

Casco Township Planning Commission  
Regular Meeting  
January 19, 2022; 6 PM  
Casco Township Hall

**Members Present:** Vice Chairman Andy Litts, Board Representative Dan Fleming, Secretary Greg Knisley, ZBA Representative Sam Craig, PC member John Weaver.

**Members Absent:** Chairman Lewis Adamson was absent and is resigning from Planning Commission. Kelly Hecker was also absent.

**Also Present:** Zoning Administrator Tasha Smalley, Supervisor Alan Overhiser, Recording Secretary Janet Chambers and interested citizens.

1. **Call to Order:** Vice Chairman Litts called the meeting to order at 6:01 PM.
2. **Review / Approval of Agenda:** Litts said he would like to cover #6 Old business before #7 New business. A motion by Knisley, supported by Weaver, all in favor. MSC.

**Public Comment – items not on agenda and Correspondence Received** (Attachment #5 14 letters): Discuss ordinance John Kasishke said he would like clarification on fire pits regulations. He stated there is not enough information on what qualifies as a fire pit. His neighbor has put a chimney oven right on the property line and Kasishke feels this is too close. The ordinance covers “fire pits” but is not clear as to what is considered a fire pit.

Chris Barczek said he remembered when the fire pit ordinance was approved and recalled that the reason for the ordinance was due to neighbors complaining about smoke being a nuisance. The intention was to eliminate that nuisance.

Litts said his understanding is that the ordinance was intended to control wood fires.

Smalley said she will add a “definition for firepit” to the list of amendments to be worked on.

3. **Approval of Minutes from 12/15/21:** A motion by Fleming, supported by Weaver to approve minutes from the December 15, 2021, meeting. All in favor. Minutes approved as presented.
4. **Public hearing – none**
5. **New Business:**
  - A. **Election of Officers:** Vice Chairman Litts said the Adamson has resigned from the Planning Commission.
    - A motion was made by Knisley to nominate Litts as Chairman. Supported by Weaver. Roll call vote: Craig–yes; Fleming–yes; Litts–yes; Knisley–yes; Weaver–yes. MSC.
    - Vice Chairman – A motion by Litts, supported by Craig to nominate John Weaver as Vice Chairman. Craig–yes; Fleming–yes; Litts–yes; Knisley–yes; Weaver–yes. MSC
    - A motion by Fleming, supported by Litts to nominate Knisley as secretary. Craig–yes; Fleming–yes; Litts–yes; Knisley–yes; Weaver–yes. MSC.

- B. **Approve 2022 meeting calendar** (Attachment #2): Motion by Fleming, supported by Litts to approve 2022 PC calendar as presented.

Smalley said the calendar has PC meetings on the 3<sup>rd</sup> Wednesday of each month, at 6:00 PM. On months with a public meeting, the public meeting would start at 6:00 PM and the regular meeting immediately following. Months with no public meeting would start at 6:00 PM. Smalley asked if there would be a joint meeting with the Board this year. It was not determined, but, but is currently on the calendar for May.

6. **Old Business:**

- A. **Discuss / decision to recommend / not recommend approval to the Township:**

Attorney Bultje went over the revise draft changes of the Contract Zoning Agreement (Attachment #1), and other changes he has discussed with Kay Kossen, Attorney for Leeward Pool. Section B states the property description is included as an attachment named "Exhibit B".

In section 2.2 the first sentence "*Members of Owner will comply with the Casco Township Good Neighbor Policy and the Noise Control Ordinance*" has been removed.

Section 2.3 has been added as follows: "*A member of Owner will not allow renters to use the membership, unless the member has a long-term lease (meaning 90 days or more) with a tenant. During any such long-term lease, only the tenant may use the membership, and not the owner.*"

2.4 Parking spaces has been changed to two parking spaces, one for handicap use only. The 2<sup>nd</sup> parking space will be used for drop-off and pickup, or service vehicles. A parking area for golf carts and bicycles will be designated. Members must use the bike rack when biking to the pool. Bicycle and golf cart area will be designated by a sign. The bicycle and golf cart parking area will be screened with a fence.

Section 2.5 states *Direct lighting will be confined to the Parcel and may only be lit during the months and daily hours of operation. Any such lighting will be directed away from the neighboring parcel to the west and shall not interfere with road traffic. All lighting will be dark sky compliant to minimize light pollution, light trespass, glare, and offensive light source.*

Fleming questioned the clarity and perpetuity of "Dark Sky Compliant". Commissioners decided it would be clearer to say, "All lighting will be directed downward."

Section 2.6 Specifies the hours being from 7:00 AM to 10:00 PM Sunday thru Thursday; and 7:00 AM to 11:00 PM Friday thru Saturday. The pool will be closed November thru April.

Section 2.7 States the Owner shall establish adequate fencing around the perimeter to the west, north and east boundaries of the Parcel, and shall establish an additional landscape buffer along the west boundary of the Parcel.

Bultje requested they add 2.8 for a number of attachments on the proposed site plan, pool house, iron fence, fence locks, and all attachments that are not referenced in the agreement. The applicant is agreeable to adding the items presented as Exhibit B. The items presented are conceptual and not final but will be subject to approval in the final site plan.

Litts invited public comments.

Chris Barczek thanked the PC for coming together to have this discussion and requested information in the future be posted earlier. He just found out this was being discussed tonight and had to rush to the meeting tonight. Ideally there should be more time to comment. There are updates to the agreement. The 6' fence being requested on the Blue Star boundary, and on a corner lot, could be a safety hazard. There needs to be more time to discuss this. Barczek recalled a resident who requested a 1 ft. variance to his fence height to help shield noise from STRs next to him. This was not a big request to have an extra foot of fence height. The applicant was denied the variance he wanted to shield himself from the noise nuisance, yet now the PC is considering a major change in a single-family residential neighborhood to C2, which is a high-density use. Barczek asked the Planning Commission to say no to a commercial zone right in the middle of residential area. Someone could ask for a 10-story building with no setbacks. You are setting a precedent. You could see this all over Casco. This is Spot Zoning. You need more time to provide the criteria.

Julie Werkema, via zoom, said that she is a part of the Leeward Pool venture. She said the fence will not be on the property line and landscaping will not be in the road right-of-way. Boardwalk has a fence. If this contract is not granted, they could buy the lot and build a house with a pool, and 25 families could use the pool. Most of the members of Leeward Pool live on Lake View

Valerie Baas, 7220 Beach Drive, said the contract says a buffer zone "may" be followed. It should say "shall be followed". Frank Sisson's property is right there. There is not enough room between them. A 6' fence is not enough to block the noise.

Kathleen Hillsman, 7239 Lakeview Drive, said all of the planning that has gone into this project shows the group is trying to be good neighbors and respectful of neighbors. This benefits a large group. We don't have room for pools in our yards. If we all had pools and concrete in our yard that would be a lot of concrete. We have done our due diligence. We could build a large house and use it as a rental unit. Cars would be parked up and down the street. We have bent over backwards. There are 25 families, this is not Pandora's box. I live in the suburbs of Chicago. I am moving here to get away from over population. This is an efficient use of the land.

Paul Vilaweslo, via zoom, property owner on Beach Street. 275 ft. of proposed site. He said he had not heard anything whatsoever about this. He just heard through neighbors. He is very close in proximity and was never ask if he was for or against it. Did they go to all owners to accept it or not? This is his first-time hearing about this. Originally the notice was sent to Werkema. Even his taxes did not arrive to him. There are 25 members, and he was never given an option.

Smalley said she sent a public hearing notice with a rough site plan but he did not receive it.

Barczek said this should not be accepted today. Some people don't have the full information on this yet.

Kailey Lambeth, 7234 Lakeview, said she is new to the area in April. She received a warm welcome from the pool association. She got good information and feels this will add value to the community. She asked that this be approved today.

Harriet (via zoom) from Mt. Pleasant, asked if this is approved for Miami Park, would the entire lakeshore be changed?

Chairman Litts said it would only be the one lot.

Lois Schwartz (via zoom), 7275 B Street, said despite the answer given to previous question, creating this exception is dangerous. You are placed in a position of granting for others and setting a bad president. Also, a speaker before said the pool would be adding to the value of the community. Only 25 families would have a positive impact. It is an exclusive club, and not open to a majority of Miami Park. Saying it would increase value is erroneous. And for safety it does not pass the muster. We object and the future of Casco is nebulous. We urge you not to go forward with this.

Tod Schneiderman, 611 Lakeshore Drive moved here 2 years ago from Chicago. He is in support of the pool. He does not think this should concern people who have no skin in the game, like people from Boardwalk or Mt. Pleasant. It is great for the community. They are doing their due diligence and building the right way.

Barczek said he in on the board of his community and represent 52 units, not just himself or one person. In response to the person who spoke about "no skin in the game", Barczek said it impacts neighboring property value negatively. It is a taking. They are opposed and it is not fair to them.

Chairman Litts read names from email correspondence and summarized as opposed or in favor of zoning change:

Sandra Peters, 7289 Longfellow, email in opposition to zoning change

Jody Brott, 556 B Ave., in opposition to zoning change

Alan & Carol Kaim, 7233 A Street, in opposition to zoning change

Dawna Hackman, 515 B Ave., in opposition to zoning change

Andrea Stein, Mt. Pleasant, in opposition to zoning change

Gail Weiss, 7238 A Street, in opposition to zoning change

Lois & Carl Schwartz, 7275 B Street, in opposition to zoning change

Valerie Baas, 7220 Beach Dr., in opposition to zoning change

Mindy Turbov, 7285 B Street, in opposition to zoning change

Doug Nickerson, in opposition to zoning change

Elliott Zirlin, 7247 B Street, in opposition to zoning change

Sue Muller, 7217 Lakeview Ave., in opposition to zoning change

Gary & Vicki Pines, 511 B Ave., in opposition to zoning change

Joe & Vicki Glueckert, 7286 Longfellow, in opposition to zoning change

Bultje said if the PC decides to recommend the Board approve this, it will be only for this specific use. And based on specific facts. We will look at the location and land use and determine if the use fits in the area or the Master Plan. We would determine if it can be done without creating an undo hardship. The applicant would need to make the contract to the Township. The applicants do not have an obligation to ask neighbors. We look at the reason for the contract zoning.

In reference to the comment "It is a commercial use right in the middle of a residential area.", Bultje said we are looking at a specific use. It cannot be used for any other commercial use. All we look at is whether it is an appropriate use of the land.

Atty. Kossen was asked if she had anything to add. She did not.

Litts said what we need to accomplish today is to determine whether to recommend the zoning change based on the contract.

Bultje said the PC makes a recommendation to approve or not to approve, based on safeguards in the contract. Is the land use reasonable for property in this area? Our decision is based on wording in the contract.

Weaver said they have provided what they have been asked to provide over the past 3 months.

Knisley said we have seen the information come in, some more specific than others. He said he has not seen a red flag. It fits within the zoning, whether we move forward or not.

Fleming asked if the Board would approve the contract before it came to a site plan?

Knisley said if we don't approve it, they will reconfigure the plan with a house and the pool would be shared. Knisley asked how many people wrote letters in opposition?

Bultje said they could build a rental with a pool, as long as it was a single-family home.

Knisley said it would be a single-family home with 25 people having equity in the home. They could rent it out and would be owned by 25 families.

Bultje said if it is a single-family dwelling one family could invite 25 families, but if they sell shares and turn it into a business, it would be commercial property and not allowed. The reason for the contract agreement would be eliminating the need for a single-family home. It is for a recreation and health use if approved.

In reference to comment of the number of people opposed in comparison to the number of people in favor of the contract zoning change, Fleming said, "This is not an election. We would need to know reasons to deliberate on it. We would have to consider it in context."

Bultje said your decision must be based on findings in the contract. If you recommend it you would have to undo negative effects, determine if it is a recreational use that fits. If you do not recommend it to the Board, you must produce findings for that. If a Walmart says they want to come in, you will have 850 oppositions to it. You must consider it based on findings.

Craig said if we determine it to be inappropriate, we have to say why.

Fleming made a motion to recommend to the Board to approve the contract zoning based on the draft contract, which includes the findings. Weaver supported the motion. Roll call: Craig-yes; Fleming-yes; Litts-yes; Knisley-yes; Weaver-yes. MSC. 5-0.

**6. C. (Out of order). Campground application moratorium, review text, discuss possible text:**

(Attachment #3): Smalley said she suggested moratorium until the ordinance is clear as to what we

wanted to say. The PC needs to determine if campgrounds should be in RR. If someone applies for tent camping or an RV park that would be ok. But, if someone wants glamping or unlicensed sites, we would not be accepting the application during the moratorium. The moratorium is until June 30, in order to meet the June 30 date text would need to be ready in May and a public hearing following.

There are licensed campgrounds with unlicensed sites. We need to address this and either make them conform, or just allow them, basically adding the use to the ordinance.

Smalley said she was thinking about 3 categories. Resorts would be buildings and regulated by building codes. Camping would be tents with no water or sewer and would be licensed by the state. Glamping sites would not be licensed by the State. And a third category could be a campground with State licensed campsites and glamping, which the ordinance would have to regulate.

The two campgrounds in Casco that have glamping are not regulated by the State, but their tent camping sites are regulated by the state.

Fleming said the PC should consider what problems there would be with the ordinance just stating glamping is permitted. We could start there and see what we need.

Smalley said she is not opposed to glamping. We have two already. Smalley said she was not aware that glamping sites were not licensed by the state. They will either be nonconforming, or we permit them.

Bultje said you could call them state licensed sites or unlicensed sites.

Smalley said it you could call it a resort and make your own rules.

Litts said a resort is a blend of campground or B&B.

Smalley said an RV park is more infrastructure than camping.

Fleming asked how it would work with the Building Inspector?

Litts asked if Smalley knew how other townships handle this.

Smalley said Geneva has cabins that are not sprinkled. There are single family homes away from the campground.

Bultje said the State has licensed sites. When you consider an unlicensed campground, you can't depend on state to set the requirements. What from their list do we want to include? You could require the same or near the same. It would be good framework to make sure we get the things we want in there for unlicensed sites.

Smalley said Ellingson issued Irene a temporary 180-day fabric tent that gets taken down. Missy's glamping sites are permanent, her plans show she has fire rating and some sort of engineering and architect plan. The Building Inspector approved the domes. Smalley added Missy decided not to do septic and water, except for the bathroom in the existing building. The building inspector issued a building permit for the domes. He felt they met the building code. They have decided not to do septic and well at campsites, only for bathroom building. The domes are a deck with a tent and are not under the building codes.

- C. **Any other business that may come before the commission:** Fire pit should be added to the amendments list. Smalley would like to work on campgrounds first, firepits can be after campgrounds on list. Other items on the list are LR-A, LR-B Lake Michigan setback. It is currently 200' and the PC is considering an average. Section 3.23 projection into yards, childcare and adult foster care, and signs are on the list. The fire department would like us to work on private roads.

7. **Administrative Reports:**

- A. **Zoning Administrator:** Knisley asked about a land division for DeBest and whether that is where the business is? Smalley said they cleared a lot and have a for sale sign. It is on North Shore and 72nd. First, they cleared a lot and sold a building. They had a boundary line adjustment. That sale did not go through. Discussion ensued as to the commercial use of the property. Smalley said if someone wanted to do exact same business they could. After 3 years of not being used for commercial it will no longer be commercial.

- B. **Township Board Representative:** Fleming said the board met last night and will have a public hearing on Wednesday for the park plan. Casco received HARPA money, around \$320,000. It may partly be used to leverage sewer & water infrastructure for lead pipe issue. Casco's deputy gave a report about car deer accidents being up. He will report statistics.

Litts said the township applied for a grant to expand the preserve. They were approved for \$288,000. They will put in real bathrooms and a pavilion.

- C. **Report from ZBA Representative:** Craig said they had a request for 4 variances to build a porch and attached garage. They were from setbacks and exceeding lot coverage. The variances were all approved. On the 24<sup>th</sup> there will be another variance request from Matt Hamlin to reduce the road coverage requirement and divide property with a house to less than 3 acres.

- D. **Water/Sewer representative:** In Adamson's absence, Supervisor Overhiser said they are trying to figure out where to start repairs first. The Sewer Plant needs to be revamped. Finances are strained and they are trying to delay some work to avoid as many increases as possible. SHAWASA will be getting grant money to help toward lead replacement. It will be a 20-year project.

Knisley said there cannot be much lead in Casco.

Overhiser said it depends on how they define lead. They are beginning to count galvanized pipe as lead because some areas have more caustic water sources. Lake Michigan should be fine with galvanized.

Also, in the old days, the municipality would run water and stop at the street. The owner would be responsible to run it to the house. Now they are being required to go beyond the street at the municipality's cost. This will end up in higher costs for the users. The municipality will run all the way and inspect.

- 8. **General Public Comment:** Clay Griffendorf via zoom said the township gave the entire acreage of the old golf course a special use as a traditional campground. It called for nine sites governed by 125 of Michigan Health Codes to regulate. It specifically states what can be built. He asked the building inspector what is being issued and the building inspector sent him to Smalley. The only thing the building inspector will

enforce is how many 2 x 4s go in a wall, and the code as applied to a structure. He has nothing to do with zoning. Michigan Code clearly states what a traditional campground is. You have already given the zoning to that property. You cannot have nonconforming structures on the campground. They must be moveable structures like the cabins at Yogi Bear's Jellystone Park. Those are allowed. On the other side there are traditional campsites, but only 9 approved. That limits the size of the store that can be had. Griffendorf said he is not sure what size store they are planning. But, square footage would be limited to the number of traditional campsites you have. She has 9 campsites and nonconforming sites. He asked the PC to take this into consideration as they move forward.

Janis Griffendorf recalled all the letters that were submitted when the special use for a campground at the golf course property was applied for. All the public letters and special meetings have been removed from the website. Comments were made earlier about the pool and letters. Someone said the pool does not comply with the area. We wrote many letters objecting to campground and stating it does not fit with the area, the Master Plan and State Rules. The letters should have been taken into consideration. We should have another special meeting and say maybe we shouldn't allow the campground. She has been friends with Smalley. Leaning the way that Casco is going to do a highbred type of description, changing rules just because it is already approved. Susan Meyer moved because she didn't want to be by the campground anymore.

In regard to earlier comment of "taking" of property, Fleming said "taking" originated is a legal term because the constitution says private property shall not be taken without just compensation. There was no zoning because it was considered unconstitutional until towns got enough lawyers to go along with it. It sounds like a constitutional term. Don't take without compensation has become a legal high brow term. If my neighbor is going to do something I don't like, it is a taking. You can say 1 = 2. Let's say there is a bad day at the supreme court. Sometimes 1 can = 2, part of the time. Now sometimes you can get 2 instead of 1 for the price. You would need a group to decide when 1 = 2, a bunch of people sitting around the table.

9. **Adjourn:** Motion by Knisley, supported by Weaver to adjourn at 8:02 PM.

Attachment 1: Contract for zoning agreement, illustrations and maps (13 pages)

Attachment 2: 2022 Calendar

Attachment 3: Review of Campgrounds text and moratorium 1-19-22 (13 pages)

Attachment 4: Zoning Administrator report (2 pages)

Attachment 5: Public Correspondence regarding rezoning for Leeward Pool

*Next meeting date Wednesday February 16, 2022, 6 PM*

Minutes prepared by Janet Chambers, Recording Secretary