

APPROVED 9/12/12

Special Meeting of Casco Township Planning Commission

August 27, 2012, 6 PM

MEMBERS PRESENT: Bruce Barker, John Stroud, Daniel Fleming, David Campbell, Paul Macyauski, Judy Graff **ABSENT:** Dian Liepe is excused **ALSO PRESENT:** Patrick Hudson, Planning Consultant, Allan Overhiser, Supervisor, approximately 55 interested citizens and Janet Chambers, Recording Secretary

1. **Call to order and review of agenda.** The meeting was called to order by Chairman Barker at 6:12 PM. There were no changes to the agenda.
2. **Continuation of meeting noticed in the South Haven Tribune on July 15, 2012 on proposed amendments to the Township Zoning Ordinance for Casco Township, Allegan County, High Density Residential (HDR) District (Chapter 9A) and amendment of Sections 4.07 and 4.08**
Public notice was read by Chairman Barker.
3. **Public Comment Correspondence; From, Date Received & Subject;** Letters were received from Harry Hendrix and Connie Schaffer, dated July 30 (*attachment 1*) and August 10, 2012, (*attachment 2*) both in opposition of the HDR Zoning. A letter was received from Dr. Martin Graber, 31 Lincoln, dated August 20, 2012, in opposition to the HDR Zoning (*attachment 3*). A letter from Jo Mucha, 749 North Shore Drive, dated August 22, 2012, in opposition of the HDR Zoning (*attachment 4*). Fifty-seven duplicate letters, containing the following 75 signatures, dated August 2012, were in opposition to the HDR Zoning. (One copy *attachment 5*) Robert Archer, 7429 Washington Street; Vito Benigno and Anna Benigno, 31 Columbine Dr.; Frances Boyles, 749 North Shore Drive; Gwendolyn Butler, 8 Columbine Dr.; Eleanor Capps, 450 Baseline Rd.; John Covey, 746 North Shore Dr.; Dorothy Dale, 7406 Washington; Roger DeVries and Mary Jo DeVries, 47 Columbine Dr.; Allen Dickerson, 30 North Shore Dr.; Arlene Dickerson, 30 North Shore Dr.; Veronica Drozdoroski, 746 North Shore Dr.; Marcy Fitch, 7438 Washington St.; Tim Getman, 406 Baseline Rd.; Henry Gmiterek, 78 Pershing; Dr. Martin Graber, 31 Lincoln; Robert Griffin, 7429 Baseline Rd.; William Herrmann, 67 North Shore Dr. N.; Betty Hiatt and William Hiatt, 69 Pershing St.; Mr. and Mrs. Toby Hollis, 73455 Baseline; Garry Human and Cynthia Human, 39 Lincoln Avenue; Peggy Hunt and Steve Hunt, 7309 Baseline Rd.; Charles Ippel and Sharon Ippel, 57 North Shore Dr.; Peter Klan, 7438 Washington; Anne Klimek, 7412 Washington; Camilla Klinsteker and Juan Klinsteker, 749 North Shore Dr.; Gregory Knisley and Janet Knisley, 7421 Baseline Rd.; Brett Labadie, 26 North Shore Drive; Roxana Lewis; Karyl Mandel and Fredric Mandel, Carol May, 7415 Washington; Joseph May, 7415 Washington; Bonnie McKenzie, 7441 Washington St.; Dennis "Jim" McKenzie, 7441 Washington; Danny Mielke, 358 Baseline Rd.; Tim Mucha, 740 North Shore Dr.; Deborah Owens, 746 North Shore Dr.; Mario Pachea and Cheryl Pachea, 348 Baseline Road; Jan Pollock, 7453 Baseline Rd.; Robert Powell and Linda Powell, 749 North Shore Dr.; Douglas Ransom and Senice Ransom, 7360 North Shore Dr.; Alice Ryden, 78 Pershing; Steven Sallen, 7434 Washington Street; Richard Scheurer and Linda Schereur, 749 North Shore Dr.; Rona Silny, 7419 Baseline Rd.; Jerry Spale, 749 North Shore Dr.; David Strandberg and Kimberly Strandberg, 35 Columbine Dr.; Debra Teslow, 7416 Washington; Ronald Teslow, 7416 Washington; M E Thompson and JD Thompson, 749 North Shore Dr.; Rita Thorpe, 7414 Washington; Darlene Tragna, 620 Kentucky Ave.; Marcel van der Elst and Sherry van der Elst, 95 North Shore Dr; Mark Vazzana, 7403 Mitchell Ct.; Nick

Vazzana, 7401 Mitchell Ct.; Phillip Vazzana, 7405 Mitchell Ct.; Phillip E. Vazzana, 7407 Mitchell Ct.; Lendal Walter, 12 Columbine Dr.; and Henry Wyzinski, 5 Columbine Dr.

4. **Public comment on possible revisions to the Casco Township Zoning Ordinances Section 4.07 Schedule of Regulations & 4.08 Table of Permitted Uses; Chapter 9A HDR, High Density Residential District.**

Chairman Barker explained the PC would first cover Section 4.07 and 4.08, Chapter 9A HDR, going over perimeters for a brand new zoning district in Casco. Then, as a separate discussion, the 2 lots where there has been a request for a HDR project will be discussed. Barker explained the new proposed district was the result of the last two Master Plans and a request from a developer to build a high density project. The proposed zoning change was previously to include a larger area, but because of public opposition in May, the proposed zoning change was altered to a much smaller area. Because the public was concerned about drainage issues, a meeting with the Allegan County Drain Commissioner was held from 4:00 PM until 6:00 PM just prior to this meeting.

Chairman read Chapter 9A.01 and Section 9A.02, and invited commissioner and public comments. Klindt Houlberg, 138 74th Street, asked who owns the property where the zoning change is being proposed. Chairman reminded him that discussion of the specific property would be later.

Carol May, 7415 Washington Avenue, asked for clarification of the Description and Purpose Section, specifically pertaining to single family homes. Chairman answered that the purpose is to have a mixture of homes, not just multiple family.

Marcy Fitch, 7438 Washington Street, asked a clarifying question whether High Density Residential would be replacing Multiple Family Residential, or if both districts would exist. Chairman Barker explained that Multiple Family already exists and High Density Residential would be an additional zoning district.

Dr. Marty Graber, 31 Lincoln, asked if the uses would be limited to those listed in the Chapter 9A, HDR Section 9A.02 (8/20/12 draft). Chairman Barker confirmed it would be limited to items in Section 9A.02.

Eric Schlanser, 749 North Shore Dr. N., stated that people in the SW corner of Casco Township feel there is a contradiction in the adopted Master Plan and the one shown on the website. He stated that anywhere high density was allowed in Casco would upset the public, as nearby property owners would be negatively impacted by an HDR area. He suggested, although a lot of work has gone into the Master Plan, it be revisited throughout Casco due to opposition from the public. He also added that his wife was at some of the meetings while the Master Plan was being drafted and at those meetings expressed dismay that high density was being considered in Casco. He said that high density is not in fitting with the rural atmosphere of Casco Township.

Bob Baker, 54 Lincoln Ave., questioned where a high density area could go, and if the focus is to sell water and sewer hookups. Chairman Barker answered that high density could go anywhere with water and sewer, which could be all the way up to 107th.

Becky Rininger, Allegan County Drain Commissioner, was invited by the Board to hold a meeting at the Township Hall to answer citizens' questions about water problems in Casco. Graff attended that meeting, just prior to this PC meeting. Chairman Barker asked Graff to discuss the information she learned. The

meeting covered the extensive water problems that exist in Casco and ownership/responsibility of sewer systems. When a development is built, the County Drain Commission does not automatically take ownership/responsibility for the development's drainage. The only way a development's drainage becomes part of the Allegan County drain system is if a 433 Agreement is made between the developer and the Drain Commission. With a 433 Agreement, the developer would have to meet the standards of the Allegan County Drain Commission, and upon completion and inspection, it would become part of the Allegan County Drain System. A township can protect itself by requiring a 433 Agreement in all developments as part of their ordinances. Graff recommended that the requirement of a 433 Agreement be part of Chapter 17 Site Plan Review for all developments, in all districts. Graff emphasized that, although she has heard complaints about drainage in the past, she was very surprised to learn the extent of Casco's drainage problem.

Jim McKenzie, 7441 Washington Street, mentioned that a site condo development slid around the drainage requirements. Allan Overhiser said that the term "Site Condo" has a different meaning at the county level than it does to the township, and has lesser requirements.

Graff stated she learned from the Drain Commissioner that "Site Condo" is a phrase that is used to avoid following the normal rules.

Chairman Barker asked if it could be built into Casco's requirements so that "Site Condos" and all developers would be covered by the same rules. Allan Overhiser confirmed that the term "Site Condo" is used to get around rules required for a subdivision.

Commissioners agreed that going forward; we need to get clarification about "Site Condos" to hold them to the same standards as any other development. Commissioners agreed with Graff's recommendation of a 433 Agreement being included under all District Regulations. A development that has to go through a Site Plan Review must go through 4.07, 4.08 and Chapter 17, and could be added there.

Al Green, 87 Pershing, asked if it could be put into the zoning ordinances that "Site Condos" cannot be built in Casco. Hudson replied that it would be illegal to exclude them, but there would be other ways of making them comply with the same standards as other developments.

After discussion, it was decided that the following changes would be made:

SECTION 9A.02 PERMITTED USES AND SPECIAL LAND USES
(See also Section 4.08 Table of Permitted Uses)

SECTION 9A.03 DISTRICT REGULATIONS

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected unless the following yards, lot area, and building coverage requirements are provided and maintained in connection with such building or structure, or enlargement (See Section 4.07 - Schedule of Regulations) ~~and Section 4.08 - Table of Permitted Uses~~. All uses in the HDR District shall be served by public sanitary sewer and public water.

Chairman Barker asked for questions on 9A.04. There was question about whether a single family side yard setback should be 10', the same as two- or multi-family side yard setbacks. Other districts have a 15'

side yard setback, but the purpose of this district is to allow more density with less setback and smaller houses. Question was raised about whether, where two districts meet, one yard would have 15' setback and the next could have 10' side yard setbacks. That could be the case.

Jim McKenzie, 7441 Washington Street, questioned whether 10' side yard setback meets the SHAES codes for fire protection. Hudson answered that it would be adequate for SHAES requirements. McKenzie asked if requirements for parking in a high density area are clearly articulated. Hudson replied that Chapter 18 covers parking and loading requirements, and development subject to a site plan review would be covered under Chapter 18's minimum parking requirements.

Discussion ensued about the minimum dwelling unit size requirements; 650 sq. ft. for 1 bedroom; 750 for 2 bedroom, then a jump to 900 for 3 bedroom, and back to increasing in 100 ft. increments for each additional bedroom. It was decided to change the 3 bedroom minimum sq. footage to 850 for a consistent 100 sq. ft. increase per bedroom.

Chairman Barker read Section 9A.04 and asked for comments.

Dr. Marty Graber asked what Section 9A.04 A was referring to by the words "single site". Chairman Barker explained that if you were building 3 separate units on one contiguous property, there would need to be a total of 15' between the buildings (*not* a 15' setback for each for a total of 30').

Jim McKenzie asked if 9A.04 B is designed to prevent spot zoning. Chairman Barker explained that part B of Section 9A.04 is to protect the immediate neighbors.

Chairman closed the public portion of the meeting for PC discussion.

Chairman asked Hudson to add changes suggested by Graff to 9A.01 and 9A.03 to include the 433 Agreement, wording to be determined by Hudson. He added that it will need to be added to each district with similar wording. Discussion ensued about the 433 Agreement and where it needs to be mentioned in the zoning ordinances. In Section 9A.01 it would follow the second sentence, and in Section 9A.03 it would be at the end.

5. Resolutions requiring Planning Commission action; none required but vote to recommend Board of Trustees adopt above ordinances may occur.

A motion made by Fleming, supported by Macyauski to change the minimum dwelling size in Section 9A.03 for 3-bedroom units in Multi-family dwellings from 900 to 850. All in favor. MSC.

Chairman Barker entertained a motion to recommend the Board adopt the new HDR District with the discussed changes. A motion to adopt Chapter 9A High Density Residential District with discussed changes was made by Fleming, support Macyauski. Discussion followed about the enabling act and what reasonable uses must be allowed and whether evidence of a need for that use must be provided. Hudson gave an example of what could be considered an unreasonable request. An application for industrial use might be denied because we don't have the infrastructure or because we are right next to the City of South Haven, which provides for industry. He added that the state mandates some specific uses cannot be denied.

An observation was made that Zoning cannot be “exclusive”, yet the reason people want zoning is to exclude some uses. One advantage to zoning is to control development of the community. Another reason zoning became more important in Casco is the development of water and sewer in the area.

Graff stated that after hearing the Drain Commissioner’s meeting she could not support a High Density District without understanding what is going on with the water problem in the area bordered by the Lake Michigan, Blue Star, and Baseline Road. She stated the Planning Commission has taken all the steps it is suppose to take by listening and responding to request. PC has appropriately reduced the HDR District to 2 parcels, listened to feedback, etc. But, until there is an understanding of what is going on with the water, she will not support a high density district. She went on to say that she has firsthand experience with the damage water can do. When she bought her property she was told it existed out in the lake because when I-96 was constructed the change in drainage caused erosion, which resulted in the house needing to be moved.

Discussion continued about water problems throughout all of Casco, not just in the proposed zoning change area. 433 Agreement was discussed and whether it will be sufficient to do something about the problem. It was also brought up that the High Density District may not have bearing on the water problem. The 433 Agreement needs to be in all zoning districts.

Graff also stated the importance of continuing the dialogue with Allegan County Drain Commission.

Chairman Barker took a roll call vote on the motion as follows: Stroud – No; Fleming – Aye; Macyauski – Aye; Campbell – No; Graff – No; Barker – Aye. With a tie vote of 3 to 3, the recommendation will not go forward.

Chairman Barker said that because the recommendation for a HDR District did not go through, there is no reason to continue the meeting on the Zoning Change.

Hudson explained that because there was no formal petition from the developer directly to the Board, the proposal stops here.

6. Public Comment.

Chairman Barker opened the meeting to public comment.

Klindt Houlberg, 183 74th Street said that he would like to see property owners from the Southwest corner of Casco come to more meetings, and consider getting on the board.

Eric Scheurer said he would like to see the Master Plan amended to get the verbage of High Density out of the plan. Barker said the Master plan will be reviewed in 5 years and he would urge Scheurer to be present. Scheurer again asked what it would take to amend the existing Master Plan. He stated that there was enough concern about High Density to warrant an amendment to the Master Plan. Hudson will look into it.

Greg Knisley, 7421 Baseline Rd., thanked Graff, Stroud and Campbell for their “no” votes. He added that he is pleased that someone finally understands the seriousness of what they have been dealing with for years. He also added that not only water, but a police protection needs to be addressed before additional

developments are added. He questioned whether a need has been proven for a high density development in Casco.

Connie Schaffer thanked the commission for their decision, saying that it meant so much to her and they can now continue their dream for retirement.

Citizens commented that they were unaware of the Master Plan being redone. Chairman Barker said that the meeting dates and minutes are posted on the Casco website, and the newspaper, and people are encouraged to give their input. Allan Overhiser added that notice of the Master Plan update was included with property tax bills.

Bonnie McKenzie, 7441 Washington St., stated that the School Board still wants to sell and they might be back to square one. A comment was made that even the same developer could come back with a request.

Carol May, 7415 Washington St., asked if a person who petitions for a zoning change can be someone other than the property owner. Barker told her that often the sale is contingent upon the zoning change and this is common.

Matt Super, 7366 North Shore Drive, said that with all the opposition to high density, the township has a better picture of what Casco residence want.

A motion to adjourn was made by Graff, supported by Stroud. MSC. Meeting adjourned at 8:17 PM
Next Meeting: August 29, 2012, Special meeting on Cottage Homes, 72nd Street

Minutes prepared by Janet Chambers, Recording Secretary

- Attachment 1: Hendrix and Schaffer, July 30, 2012, letter of opposition to HDR
- Attachment 2: Hendrix and Schaffer, August 10, 2012, letter of opposition to HDR
- Attachment 3: Graber, August 20, 2012, letter of opposition to HDR
- Attachment 4: Mucha, August 22, 2012, letter of opposition to HDR
- Attachment 5: One of 57 letters, each with different signatures, of opposition to HDR