

**Chair**  
Shannon Schlegel  
**Vice-Chair**  
Dave Pohl  
**Secretary**  
Pam Pohl  
**Commissioners**  
Bing Barks  
Robert Kudwa  
Jim Ostrowski  
Mark Simon

**CLINTON COUNTY  
PLANNING COMMISSION**

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**Secretary Planning Commission /  
Community Development  
Department**  
Wendy Ward

**PLANNING COMMISSION MEETING  
Thursday, March 12, 2009  
7:00 p.m.**

**1. Call to Order and Roll Call -**

The March 12, 2009 Planning Commission meeting was called to order at 7:00 p.m. with Madam Chair Schlegel presiding. A quorum was reported, 6 members present, 1 absent w/ notice.

Members present: Mark Simon, Dave Pohl, Pam Pohl, Jim Ostrowski, Earl Barks, Shannon Schlegel  
Members absent and excused: Robert Kudwa  
Staff present: Wendy Ward, Secretary to the Planning Commission and Dan Leonard, Assistant Planner / Code Enforcement Officer, Community Development Department  
Visitors: Kelly Lange, Steve Arwood, Fred Motz, Dave Kudwa

**2. Pledge of Allegiance -**

The pledge of allegiance was given to the flag.

**3. Approval of Agenda -**

**PLANNING COMMISSION ACTION**

Moved by Barks, supported by Ostrowski to accept the revised agenda. There being no further discussion, motion carried 6-0, 1 absent w/notice.

**4. Approval of Per Diem Vouchers -**

**PLANNING COMMISSION ACTION**

Moved by Dave Pohl, supported by Ostrowski to approve the March 12<sup>th</sup> Per Diem Vouchers. There being no further discussion, motion carried 6-0, 1 absent w/notice.

**5. Approval of Planning Commission Meeting Minutes -**

A. February 12, 2009

Ostrowski presented a correction to the minutes – page 3, New Business – 4<sup>th</sup> paragraph, ‘there are no other **conditions.....**’

**PLANNING COMMISSION ACTION**

Moved by Dave Pohl, supported by Simon to approve the February 12<sup>th</sup> Planning Commission meeting minutes, as amended. with one correction on page 3. There being no further discussion, motion carried 6-0, 1 absent w/notice.

**6. Communications**

There were no communications to be presented.

**7. Public Comments -**

There were no public comments to be presented.

**8. Old Business -**

- A. Case PC-31-08 SLU / SP (Forest Hill, LCC / Steve Arwood) – Special Land Use / Final Site Plan – Progress Report Update

Steve Arwood, Forest Hill, LLC, provided a brief presentation / update on the temporary meteorological tower (198' guyed tower) on vacant property located on the southeast corner of Bauer and Townsend Roads, Section 19, Bengal Township. The tower was installed on November 18<sup>th</sup> and is non stop on collecting data. He is pleased with the results and wishes to move ahead with some more formal projects; potential turbine layouts, how it will affect the community. Mr. Arwood needs to look at the Planning Commission for zoning matters – this will impact whether they can do the project and how they will do it, what will fit in. Mr. Arwood also stated that the public is very interested in installing these towers. He doesn't deal with this business but there are those looking into this. He feels that he needs to work closely with the Planning Commission and Mr. Leonard. Progressive Farms Group, an MSU Extension group, met on Tuesday night where a presentation was given updating residents with what is occurring in Bengal Township regarding the MET tower.

A brief discussion followed. Mr. Leonard stated that he has a power point presentation put together and would like to pitch it to the Planning Commission, Zoning Board, Township Supervisors. He has enough info and guidelines so that he can start editing some language. Wendy will contact the PC members and schedule a special meeting.

**9. New Business –**

- A. PC-05-09 MA - Petition for Change of Zone/Map Amendment OR-58-09

A Petition for Change of Zone / Map Amendment has been submitted by Kelly Lange, requesting to rezone the property located at 1815 S. Krepps Road (Parcel ID#19-030-013-300-016-00), Section 13, Bingham Township, from A-2, General Agriculture District, to A-3, Agriculture / Residential Transition District.

Dan Leonard reviewed staff's report. The Bingham Township Board reviewed this case at their March 9<sup>th</sup> meeting. A discussion relating to the Future Land Use Map and residential size of the properties surrounding this parcel occurred at the township meeting. The Township did recommend approval of this rezone but requested that the Planning Commission and staff consider changing the Future Land Use Map from A-2, General Agriculture District to A-3, Agriculture / Residential Transition District to better suit this area. The Road Commission had no objections as the proposed rezone has no significant impact to the roadway or traffic and the Drain Commissioner had no objections as there will be no changes to the existing drainage patterns.

**PLANNING COMMISSION ACTION**

Dave Pohl moved to open the public hearing, supported by Barks. There being no further discussion, motion carried 6-0, 1 absent w/notice.

A brief discussion followed and concerns were shared. Agriculture is predominant in this area; a few scattered residences. A concern shared was the possibility of creating a zoning district that we don't want. Ostrowski spoke on behalf of the Bingham Township Board (as Supervisor) stating that the township board felt that this area is better suited for the A-3 zoning district; it's close enough to where development could occur there, it's very similar to the DeMello rezone case located in Greenbush township presented a few months ago. The DeMello rezone case was also a group daycare rezone from A-2 to A-3 (also located in the middle of an A-2 zoning district) and this was approved. Mr. Leonard added that this was under the old land use map. The rezone is not the big concern here; it's the use. There is no variance available to change the requirements for the use. Mr. Barks had shared a concern with the 40-acre farm near applicant's property and the number of livestock.

Marilyn Whitford, mother of the applicant, was present and provided a response to Mr. Barks' concern with the livestock on the 40-acre farm; stating that these are cows that belong to 4-H club members. This is not a huge livestock farm; used primarily by 4-H kids.

#### **PLANNING COMMISSION ACTION**

Moved by Barks, supported by Pam Pohl to close the public hearing. There being no further discussion, motion carried 6-0, 1 absent w/notice.

#### **PLANNING COMMISSION ACTION**

Ostrowski moved to recommend approval of the rezone, from A-2, General Agriculture District to A-3, Agriculture / Residential Transition District to the County Board of Commissioners based on the rationale that it meets the 7 basic conditions / Findings of Fact (section 1605) with consideration being given to the future land use map being looked at in the near future and that it is more destined to a rural low density type development there along the frontage of Krepps Road. Pam Pohl supported.

Madam Chair Schlegel called for a roll call vote. Those voting aye (4) - Simon, Pam Pohl, Ostrowski, Schlegel. Those voting nay (2) – Dave Pohl, Barks. There being no further discussion, motion carried 4-2, 1 absent w/notice.

*Case PC-05-09 MA, a petition for change of zone / map amendment OR-58-09, has been recommended for approval w/ conditions by the Planning Commission to the County Board of Commissioners and will be reviewed on Tuesday, March 31<sup>st</sup> at 9:00 a.m. in the County Board Room, 2<sup>nd</sup> floor of the Clinton County Courthouse, 100 E. State Street, St. Johns.*

#### **B. PC-06-09 SLU / SP - Application for a Special Land Use / Final Site Plan Review**

An application for a Special Land Use / Final Commercial Site Plan Review has been submitted by the Clinton County Federal Credit Union, to allow the construction of a new credit union facility to be located at 1090 Baese Court (Parcel ID# 19-120-013-200-105-00, Section 13, Ovid Township.

Mr. Leonard presented staff's report. He noted that this is not a special land use; it is a final commercial site plan. Staff did have some concerns with the applicant – vehicular circulation, parking and landscaping issues. Access to the proposed banking site will be from Baese Court's roadway and extend to the north. The total required number of spaces

to be utilized for the site was calculated by staff to be 38 (10) spaces. Because of the size of the overall square footage of the building, the development is required to possess 1 barrier free space. The total number of spaces provided on the parcel is shown to be 18 standard spaces. Staff has been working with applicant to further address the parking layout and a revised plan should be provided to address the barrier free parking situation. Staff has not had the opportunity to view the landscape plan but applicant stated that this will be available to present to the Planning Commission at this evening's meeting (a 'revised' site plan was presented to the Planning Commission and staff this evening).

The Ovid Township Board has no objections to the Final Site Plan as per correspondence submitted dated March 6, 2009. The Drain Commissioner provided comments and shared concerns in correspondence dated March 12, 2009. The Drain Commissioner is not opposed to the approval of the final site plan given the facility configuration indicated on the submitted plan, as drainage management is consistent with current Drain Commissioner standards. The runoff to result from the proposed facility is consistent with parameters used to size the basin; adequate detention capacity is already in place for the site. The indicated site grading appears to allow runoff from the site to be directed towards the basin without likely impact to adjacent properties or roadways. The Drain Commissioner requested to be informed of any landscaping (both plantings and grading) that might occur in close proximity. Landscaping needs to avoid disrupting drainage towards the detention basin area so that adjacent properties or roadways might be impacted. Also, a soil and sedimentation control permit will need to be obtained through the Drain Office before any significant disturbance activities commence on the site.

Dave Kudwa, applicant, was present and responded to concerns and comments. A brief discussion followed on parking, access drive, curb and gutter, maintenance agreement. Baese Court only exists up to the cul-de-sac so this drive is technically not "Baese Court;" it is a private drive owned by the credit union. It's not sure who will maintain the road; maintenance agreement should be considered. Mr. Leonard stated that the actual parcel itself will have to take care of this drive – the CCFCC would be responsible for the drive; not the township. Curb and gutter exists at the site. Mr. Kudwa added that the detention basin is already filled; they are staying out of this area and that they won't need to do any improvements to the existing storm water. A brief review on signage followed; Mr. Kudwa stated that the signage will be on the NW corner; it will be a monument sign and will be located on the west side of the building.

It was noted that the motion for approval should be sure to give staff the authority to oversee the landscaping and work with applicant. This is in the lines of location and size; detailed information will be reviewed at a later time. There will be no on-site waste. Mr. Kudwa added that lighting is the only item that is not shown on the site plan and they will only be doing actual building lighting. The township hall has a few light poles and the OMESSA facility has five lights separate from their actual building lights. Lighting can also be addressed at a later date between applicant and staff.

### **PLANNING COMMISSION ACTION**

Ostrowski moved to approve the final 'revised' commercial site plan (the revised site plan as presented this evening), based on the rationale that it is in compliance with the Zoning Ordinance, the additional landscaping to the east and southeast will be coordinated between

staff and applicant, with a note that the landscaping should relate to future development and a final acceptable approval of any lighting plan that relates to traffic flow will also be coordinated between applicant and staff. Barks supported based on the same rationale. Dave Pohl added a friendly amendment stating that if there is difficulty with establishing a lighting plan, it would be presented back to the Planning Commission

Madam Chair Schlegel called for a roll call vote. Those voting aye (6) - Simon, Ostrowski, Dave Pohl, Barks, Pam Pohl, Schlegel. Those voting nay (0). There being no further discussion, motion carried 6-0, 1 absent w/notice.

***Case PC-06-09 SP, Application for a Final Commercial Site Plan Review, was approved by the Planning Commission.***

**10. Other Business -**

**A Dewitt Charter Township**

1. Request for Special Use Permit 09-990002 from E.T. MacKenzie Company
2. Request for Special Use Permit 09-990003 from E.T. MacKenzie Company

**PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Dave Pohl to acknowledge, receive and place on file the two (2) referenced rezones. There being no further discussion, motion carried 6-0, 1 absent w/notice.

**B. Watertown Township – Zoning Amendment Review Resubmission**

Due to problems encountered during a project to ‘codify’ the township’s ordinances, Andrea Polverento, Planning Director for Watertown Township, has resubmitted amendments that have been reviewed by the Planning Commission / Community Development Director and unfortunately, a former board member erred in the process to legally adopt them and as such, it must start from scratch and, as per their attorney, they are required to re-submit these amendments for review and comments.

**PLANNING COMMISSION ACTION**

Moved by Dave Pohl, supported by Barks to acknowledge, accept and place on file. There being no further discussion, motion carried 6-0, 1 absent w/notice.

**12. Community Development Report -**

Mr. Leonard presented the upcoming Wind Energy Siting and Policy Issues workshop to be presented by Michigan Citizen Planner / MSU Extension that will be held on April 1, 2009 at the MSU Kellogg Center Conference Center. Dave Pohl shared his interest in attending this workshop and Mr. Leonard stated that he will also attend the workshop. Anyone else interested, be sure to let Wendy know.

Dan Leonard briefly discussed the wind energy workshop on Tuesday, March 12<sup>th</sup>, which was sponsored by MSU Extension and was held at the Smith Hall at the fairgrounds. There is no language for wind energy on file currently in our zoning ordinance, but we are working on this and hope to present language to the Planning Commission in the near future. Mr. Leonard has a power point presentation available to share with the Planning Commission. This presentation could be seen at a regularly scheduled PC meeting or at a special meeting. Mr. Leonard stated that he would like to go to the townships first and present it at a regular meeting. Dave Pohl would like to see this before the township sees it. Wind turbines discussion followed.

Standards should be set up. Mr. Pohl also stated that he would like to see an outline while working on this so that the Planning Commission can review it as it moves along.

Mr. Leonard brought up Tom Pennell's situation. Mr. Pennell did turn in site plans on February 13<sup>th</sup> but did not turn in an application or fees. Mr. Pennell has been directed to do so. A brief discussion followed. There are so many issues in regards to a 'bed and breakfast' and the requirements / regulations. This appears to be more of a Conference center now; original use was a 'bed and breakfast'. It appears that Mr. Pennell is definitely tying the 2 sites together. Mr. Leonard is looking for direction or some type of recommendation. Barks added that Mr. Pennell encroaches on the neighbor's lots, which isn't good and that Mr. Pennell told him that he will live in the bed and breakfast. A concern was shared as to how Mr. Pennell can be in two places at one time. Madam Chair Schlegel shared her concern that Mr. Pennell did not want to answer the question on if there is anyone in the one building and that he also never answered when questioned about the number of rooms. Mr. Leonard would like some guidance and closure on this case. Mr. Pennell has violated what he was initially approved for. Mr. Barks also added that the structure out back was supposed to be a garage and a workshop / paint shop but it is not. There is a kitchen where the garage is supposed to be and a reception hall where the back is supposed to be and living quarters back where the shop was supposed to be. The Planning Commission highly suggested a large surety bond to keep Mr. Pennell's use in compliance.

**13. Adjournment -**

**PLANNING COMMISSION ACTION**

Moved by Barks, supported by Simon to adjourn the March 12<sup>th</sup> Planning Commission meeting. There being no further discussion, motion carried 6-0, 1 absent w/notice. The March 12, 2009 Planning Commission meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Wendy Ward, Secretary to the Planning Commission / Community Development Department