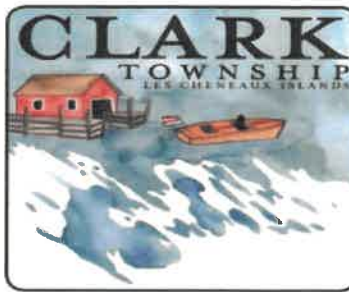


# CLARK TOWNSHIP

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MARK G. CLYMER, SUPERVISOR  
SUSAN J. RUTLEDGE, CLERK  
LISA FITZGERALD, TREASURER  
STEVEN N. KOZMA, TRUSTEE  
PATRICK J. SCHUSTER, TRUSTEE

Approved: 5/9/23

Verbal approval by: Steve Kozma per the May meeting

## CLARK TOWNSHIP PLANNING COMMISSION

REGULAR MEETING

Tuesday, April 11, 2023

**CALL TO ORDER:** Meeting called to order by **Mr. Kozma**

**PLEDGE OF ALLEGIANCE** conducted at 7:35 PM

**ROLL CALL: Members Present** –Kozma, Speidel, Keighley, Koster, Bryner, Buckalew (recused)

**Members absent.** Merritt, Pieri

**Others Present:** Wesley McCullen, Andrew McCullen, Ira McCullen, Jim Smith, Amy Smith, Jonathan Miller, Marianne Miller, Betty Caffey, Mike Patrick, Bob Smith, Scott Myers, Dick Nye, Gene Hamel, Ben Amann, Brittan Amann, David Shook, Lyle Sherlund, Diane Keighley, Jon Booth, Paula Myers, Chris Norton, Bruce Madigan, Tom Conroy, Lindy Hunt, Raya Hunt, Charlie McConkey, Jason Dunn, Dave Hopkins, David Stahl, Mark Stahl, Larry Turner, Proposed purchasers – Ziad and Emily Almufti

**APPROVAL OF MINUTES: March 14, 2023**

*Minutes not available*

**APPROVAL OF AGENDA:**

*Motion:* Moved by Mr. Kozma to approve the agenda; seconded by Mr. Koster.

*Vote:* All aye. Motion carried.

**Public Comment:** None

### CASES

**Case #277:** Great Lakes Boat Building School – Parking case – was resolved earlier – no need to address at this meeting – per Ken Waybrant

**Case #279:** Almufti / Van Dis – Special Land use for campground – case was tabled for lack of proper site plan.

1. Mr. Buckalew explains the situation as the selling agent. This is an odd one. The buyer has written the contract to purchase included a condition that the Township planning commission give permission to do what they want to do on the property. The buyer cannot bring the proposal to the township because they do not own the property. The sellers have agreed as a condition of purchase - the buyer is authorized to bring their proposal before the board.

2. Tentative buyers presented their proposal via slideshow in which they discussed/highlighted:
  - i. Introduction - Michigan natives. They own a hospitality business in Texas and have come to the U.P. due to their strong love for the outdoors. They value preserving nature and dark skies. Texas business in a rural community is centered around dark sky. Respecting low lumens, direction of lighting, etc., Family is all in Michigan and they have purchased a home in Detour. Have a passion for sharing spaces that are nature with people who want to access them. Glamping is explained -Glamorous camping with all the comforts of a hotel in a nature setting. The proposed sale affords them the opportunity to present their proposal as it is already zoned as a resort area. It is off the road, direct access off of M-134, no neighborhood roads to pass through, the 46 acres offers protection from noise. They do understand and appreciate the protective demeanor of a rural community.
  - ii. Business is all about creating beautiful spaces to attract a certain type of responsible and respectful lover of nature.
  - iii. Their site plan is very primitive as of right now as they are waiting on the wetland delineation from Egle but wanted to be able to present the idea to the community. The site plan will be done by a professional and will be presented in the future.
  - iv. 46-acre parcel that they want to keep a minimum setback of 50 feet on either side with some tree coverage.
  - v. Looking to do 14 units - probably in 2 phases - equating to approximately 3 acres per unit in order to maintain personal spaces measuring 75 -100 feet sites for their guests.
  - vi. Unique units are tiny- 200-400 feet-per unit.
  - vii. Geodesic domes were considered but due to insulation, etc., in our climate - they are looking into a rectangular mirrored glass cabin so that nature reflects back. These are going to be year-round units. Either of these are prefabricated units that are low impact set on a prepared site.
  - viii. Prefer to work with local contractors whenever they can. They are talking with the Sherlund's as they know the uniqueness of the area and the bedrock and how to work with the land in the most responsible way.
  - ix. Reviewed the proposed amenities of:
    - Sauna looking out toward the water.
    - Communal dome for gathering, yoga, etc.
    - Recap:
    - Respecting the community - large setbacks, marking edges of land with signage
    - Direct M-134 access
    - Dark sky lighting
    - Working with Egle

- Quite hours -people are coming to disconnect -not a place to party.
- No drinking on shoreline or communal area
- Type of people that their other business attracts are nature lovers, people looking for a peaceful experience.
- They feel their guests will patronize local businesses.
- Also, the guests will be a "jumping off point" to experience this region, including Mackinac Island, and all of the beauty that the Eastern U.P. has to offer.
- Guests do not typically spend all day at the location. They are out site seeing all day and return in the event.
- This will offer well-paying jobs to the community. The building of manager's quarters . onsite and other jobs will be available to help run the business. The onsite manager will be 24/7 - boots on the ground monitor and upholding the policies.

3. **Mr. Kozma** addresses some questions/comments received through email, petition, US mail:

- i) This did not happen suddenly. This is the first step in the entire process. This is the procedure in which all cases are handled as far as posting, neighbor contacts, etc., This case falls within the parameters/requirements of all cases. Nothing has been held "secretly".
- ii) Questions regarding sewer, State of Michigan, etc., are not the responsibility of the Planning Commission. The Planning Commission is responsible for determining if it fits into the Ordinances.
- iii) If approved - it is, then the responsible for the proposed buyer to get the proper authorizations and inspections from the proper authorities.
- iv) This area is already zoned as a resort. It is not being rezoned. There are other allowable uses in a resort area other than a campground - multiple family dwellings (apartment complexes), golf courses, cemeteries, places of worship, fisheries, or bed and breakfast. Most other allowed uses do not fit the proposed location. However, due to tourism being a large part of our community - a campground is the most conducive to this area.
- v) There are a lot of "what-ifs". This could happen anywhere in an area zoned residential and cause contention amongst neighbors. They would require no special land use permit.
- vi) The campground will be used in a recreational way but not all of these things you would want in a residential community.

4. Question by **Mr. Keighley** for the proposed buyers-who are their target consumers? **Mr. Keighley** and **Mr. Kozma** share that they have a friend who was a customer at the business in Texas and he used one word to describe the experience "Awesome".

- i) **Mr. Almufti** answers the question:
  - Upscale model to attract people who can afford \$400 plus per night.
  - Younger upscale - older millennials who make six figures.

- Respectful and environmentally conscious
- Grandparents bringing grand kids.

5. **Mr. Koster** explains that the Planning Commission is responsible for land use as it is stated by the book. They do not represent the State of Michigan, local governments other than the County. Their purview is very narrow as it is 100% based on the ordinances of Clark Township. They do not influence any decisions on the state level. He feels that it took the proposed buyers a lot of courage and a lot of character for people to make this kind of commitment in an area that they know people will push back. Please be respectful of them in our community. All of the concerns are important, but we should keep in mind that this is something that they are trying to do and that we should give them consideration. Again, please be respectful in your comments.

## 6. QUESTIONS/COMMENTS -DIALOG

- 1) **Lindy Hunt** - notice was written incorrectly and misleading - confirmed by **Mr. Kozma**
- 2) Riparian rights as far as walking the shoreline and legalities of prohibiting- **Mr. Almufti** addresses this with language in their guidebook and signage RECOMMENDING "you are leaving the property", "No trespassing" etc.
  - a) **Mr. Kozma** expresses that it would be expected that the neighbors act "like kind".
  - b) **Note - this issue is not in accordance with any Planning Commission requirements.**
- 3) **Wesley McCullen** -neighbors are all friends but guests of this proposed venture are cause for concern.
  - a) **Mrs. Almufti** states that most people will be taking a peaceful walk on the shoreline with no ill intention based on the experiences with the guests of the other property that they own.
  - b) **Note - this issue is not in accordance with any Planning Commission requirements.**
- 4) **Jim Smith** -Residents will have to change the way that they behave.
  - a) **Mr. Kozma** suggests acting in a like-kind way and treating people the way you'd like to be treated. **Mr. Smith** feels that if a special use permit is denied residents will not have to change their behavior.
  - b) **Andrew McCullen** - Behavior is part of the Commission's evaluation? - **Mr. Kozma** states "no" because whether you know the person walking across the beach is not a change of the use of the property.
  - c) **Note - this issue is not in accordance with any Planning Commission requirements.**
- 5) **David Shook** - The site plan controls the special use approval.
  - a) The **Almufti's** have not provided a complete site plan. How can the Commission approve this today?
  - b) **Mr. Kozma** explains that an approval COULD happen the same day in some cases brought before the Planning Commission, but nobody has made the motion to approve this case, and the site plan is forthcoming and will be evaluated prior to any approval or denial.

- 6) **David Shook** states that the **Amulfti's** have proposed their idea on the only parcel in the Township that is next to single family zones.
- a) **Mr. Kozma** demonstrates by way of a map and explains resort or residential zoning. He explains that the Planning Commission only deals with how a property is zoned and the Planning Commission is required by law to only review and adhere to Zoning Ordinances.
- 7) **Jim Smith** states/questions -Because areas on either side of the property that are zoned as single family residential - it would be a change in the nature of the use of the land so it does fall into the purview of the Planning Commission to consider these factors.
- a) **Mr. Kozma** answers by demonstrating via map the location of single-family homes and resort zoning. **Mr. Koster** states that single family residence is an allowable use in a Resort District. **Mr. Kozma** asks **Mr. Smith** if he is a year-round resident.
- 8) **Amy Smith of 314 S. Palmerlee** states that she is a Palmerlee descendant. She discusses her family lineage and the sale of her grandfather's property in the early 1900's. She says that she has come to the area for 63 years and feels that she is very, very vested in the community. Her concern is that this is an Alvar area. Her nearby property is not. An Alvar property is an extremely rare piece of property. She states that Michigan State and the Michigan DNR give Alvara state ranking of S1 critically in peril. She is concerned about developing the campground on a critically in peril piece of land. She questions whether or not an environmental impact study has been performed.
- a) **Mr. Kozma** states that the Planning Commission does not oversee this aspect/request.
  - b) **Mrs. Smith** cites a petition opposing this development consisting of 145 names and she will email the list along with further information on Alvar.
  - c) **Mrs. Speidel** asks if there is any official documentation that this is an Alvar property as she finds no record of such. **Mrs. Smith** explains that the property that her family once owned was never planned for development so there was no need to get official designation and the notice of this proposed development left her no time to get an official designation.
  - d) **Unknown person's comment** -Because there was no time to do further research and request a special designation -it is reason enough to deny the Special Land Use Permit. He feels this requires additional facts and findings. There are a lot of "mights and will do's" associated with this project.
  - e) **Mr. Kozma** agrees that a complete site plan was not submitted as the Wetlands Delineation is not complete or available at this time -not at the fault of the **Almufti's**.
  - f) **Unknown person** states "well then this is not a ripe issue for decision at this point"?
  - g) **Mr. Kozma** explains that this meeting was requested as an attempt to inform people of the project.
  - h) **Mr. Kozma** also explains that not all Alvar areas are protected. The Maxton Plains on Drummond Island are considered protected by the Nature Conservancy but not by the State of Michigan or any Federal designation.
  - i) **Mr. Keighley** also searched the EGLE site as well as a subset to the EGLE site and found no instances of Alvar or exposed bedrock locations referenced. It is agreed that EGLE may perform an Environment Assessment of the proposed site.
  - j) Nobody on the board is required to perform a Environmental Study.
  - k) **Note - this issue is not in accordance with any Planning Commission requirements.**



- 9) **Mr. McCullen** states that although the presentation was great - the **Almufti's** chose the wrong location. Most of that area is Alvar and "there are only three places in the world that can state this fact".
- a) **Mr. Kozma** disagrees.
  - b) **Mr. McCullen's** basis for considering this the wrong location are as follows:
    - i) The bedrock is slippery and dangerous.
    - ii) Black flies and mosquitos
    - iii) Fire pits and outdoor kitchens are a fire hazard as this is a very dry area.
    - iv) He is concerned about noise levels as he believes that the customer base will be wedding parties and birthday parties and feels that more restrictions and rules should be imposed.
  - c) **Note - this issue is not in accordance with any Planning Commission requirements.**
- 10) **Mike Amann** discusses his experience on the property would like some clarity on who people are:
- a) **Almufti's** are under contract to purchase if this project is approved
  - b) **Mr. Mike Amann** is concerned that **Mr. Buckalew** is the Selling Agent and it is a concern that he is on the Planning Commission. He feels that the decision has been made because of questions and statements made by the Planning Commission members.
  - c) Feels that this location is a tinder box. Others may not care about the land that we do. How do we know that they won't start fires carelessly?
  - d) **Note - this issue is not in accordance with any Planning Commission requirements.**
- 11) **Mr. Ben Amann** - questions regarding the communal Yurt?
- a) **Mrs. Almufti** answers by explaining that the communal yurt will be simply a gathering place for guests similar to a pavilion. It is a geo:desic dome structure that will be a 30 foot diameter dome at about 800 square feet 15 feet high.
- 12) **Mr. Mike Amann** is comparing the existing facility in Texas and expressing a concern as far as trespassing as they only have 4 "dwelling structures" as far as neighbors and such. How do the experiences compare?
- a) **Mr Almufti** answers by saying they don't have signs and have never had a problem. As far as fires - they are located in the desert and in Texas, they use propane firepits in Texas as a precaution and they adhere to the fire bans and what the rangers are recommending.
- 13) **Mr. Kozma** asks if the yurts are located on a parcel separate from the **Almufti's**.
- a) **Mrs. Almufti** answers by stating that their property is separate from the campground with nearby surrounding neighbors who were initially concerned but have come to realize that there are no issues.
- 14) **Andrew McCullen** - propane fire pits involve storage.
- a) **Mr. Almufti** states that the Sherlund's advised that they do not trench so propane is not a viable option in this application out of protection of the property's natural resources.
- 15) **Andrew McCullen** also is concerned with chemical storage, the size and type of signage and a detailed description of the waste management facilities.

- a) **Mr. Kozma** states that it has already been determined that this an incomplete application at this time and that further agencies will have to also be involved.
  - b) **Mr. Andrew McCullen** wants these issues on the record for any appeal actions in the future.
  - c) **Mr. Andrew McCullen** reads from the Ordinance "The use and design and will be constructed operated and maintained so that it will be harmonious, compatible and appropriate in appearance with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed". He feels that 14 structures along the shoreline is a change in the historical character and use of the property.
  - d) **Mrs. Almufti** responds with questions regarding size and feels that this proposal is very much in line with the character of the area.
  - e) **MariAnne** Miller states that she is not a vacationer by listing her support for the community. She states that the existing structures are not lit from indoors, no mirror structures on the shoreline.
  - f) **Mr. Almufti** states that they plan to adhere to the setback requirements from the shoreline of at least 35 feet. They love trees. He talks about the density of the trees and has visited the site and cannot see any houses from current structure. They would like to possible plant shrubbery as privacy walls to enable privacy between units for their own guests.
  - g) **Mrs. Almufti** expresses that the mirror surfaces reflect nature back.
  - h) **Mr. Andrew McCullen** asks about migratory birds.
  - i) **Mrs. Almufti** states that the manufacturers have considered and the surface has a special technology that appears red or pink to birds.
- 16) **Mr. Mike Amann** feels that things like planting shrubbery changes the essential nature of the property.
- a) **Mr. Kozma** states that adding more trees to a location does not change the nature of the property. If trees are added to a location that has existing trees- it does not change the character of the area.
- 17) **Mrs. Almufti** explains that their design consider was the 1400 feet of shoreline giving each unit 100 feet of shoreline is like a cabin at a residential home. This is not a giant resort coming in. It is in line with the area currently. She explains that the accessory building will be built with a manager's facility above.

**Jon Miller - Beavertail Point #99** - will have to look at this campground. Relative to the Clark Township Zoning Ordinance 11.4 he reads the same except that was read earlier in the meeting. The general character is primarily residents. The contention is that the area is primarily residents who have a vested interest in the community. His concern is that the visitors do not have a vested interest in the community. He reads realtors excerpts describing a peaceful and tranquil area. He feels that the nature of the neighborhood will be compromised.

- 18) **Mrs. Almufthi** states that this project is not intended to disrupt the community and they understand concerns and don't want to be the bad guys and changing the way of life. They feel like they are fitting in with what is happening. She asks -when the opposers go places -do they disrespect the area that they are in?
  - a) **Mr. Miller** tells a story about how an upstanding member of his community did in fact disrespect the community in Vale by urinating in the creek. He feels that this permit has to be denied as the project does not fit within the community.
- 19) **Mr. McCullen** states that he is not sure how it can be approved without a complete site plan and cites Article 14.3 so we may all be beating our heads against the wall.
- 20) **Mrs. Almufthi** shares that when they were seeking property going through the zoning documents. They found resort zoning that were permitted. They were under the impression that a Special Use would not be required because that is an allowable use.
  - a) **Mr. Kozma** explains practices for resort areas of 1979. This project is considered a campground is a Special Use Permit and the Zoning Officer, Ken Waybrant had classified this as a Campground. This will require that the State to approve it as a campground.
- 21) **Jim Smith** - they are committing to build this in phases.
  - a) He is concerned that if it is not successful at a phase - might they abandon the project.
  - b) He feels that the structures are not small or tiny as being described.
  - c) He feels that the noise ordinance is not adequate. Mr. Kozma cites the existing Township ordinance.
  - d) Visitors will not be spending their money in Clark Township as they will visit other communities or Townships.
  - e) Mr. Smith references his 25 points of contention letter submitted to the Township. He feels that it should be noted that his neighbors may not have all been friends but this case has made them friendly.
  - f) He is in hopes that every move you make in deciding this -you do the right thing.

Following discussion and review of presented plans,

***Motion:*** Moved by Mr. Keighley to table the request for the following reasons:

*A complete site plan is not available at this time due to lack of the wetlands delineation.*

*Seconded by Mr. Kozma.*

***Roll call vote:*** Kozma, yes; Keighley, yes;; Bryner, yes; Koster, yes; Speidel, yes; Pieri, absent; Merritt, absent; Buckalew, Recused.



**ZBA REPORT:** None

**TOWNSHIP BOARD REPORT:** None

**OLD BUSINESS:** N/A

**NEW BUSINESS:** N/A

**ADJOURNMENT:**

*Moved by Mr. Koster to adjourn, seconded by Mr. Keighley Vote: All YES.  
Meeting Adjourned at 10:15 pm*