

<p>REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION April 5, 2017 7 PM – 9 PM</p>

Members Present: Chairman Dian Liepe, Dan Fleming, Greg Knisley, Dave Campbell and Dave Hughes

Absent: Lou Adamson and Judy Graff,

Staff Present: Janet Chambers, Recording Secretary

Also Present: Allan Overhiser, Paul Macyauski and approximately 20 interested citizens

1. **Call to order and review of agenda:** The meeting was called to order by Chairman Liepe at 7:00 PM.
2. **Clarify Operating Procedures:** Chairman Liepe said she will be the direct communicator with the planner and attorney. She feels it is important to speak with one voice.
3. **Opening comments by PC members:** Fleming stated, in regard comments of right to rent vs rights of neighbors not to be disrupted, there is a right to rent and a *responsibility* not to be disruptive.
4. **Public comment for items not on Agenda:**

Chris Barczyk, said one thing covered in the last Board meeting was the rental ordinance taking the better part of the summer. Because of the moratorium not to stop rentals, there is time to get the ordinance done without rushing the planner. She needs time to review the Master Plan thoroughly to be engaged. The Master Plan is representative of the community. The planner should not be rushed and does not need to come to every workshop. Barczyk suggested this to Supervisor Overhiser at the last board meeting and Overhiser was in agreement. Chairman Liepe said she intended to have a conversation with the planner about this.

Tom Tucker said a planner is costing the township money. He said the Planning Commissioners are supposed to be planners. The planner could just polish up the product at the end. He said the PC needs to look at differences between various ordinances (Master Plan & Zoning Ordinance). Otherwise the Master Plan needs to be changed.

Mike Workema was concerned that Barczyk, or someone, may be communicating with the planner and asked if he could find out who has been communicating with her. **Barczyk** said it would be a good thing *if it were acceptable* to communicate with the planner, *but made it clear that he had not*. Chairman Liepe said that people who are at the meetings could have a chance to speak, the PC will take public comments into consideration and make a decision.

Tucker suggested that there could be four options for dealing with noise complaints. Instead of a policeman sitting and waiting for complaints, contact the disturbers, if that does not work then the rental owner, next an agent could be contacted, 4th would be volunteers to stay up all night to take complaints, calling the police should be the last resort. The police are not as fast.

Supervisor Overhiser stated the public could file a FOIA request to see who is talking to the planner.

5. **Approval of minutes of March 8th regular meeting minutes:** A motion by Campbell, supported by Fleming to approve minutes of March 8th as written. All in favor. MSC.

Approval of minutes of March 8th Special meeting on Tucker's Bed & Breakfast.

Knisley asked if the question in item 4 had been answered. Item #4 referred to a statement in Ellingsen letter, which Ellingsen was asked to clarify. Ellingsen was not at the March 8th special meeting due to illness, and Knisley asked if Ellingsen had gotten back to the PC on this.

Discussion ensued about the SLU that was granted to Tucker for a B&B. There was some question as to whether Tucker understands now that his SLU has been granted, he will not be able to go back and forth between operating as a B&B and operating as a STR. Chairman Liepe read the 3rd paragraph of page 2 from the March 8th special meeting minutes as follows.

Discussion continued about the difference between short-term rentals and B&Bs. Tucker felt that the main difference is that a B&B would serve breakfast, and the owner would have to be present. He felt that having a permit for a B&B would allow him the option between B&B and short-term rentals. Tucker said that not all B&Bs operate 365 days a year, thus during the time he was not using the house as a B&B, it would be considered his residence, therefore, he should have the right to rent his residence as a short-term rental. Commissioners explained that if he was a B&B, he would be limited to operating as a B&B only. Campbell advised Tucker to withdraw his request until he decides whether he wants a B&B or short-term rental. After much discussion on withdrawing the SLU request, tabling the request, or continuing with the request, Graff stated that it should be up to the applicant to make that call. Tucker declined to withdraw his request.

Liepe stated the above paragraph makes it clear Tucker would need to be present when B&B guests are in the home.

Campbell stated if Tucker has a B&B, he must operate as a B&B, not flipping back and forth between B&B and short term rental. Campbell felt it needs to be made clear, not just by asking the Zoning Administrator, but by getting an opinion from the attorney. Supervisor Overhiser said he will ask the attorney for clarification.

A motion by Fleming, supported by Knisley to approve the minutes of the March 8th Special meeting as written. All in favor. MSC.

6. **Report from Township Board representative Judy Graff:** No report due to Graff's absence.
7. **Report from ZBA representative Dave Hughes:** There will be a ZBA meeting on April 27th at 7:00. Hughes will put a copy of the minutes in Commissioners mail boxes.
8. **Report from Water / Sewer representative Lou Adamson:** No report due to Adamson's absence.

9. **Old Business**

A. Peter Klein's request to amend the ZO to allow for the operation of

a restaurant in the AG District: Liepe said Klein's request for a restaurant in the AG district was left open ended. Commissioners thought Klein's request was worth considering.

Discussion ensued about how allowing the request could be handled. The request is for a temporary, seasonal restaurant during the 6 to 8-week cider season. Klein contacted Ellingsen, as directed by Fleming, and Ellingsen did not know why he was being contacted. Fleming said that Klein's request was for the Fall cider season, and other requests could come for earlier crop seasons, ie strawberry season. Fleming stated that as Commissioners ask whether to allow the request, they should ask themselves why not allow the request.

10. **New Business**

A. Select a Vice Chair: Fleming has requested to step down from the Chairman position because of the time commitment. Liepe, the Vice Chair, has accepted the Chairman position until January, when the annual elections are held. Liepe asked for nominations for Vice Chair. Hughes nominated Campbell, Knisley 2nd the motion. All in favor. MSC.

B. Meeting Conflict with 4/26 – determine new schedule: Chairman Liepe cannot be at the April 26th STR workshop. The April 26th meeting is cancelled. The next STR workshop will be April 12 at 6:00. Liepe will contact the planner to decide further meeting dates. May 3rd will be the regular PC meeting.

Knisley asked the public to understand there are two board members who have recused themselves. This brings the PC from 7 down to 5 commissioners for the STR Ordinance. He asked the public for leeway to get the job done. He thanked in advance for their patience.

Knisley asked if the MP chart on page 34 is current with water and sewer in the platted subdivisions. Overhiser said it is. Knisley also asked if the 2000 census is the most current. Supervisor Overhiser said there has been a 2010 census. Knisley requested that information. Overhiser supplied commissioners with the information from the 2010 census.

11 **Planning Commission discussion of & receiving information from Planner, 3/29:**

Chairman Liepe asked that commissioners go over the information from the planner prior to next week's workshop. She hopes to get some of the definitions done at that meeting.

12. **Public comment concerning renting:**

Macyauski said he told Graff and Wells (planner) to be careful about having the planner for every meeting. He suggested that Wells read the MP from front to back to see if her interpretation is the same as the PC. He suggested Wells be called in as necessary. The PC may want a couple of meetings without the planner.

Kirk Leftwich said he has been coming to meetings and has been concerned about the vast growth impacting a lot of things. He asked that PC take their time and get input.

Tony Townsen said he has looked at a book of history in Casco, especially Glen Shores. He also stated that Graff went around and spoke to a lot of people about rentals. He said Graff determined problem renters were a small percent of renters. He also referred to Fleming's statement of it being a responsibility to be a good neighbor. Townsen said that people who live in Casco all the time think they can do anything they want. He said the Spring Lake Ordinance is anti-rentals. He said the PC is wasting time bringing the community in, the PC needs to act. Liepe said that the PC has only been working on the rental ordinance since January and February. It may sound like a long time, but it is not. The community is looking at maps, the PC is working on the zoning side.

Mary Campbell stated the work group is focusing on the short term. They are working to make the 8month session successful.

Cathy Watt asked if there would be any restrictions against building the large homes for rentals like those being built in Miami Park. She asked if there will be any parameters on the new large buildings. She was told there are not restrictions on building the large homes.

Supervisor Overhiser said that the next community work group will be on April 11th at 6:00. Officer Katje will be at the meeting to discuss what to do and who to call with problems. Overhiser is hopeful that the noise ordinance will be passed at the next board meeting.

Valerie Bass was concerned about long term goals. Residential nature of the community is changing. It is not just about people behaving badly, just sheer numbers affect neighborhoods. This is one of the issues they need to consider.

Nancy Lute of Glenn Shores said there are two groups of renters. Some have rented for years, very conscience who they rent to, check on the renters, screen them and get no complaints. Then you have the 5 bedrooms, 5 bath homes that were not there 10 years ago. The big houses are the ones throwing things off.

Chris Barczyk asked Overhiser for clarity. In reading the ZO, it appears that parking is not allowed on the street at any time, *unless it is noted that it is allowed*. There is no reference in the ordinance about when it would be allowed. Does that mean no parking unless there is a sign stating it is ok? Overhiser agreed parking is not clear in the ZO. Officer Katje has told Overhiser that you must be totally off the street, not just two wheels pulled off. He added that if an emergency vehicle cannot get down the road due to cars being parked in the road, the cars may be towed or hit.

Terese Orban of Glen Shores said all of these things apply to all of us, not just renters.

Barczyk thanked Overhiser for cleaning up the website, and noted that the PC meeting schedule also has a mistake.

Overhiser said the community workshop was very positive. There was good interaction of renters and non-renters and all worked together.

Orban stated that none of the "problem children" were at the meeting. The 5% who cause the problems needs to be addressed.

- 13. Closing comments and adjournment:** Fleming talked to someone who has a cottage in Casco and had rented it for years, this person watched renters' children grow up. Recently he has had problems with the renters next door to him and is going to stop renting his house because of it. The problem is not renting, but it is the behavior. Fleming also said he is not comfortable with the PC trying to figure out who is renting. If people want to volunteer that they are renting it is one thing, but he does not want the PC figuring out who is renting. Chairman Liepe said the community group is going to work on the maps and identifying where rentals are.

Knisley has a neighbor who comes from out of town and is noisy, shooting off fireworks bringing family and enjoying himself. Knisley puts up with more from his neighbor than he would a renter because he knows him. If you don't even know who lives next door you are not going to put up with as much.

A motion to adjourn made by Fleming, seconded by Hughes. All in favor. Meeting adjourned at 8:20.

Next Rental Workshop will be April 12, 6:00 PM
Regular PC meeting will be May 5, **7:00 PM**