She also commented that some items are new to the agenda and she has not prepared for all of it.
3. **Public comment for any items on Agenda:**
4. **Approval of minutes of August Regular meeting minutes.** A motion by Fleming, supported by Adamson to approve minutes of the August 2nd Regular Planning Commission meeting. All in favor. Minutes approved as printed.
5. **Approval of minutes of August Special meeting minutes:** A motion by Adamson, supported by Fleming to approve minutes of the August 2nd, 2017 Special meeting for the Jensen's Campground Site Plan Review. All in favor. Minutes approved as printed.
6. **Report from Township Board representative Judy Graff:** The Board meeting was August 21, 2017. Discussion of what the Board wants to PC to do regarding updates to the Zoning Ordinance was deferred to the October meeting.
 - Updates discussion of when to update zoning ordinance, deferred to October meeting;
 - The Parks Committee is working on hiring an employee for the Nature Preserve.
 - There will be a special meeting September 11, 2017 at 6 PM for a special assessment on Beach Street.
 - In October, the Board will start looking at enforcement and regulations for the Rental Ordinance, to be compatible with the ordinance the PC is working on

- The Board and PC have been getting comments from the public for several months about the need to look at fireworks ordinance; an ordinance pertaining to golf carts; and firepit safety. The Board will discuss what to do about these things.
7. **Report from ZBA representative Dave Hughes:** There was a new development on a minimum road frontage issue that Hughes previously reported on. ZBA met on August 10th about property on 109th Ave. A property division was done, with an attorney, that resulted in a 122' variance request, after the fact. The variance was denied. Hughes got a call from Ellingsen saying the property owners were able to do a boundary adjustment and are now in compliance.
 8. **Report from Water / Sewer representative Lou Adamson:** The Water & Sewer Authority is doing very well. They ended last year with \$500,000 over what they expected. They will decide what to do with the unexpected extra money. Ross Stein is looking at it. One possibility could be to repay the township, which would save 5% interest they are currently paying on that debt. The projected hookups needed for this year is 17.5. They have already had 6 new hookups, with 3 current applicants, and are only 3 months into the fiscal year. Things are looking positive. The last Water & Sewer meeting was cancelled due to lack of agenda items.
 9. **Old Business:** A letter was received from Craig Atwood, County Highway Engineer, Allegan County Road Commission (attachment #3), regarding Jensen's Campground Site Plan. The letter stated, based on the plans provided, and discussion with Rob Pirsein, Midwest Civil Engineers, Inc., the Road Commission does not have a problem with the proposed project.

Regarding the Jensen's Campground site plan, Graff stated once the conditions are met, and engineering work is done, the PC should get confirmation from Ellingsen that it is closed. Then, the PC will get the updated site plan, approve, and all commissioners physically sign a copy.

Discussion ensued about old business and various things that have come up including:

- Division of property in Ag
- Private Roads in Ag
- Dark Skies Initiative
- Restaurants in the Ag district
- Venues in Ag
- Farm tourist related issues

Vice Chairman Campbell will contact Ellingsen about attending a PC meeting to discuss these things, and come up with a list prioritizing them. Graff added that we need to mutual agree with Ellingsen on the priority of the items.

Vice Chairman Campbell asked Fleming to comment. Fleming said prior to zoning, entrepreneurial things sprung up in various places. Zoning came in and there seemed to be a need to separate entrepreneurial from Ag. Then there was home-based business and cottage industry. Fleming said Ag businesses are commercial enterprises, many things people want to do are much less intrusive than what is allowed. He stated Totally separating all other commercial out of ag was a step too far. People want to do a little of this, and a little of that. Something bigger like WalMart and McDonalds would not want to build in Casco. In effort to make various zones, you make things more defined than they are in real life.

Campbell suggested having Ellingsen come to the October PC meeting and cover some of these questions and specific requests.

Graff said the PC needs to understand the request for restaurants, venues, etc. The last Zoning Ordinance update expanded to uses complimenting ag. She recalled that in the past, the PC has done what they could to prevent taking ag out of ag. There was a residential development, which would have taken up acres, and it was denied because they wanted to preserve the land for farming.

Knisley questioned if they would allow a hobby turned into a small business like arts, crafts, etc. Or, would it need to be related to farming, such as a farm to table restaurant.

Graff said they would need to look at this. The last zoning change allowed more home-based business with limited vehicles, etc.

Adamson said the Board specifically said they did not want the PC to revise the Master Plan. What they are discussing doing is specifically contrary to what the Board said. They need to get Board approval first.

Campbell asked Graff to relate to the board what they are discussing. Graff will put it on the Boards radar, but would like to discuss it with the Ellingsen to have a better understanding of what they would be asking the Board.

Hughes suggested not painting themselves into a corner. The STRs need to get done first. Commissioners agreed the priority is STRs. Commissioners agreed that STRs needs to be discussed at the October meeting.

Graff said at the September 20th workshop, further dates will be discussed for STRs.

Campbell read a letter from Brian & Peggy Spencer, dated August 7, 2017, regarding property division. They requested a zoning change to allow them to build a home for their son on their 85 acres. Currently a shared drive is not permitted in ag to meet the 250' road frontage requirement.

Adamson asked if this could be taken to the ZBA. He commented that there are some homes that have private drives. He added they are newer homes, built

since the zoning, some even paved. How did this happen. Was it taken the ZBA or what?

Vice chairman Campbell said it will be some time before the PC can address zoning in ag, therefore, he will ask Ellingsen if some of this could be addressed with a variance through the ZBA.

Graff noted that in the case of expanding a non-conforming use, Ellingsen asked the PC to change the ordinance.

10. **New Business:**

A. Letter received from Jeff and Melissa Roessing: The PC received a letter from Jeff and Melissa Roessing, date August 29th, 2017 (attachment #5). They would like to buy 7 acres on 62nd Street, farm a portion, remodel the barn and use it as a venue barn. They attended the PC meeting to get a feel for the openness toward this kind of thing. Campbell invited the Roessings to explain their plan. Jeff Roessing said they direct a non-profit urban farm. They love farming. They would like to move to a rural setting and farm, but realize, financially, they would need another source of income, and are interested in a venue barn. They would like to grow vegetables and flowers to be used at events in their barn. Melissa Roessing added they, and their 3 children are excited about being in a rural area, with more room to roam. They realize it would be a long time in the future for the PC to address this, but wanted to get a feel for how the PC feels. They would probably do the South Haven Farmer's Market and connect with local restaurants until such a time that the venue barn is allowed.

Knisley said there might be day permits for occasional use.

Vice Chairman Campbell said there was a similar request on a larger scale. There were requirements from the health department, beyond Casco. He told the Roessings that it would be a while before this is addressed through the PC.

Fleming said when looking at the larger farming community, it could take a dive and other skills help keep farming going.

11. **Public comment on items discussed in this meeting:**

Chris Barczyk said he likes the concept of an event barn. He suggested the PC grapple with the issue carefully. Just like the STR issue, density and frequency must be considered. At what point do you loose Ag? What about automotive repair or diesel repair? Is ½ acre ok? Or 20 acres? Even tiny house builders, how close can they be built to each other? You need to regulate density and frequency. Think about all the other uses you need to consider. It goes on and one. How far do you take it? It will be an interesting challenge.

12. **Closing comments and adjournment:**

A motion by Adamson, supported by Fleming to adjourn. All in favor. Meeting adjourned at 8:00.

Attachment #1 Sign-in Sheet

Attachment #2 Alfred Ellingsen Letter, 9/4/2017, Re: Zoning in Ag

Attachment #3 Letter from Road Commission, 8/24/2017; Re: Jensen's Campground

Attachment #4 Brian & Peggy Spencer letter, 8/7/2017, Re: Private drive in Ag

Attachment #5 Jeff & Melissa Roessing letter; 8/29/2017; Re: Barn Venue in Ag

Minutes prepared by Janet Chambers, Recording Secretary

NEXT MEETINGS

Wed., Sept. 20, 2017, 6pm..... Workshop Short-Term Rentals

Wed., Oct. 4, 2017, 7pm..... Regular Meeting

Attachment 2

CASCO TOWNSHIP
Zoning Administrator/Building Official
7104 107th Avenue
South Haven, Michigan 49090
Phone:269/637-4441 Fax:269/639-1991

4 September 2017

To: Casco Township Planning Commission

Dear PC Members,

I have attached my letter that I gave to the Commissioners over a year ago regarding restaurants in the Ag Zone and also a request that you examine the possibility if and/or where wedding venues may take place. Obviously you have been occupied with the ongoing issue of the short-term rental and hopefully within a reasonable time the issue will be resolved with some modicum of satisfaction of all parties involved in the conflict.

The Planner has provided a draft amendment regarding Farm Restaurants which allows the use as a "Special Use" along with Specific Use Standards in the Ag Zone. After further discussion between Planning Commissioners to either add or detract from the draft, the proposed amendment would then go to Public Hearing, add any changes and then recommend to the Township Board approval of the amendment.

The other issues that need to be discussed by the Commission are the previously mentioned wedding venues use, the density of Elderly Housing in the MDR(Medium Density Residential) Zone, potential lighting nuisances, wineries as a separate use(not as a Farm Market), and allowing private roads, access easements or common(shared) driveways in the RR and Ag Zones.

Over the next several months I will provide to the Commissioners detailed reports regarding these proposed changes to the Zoning Ordinance with the reasoning behind these changes and potential benefits or detriments if the changes are adopted. I will work with the Planner to formulate a consensus of how to address these issues. I would ask the PC members to contact me if any other items need to be added to the list of potential uses or any other revisions that may be necessary to the ordinance.

Alfred J. Ellingsen

Alfred J. Ellingsen
Zoning Administrator
Building Official

CASCO TOWNSHIP

Zoning Administrator/Building Official

7104 107th Avenue

South Haven, Michigan 49090

Phone:269/637-4441 Fax:269/639-1991

1 July 2016

To: Casco Township Planning Commission

Dear PC Members,

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

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

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

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

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

Since it appears that the Master Plan allows some type of future commercial endeavors in the Agricultural Zone, either in association with an existing use or as a potential stand alone use, the Planning Commission will have to answer, among others, the following questions:

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

All of the uses noted in the second paragraph would have to be Special Uses with Site Plan Review approval.

There are many other questions that will come up in a public hearing if and when that time arrives. There may also be other uses if the Commission wishes to expand the discussion to add lodging such a "Inns", commercial recreation, or other farm-tourist related uses.

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

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

Alfred J. Ellingsen

Alfred J. Ellingsen
Zoning Administrator

attachment #3

COMMISSIONERS
ROBERT T. KAARLIE
JOHN G. KLEINHEKSEL
JAMES M. RYBICKI

LARRY W. BROWN, Managing Director
CRAIG S. ATWOOD, County Highway Engineer
JASON S. EDWARDS, Project Engineer
CLAIRE R. PATRICK, Business Manager

Board of County Road Commissioners
Of Allegan County

1308 LINCOLN ROAD

ALLEGAN, MICHIGAN 49010-9762

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August 24, 2017

Mr. Rob Pirsein
Midwest Civil Engineers, Inc.
13560 76th Street
South Haven, MI 49090

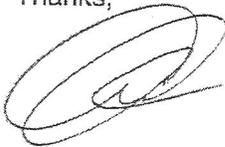
RE: Jensen's RV Park and Motel expansion

Dear Rob,

We have reviewed the plans you provided for the proposed RV park expansion on the south side of the existing Jensen's RV Park and Motel. Based on our review of the plans and discussions with you regarding the project, the Allegan County Road Commission does not have any concerns with the proposed project.

Please let me know if you need anything else from us at this time.

Thanks,



Craig Atwood
County Highway Engineer

attachment #4

Brian and Peggy Spencer

153 72nd Street

South Haven, MI 49090

August 7th, 2017

To The Casco Township Planning Commission,

We are writing to ask you to consider a change to the Casco Township Ordinance. We recently became aware of the limitations and restrictions we have with our farm property zoned Agricultural.

One of our sons wants to build a home on our farm and remain a Casco Township resident. We went to the Township to start the process for that and found out that because No Shared Driveway or Private Roads are permitted on AG zoned parcels he can't build near us or on our farm property at all.

We have 85 acres and have always farmed a portion of it, want to continue farming, and want to remain an Agricultural Zoned Property. We are lifetime residents of Casco, take good care of our properties, and consistently pay taxes. We want to promote family members being involved in the farm and remain in Casco Township - but the limited rights and restrictions in our current Township Ordinance prevents this and seems unfair.

In our situation, and perhaps for other farm families, it would be nice to have the option to have a private drive and share a driveway along with a piece of farm life together.

Sincerely,


Brian and Peggy Spencer



Attachment #5

August 29, 2017

Casco Planning Commission,

We appreciate you taking the time to review our letter and consider our request. We live in Holland with our three children and manage a nonprofit farm on several acres within the city. We love agriculture and want to continue farming. It has been our dream to settle in the country and experience a different pace of life. Right now we share a driveway with a neighbor, wake up every morning at 5am to a neighbor's loud music as they pull out, and are troubled that our children are exposed to profanity from neighborhood kids as young as three.

The property we would like to buy sits on 7 acres and we would like to farm a portion of those acres. However, being involved in farming for the past 8 years and having worked at an uncle's farm in Hamilton before that, we are not strangers to the difficulty in making ends meet farming. So when we saw this property at 342 62nd Street we got hopeful that we could combine our farming with a wedding venue to ensure we'd have sufficient income. There is a shell of a barn that we would like to reinforce, re-roof, and pave a floor, to make into a kind of large pavilion for shelter from the elements. The idea is to then have this space open up into large and beautiful flower gardens. There are open fields ideal for parking towards the back of the property, and the closest house is some distance to the north (we would still be very sensitive to any noise ordinances ~our house would be right there and we want to be sleeping☺). This house just went up for sale. We have been in touch with the current owner and her realtor. The owner had purchased the house with her husband with the hope of using the space for a wedding venue and bed and breakfast. Sadly, he passed away five months after they purchased from a heart attack. He was a chief financial officer and had looked through Casco's zoning ordinances thoroughly before purchasing to ensure they could start such a business. We've also been looking through the ordinances trying to determine if this business plan is acceptable. Because so many barn wedding businesses have popped up in southwest Michigan over these last ten years we assumed there would be an avenue to pursue this here. We don't see any clear red flags in the ordinances, but when we talked to the zoning administrator we felt like the door was shut. He did say that the planning commission reviews these kinds of cases and meets every two weeks and that we could submit a letter sharing our request. Sorry if we seem to be rushing the process. On our end, this house went up for sale and we put in an offer with a contingency that we would have a little time to confirm with the township our plans for this business. We assumed there would be a process and permits and fees to be paid, and perhaps a variance would be required, but we are okay with all those details knowing that ultimately the township blesses this kind of business. This is a mixture of agriculture and home business, as we do plan to grow produce for caterers and flowers for the events and maybe sell at the South Haven Farmers Market.

We would be happy to come in and meet with you and share more details of our plan and have a conversation to see if/how this can work. We want to come in respecting the township, and would be greatly indebted for any counsel you could provide up front.

Thank you again. Sincerely,
Jeff and Melissa Roessing
theroessings@gmail.com
616-335-0797