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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, April 9, 2009**  
**7:00 p.m.**

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

The April 9<sup>th</sup>, 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, Pam Pohl, Jim Ostrowski, Earl Barks,  
Shannon Schlegel, Robert Kudwa  
Members absent and excused: Dave Pohl  
Staff present: Wendy Ward, Secretary to the Planning Commission and  
Dan Leonard, Assistant Planner / Code Enforcement Officer,  
Community Development Department  
Visitors: Lee Chant, Don Potts, Paul Horak, Dave Feldpausch, Mike  
Taylor, Steve Pung, Randy Whitney, Maxine Fedewa, Anne  
Rademacher, Eric Mohnke, Deb Pung, Duane Pung, Lauren  
Simon, Glen Simon, Bruce Feldpausch, Michael Graff.

**2. Pledge of Allegiance -**

The pledge of allegiance was given to the flag.

**3. Approval of Agenda -**

**PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Pam Pohl to approve the April 9<sup>th</sup> agenda, as presented.  
There being no further discussion, motion carried 6-0, 1 absent w/notice.

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

**PLANNING COMMISSION ACTION**

Moved by Barks, supported by Simon to approve the April 9<sup>th</sup> per diem vouchers, as presented.  
There being no further discussion, motion carried 6-0, 1 absent w/notice.

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

A. March 12, 2009  
Barks presented one correction to the March 12<sup>th</sup> meeting minutes – page 3 of 6, Case  
PC-05-09 MA, motion to approve should state - *those voting aye (4) - Simon, Pam Pohl,  
Ostrowski, Schlegel, those voting nay (2) – Dave Pohl, Barks.*

## **PLANNING COMMISSION ACTION**

Moved by Barks, supported by Kudwa to approve the March 12<sup>th</sup> meeting minutes, as amended. There being no further discussion, motion carried 6-0, 1 absent w/notice.

### **6. Communications -**

There were no communications other than what was presented before us.

### **7. Public Comments -**

Paul Horak, 2565 N. Wacousta Road, St. Johns was present and approached the Planning Commission. He would like to share his comments on the wind turbines coming to Fowler. The production of electricity is great; but the details and impact to the neighbors is of concern. The 400' towers will have negative impacts on the community; noise, shadow glare, changing skyline and view of the community, there would be a decrease in property value, and also health issues. Most of the people work their entire lives paying for their houses. It will leave families with a tough decision – to remain in their homes and deal with the turbine issues or sell their home for a lower value. As elected officials, he encourages them to research this, make a trip over to Ubyly and see the impact on their community, research on-line, and please consider the impact of these turbines on the community. At the recent Bengal Township Board meeting, discussion was held on a possible proposed language amendment in the near future; with plans to approve this language within the next few months. Mr. Horak encourages the Planning Commission to not take this issue lightly; this won't be just short term. The turbines are permanent with impacts for generations to come. Mr. Horak stated his zero tolerance for wind flicker, noise and he is concerned with the negative impacts this will have on the community. There is a lot more negativity towards this now. As time goes on, the masses will come to show their opposition. They do have a petition that they will present to the Planning Commission at the public hearing for the language amendment to show their opposition.

Dan Leonard responded to Mr. Horak's concerns and addressed the process for presenting the petition; stick to the topic at hand and share and address concerns, have an overall statement as what you are trying to accomplish and why. Once the proposed language has been written and is up for presentation and discussion at a public hearing, this would be the time to address the topic and the actual language. The County's attorneys will have to review the proposed language prior to adoption as well as the Planning Commission. This process will take some time; something might be assembled in 2-3 months but it will take some time for actual approval / denial. The public hearing will be advertised in the local newspaper as well as each township supervisor will be asked to post the public hearing notice as well as to notify their jurisdiction of the public hearing. When the public hearing has been scheduled, all concerned citizens are encouraged to attend the public hearing and bring forth any application or petition, share comments and concerns, and the County Board of Commissioners, Planning Commission and staff will take into consideration any stipulations. Mr. Horak reiterated, in closing, that he feels that this is a very serious matter and hopes that the Planning Commission doesn't take this lightly.

Madam Chair Schlegel added that this board has not seen any language; they are the recommending body only and they do not have the final say on any language being proposed; the County Board of Commissioners will have the final say; final adoption approval. The actual discussion and time to share comments and concerns will be at the Planning Commission level.

**8. Old Business -**

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

A petition for Change of Zone / Map Amendment was 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 zoning district to A-3, Agriculture / Residential Transition district. This case was reviewed by the Planning Commission on March 12<sup>th</sup>, 2009 and recommended for approval to the County Board of Commissioners for their review on March 31<sup>st</sup>, 2009. The County Board of Commissioners directed that this case be sent back to the Planning Commission for further review.

Mr. Leonard provided a brief update and history on this case. On March 31<sup>st</sup>, the County Board of Commissioners reviewed this rezone request and referred it back to the Planning Commission for further review; provide an opportunity to look at the zoning ordinance with the possibility of adding this type of request within an A-2, general agriculture zoning district, within certain parameters rather than to change the land use map, hesitant to make changes to the future land use map that was recently approved, consideration of amending the ordinance language to accommodate petitions of this nature, it would be a more acceptable alternative to find a way to make a language amendment in the zoning ordinance to accommodate this situation rather than amending the future land use map. Mr. Leonard stated that the nature of the request was to allow for a group daycare which is not an allowable use under the A-2 zoning district. The only possible way to apply for a Special Land Use permit was to initially apply for a change of zone / map amendment and then follow with the special land use application. Certain uses can fall under several different classifications of zoning and there have been other similar types of requests of this nature. This may be cause for opening the zoning ordinance up for a revision / language amendments. The County Board stated, that if this is a pattern, it might be possible to have a topic of discussion to consider some type of ordinance revisions and allow this use in an A-2, general agriculture district; not just an A-3, agriculture / residential transition district. This would suffice with the request. Act on this with the following two options: (1) go on with rezoning request as it stands and recommend whichever you would like to go OR (2) consider doing some type of language amendment to the ordinance and table the request to allow staff time to adjust to the use in the A-2, general agriculture zoning district.

Discussion followed on the difference between the performance standards that govern in the A-2 and the A-3 zoning districts in regards to this requested use. A group day care is allowed in both zoning districts; the language allowing up to 12 is where it falls in to a group daycare and the change of zoning classification is required; from A-2 to A-3. The permitted use is a standard family daycare with a maximum of 6 children or adults allowed, when the group bumps up to 12, it becomes a group daycare. A change in the wording could be a possibility; to include group day care under a permitted use in A-2 zoning districts or would we better off making it a special land use. Mr. Leonard added that there should be additional restrictions placed on the lot with group daycare, dealing with the size of it or a buffering for the children away from outside agricultural uses going on and to help decipher where the children will be allowed to go for recreation time. If this is allowed in an A-2 zoning district, make it a special land use and try to think of other criteria to help govern what else can go along with this type of use. If this was tabled, staff would work on language to bring back to the Planning Commission. There would be no additional fees for

applicant as the public hearing has already been held for the rezoning and if we can get language tailored for next month, we would have the rezone request changed to a special land use.

### **PLANNING COMMISSION ACTION**

Barks moved to table Case PC-05-09 MA for 30 days pending further review and to come up with some language that can hopefully be accommodated without the rezoning request. Mr. Leonard added that if this is direction that the Planning Commission chooses, then next month we will hold a public hearing for discussion of the proposed language and this will more or less be a language presentation. At that time, the Planning Commission can choose to either push forward or table this case again and go back and readjust the language for the next month's public hearing.

Madam Chair Schlegel opened the floor for public comments (before the support on the motion) and there were none.

Ostrowski supported with the assumption that it will be language that will be placed in the special land use section of A-2 zoning district in the zoning ordinance. Leonard responded that it would be. For clarification, Leonard added the background behind this is that the zoning request is a bit out of line of what is proposed in Bingham Township on the future land use map and comprehensive plan. This area is set up as an agriculture preservation area and when we look at the future land use map / comprehensive plan the areas set aside as transitional areas would be more suitable for this zoning request but applicant did want to push forward to accommodate the use of a group daycare, which is not permissible in A-2 zoning. This was a 2-step process. We are not accommodating for one specific person's request, the rationale for opening this up for an ordinance revision is because we have had several requests that are similar in nature that have come under the old future land use map and comprehensive plan. With the adoption of the new, things have become stricter. We are not setting precedence; we are taking care of an issue that has been around for about the last year.

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

***Case PC-05-09 MA – Petition for Change of Zone / Map Amendment has been tabled for 30 days pending further review and possible amending of the Clinton County zoning ordinance. This case will be reviewed again on Thursday, May 14<sup>th</sup> at 7:00 p.m. by the Planning Commission.***

#### **B. PC-10-08 SLU – Special Land Use Amendment to PC-44-07 SLU**

An application to amend an existing special land use permit, PC-44-07 SLU has been submitted by John Hart, Kimley-Horn & Associates, on behalf of Murphy Oil, to accommodate the installation of a drive-up ATM machine to be located at the existing Murphy Oil site, 1123 Superior Drive, St. Johns (Parcel ID#19-030-022-200-077-00), Section 22, Bingham Township. The existing special land use permit (PC-44-07 SLU) allowed Murphy Oil to purchase the Murphy Oil gas station property from Wal-Mart in

2007. Case PC-10-08 SLU was approved by the Board of Commissioners for the intended project on May 27, 2008. The applicants are now **REQUESTING AN EXTENSION**.

Leonard reviewed staff's report. A brief discussion followed.

Barks reviewed the history on this case and when it was approved, applicant was allowed to have items available for sale that went along with this type of site. Mr. Leonard stated that applicant is asking for the extension due to the Clinton County Federal Credit Union (provider of the ATM machine to be located on the site) is concentrating at this time on the new CCFCU facility opening up in Ovid as well as several ATM machines being placed around the area. At this time they are not sure of a time frame but they would still like to have the ability to put an ATM at their site; hence the request for an extension for one year. Ostrowski stated that the Planning Commission approved the amended special land use permit in May of 2008 and he would, at this time, make a motion to approve the extension for one year.

#### **PLANNING COMMISSION ACTION**

Moved by Ostrowski to approve the request for an extension for one year based on the request of Murphy Oil USA. If nothing happens in one year, then it will be addressed again at that time. Kudwa supported based on the same rationale.

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

***Case PC-10-09 SLU – REQUEST FOR EXTENSION for one year (April 2010) has been recommended for approval to the County Board of Commissioners for their review on Tuesday, April 28<sup>th</sup> at 9:00 a.m., County Board of Commissioners room, 2<sup>nd</sup> floor, Clinton County Courthouse, 100 E. State Street, St. Johns.***

### **9. New Business -**

#### **A. PC-08-09 SP – Application for a Final Commercial Site Plan Review**

An application for a Final Commercial Site Plan Review has been submitted by Lee Chant, Riley Township Supervisor, on behalf of Riley Township, to allow the construction of a new township hall to be located on vacant property on South Francis Road (Parcel ID# 19-130-016-400-055-00), Section 16, Riley Township.

Mr. Leonard provided a review of staff's report. Applicant is requesting approval for the construction of a new 2,960 sq. ft. township hall and an associated emergency services building measuring 2,400 sq. ft. Some concerns were shared from Phil Hanes, County Drain Commissioner; taking a more low impact approach to the way storm water is handled on the site, which would fit well with the non-urban setting creating a desirable result while being cost effective and further reducing downstream storm water impacts. Alternatives were suggested and if planned and constructed effectively, the system would essentially be an unassuming landscape feature that provides enhanced opportunity for both filtration and infiltration of storm water such that downstream impacts would be minimized. Hanes offered to work with applicant to provide guidance in order to achieve a successful result. The Drain Office is not opposed to the Planning Commission approving the site plan, as submitted, but does encourage Riley Township to consider modifying the configuration of

the specific storm water management system to be implemented for the site. Leonard and Jon Morrison, Deputy Drain Commissioner, met and discussed the site plan, with some slight tweaking of the detention pond areas and sizing and will be addressed at the drain office level. The Health Department has not done any perk testing at this time; nothing is recorded. Alan Gove, Assistant to the Engineer, Clinton County Road Commission, responded that the CCRC has no objection to the proposed site plan and sight distance at the proposed location appears to be adequate. A commercial driveway permit will be required for the new driveway onto Pratt Road. From staff's opinion, the landscaping looks good. Leonard would like the dumpster area to have additional screening and he recommends some type of addition going around that area. Landscaping to the west of the buildings (fire barn and township hall) might be useful as wind comes from the west and this would help buffer future development and protect some type of insulation buffer to slow down the winds. The connection of the fire barn to the township hall – nothing has been proposed at this time. The township board was in favor of this request.

Lee Chant, Riley Township Supervisor, was present and clarified that there is one house to the west. As far as screening, they have a berm built on the north and west side and they would like to plant pine trees on that berm to satisfy the landscaping requirements. There was opposition from the fire department to having the traffic pattern go between the town hall and the fire barn; keep this separate. The berm is about 4 ½ ', it has been graded, they have put in a parking lot, there is an entrance for the road commission and will need another entrance for the fire authority. Chant stated that he had met with Jon Morrison and he wasn't in favor of a pond there and that there is enough ground there for runoff. He will work with the Drain Office on their concerns and suggestions. Chant stated that he has not spoken with the health department yet. Chant stated that the time line will probably be next year. Chris Klawuhn, Environmental Health Supervisor from the Mid Michigan Health Department, shared a concern with Leonard in regards to the soils at this location. Mr. Klawuhn believes that the soils are heavy in clay and is looking for some type of process to go through their office. Chant stated that the soils are heavy.

Madam Chair Schlegel opened the floor for public comments and there were none.

#### **PLANNING COMMISSION ACTION**

Ostrowski moved to approve the proposed site plan with conditions that landscaping changes that were recommended by staff, have staff work with petitioner and ensure these changes are met, that they do receive approval from the Health Department, Clinton County Road Commission, Clinton County Drain Commission and Michigan Department of Environmental Quality (MDEQ) as listed under Conditions for Approval in staff's report.. Petitioner will work with Drain Office to achieve a good plan. Barks supported based on the same rationale.

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

***Case PC-09-09 SP – Final Site Plan Review was approved by the Planning Commission with conditions.***

**B. PC-10-09 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 Thomas Pennell / Shirley E. Lacchia, to allow a four-unit Bed and Breakfast on property located at 10841 Bond Road (Parcel ID#19-110-035-400-017-00), Section 35, Olive Township.

Mr. Leonard provided a review of staff's report. Applicant is seeking to apply for a bed and breakfast commercial operation for 4 units within said structure. The actual total number of parking spaces would be 4; one for each unit being requested. Paving has been done between the two sites; sidewalks and decking. The site is buffered quite well. Olive Township board is in support of the special land use. The Clinton County Road Commission did submit correspondence indicating that the site did have adequate parking, however, in past large events that have happened on the parcel to the south, the existing special land use it has been noted that on site parking is a necessity as large volumes of traffic would typically be generated by a 4 unit bed and breakfast facility, if permitted. Any new driveway construction would require a commercial driveway permit. At the time of the letter, nothing had been received from the Drain Commission. Hanses did verbally communicate via email with staff and stated that they have not officially reviewed the plan as the fees have not been paid, however with no defined drainage outlet, the applicant is relying specifically on surface drain flow for his property and the drainage might start to become a concern for the applicant as well as his neighbors depending on the use of the site. We are looking for these fees to be paid so that the Drain Commission can review this proposed special land use. Mid Michigan Health Department submitted correspondence and stated that they wanted to review the existing septic system that is tied to the proposed parcel's home to be sure that it is adequate to handle whatever the proposal would be. Additionally, there were concerns with the existing operation but this will be addressed at another time; focus is on the subject property only this evening.

Leonard reviewed bed and breakfast accommodation requirements – Section 1315. He addressed the first requirement – each premise must be occupied and operated by its owner. On the application it was noted that the applicant, Shirley Lacchia, resides at this property (the bed and breakfast). Staff pointed out that, in research of the deeds, Mr. Pennell is residing in the residence on the property to the south of the existing bed and breakfast and Ms. Lacchia's address is actually located in East Lansing; some type of a miscommunication / it appears this way on the deed.

Madam Chair Schlegel, presented for clarification purposes, that with what is presented this evening, she understands that fees and communications need to occur between applicant and the Health Department, County Road Commission and the County Drain Commissioner. Mr. Leonard responded that we have received feedback from the County Road Commission, but not officially from the Drain Office or the Health Department. The applicant needs to be in communication with the Health Department and the Drain Office and pay required fees.

Tom Pennell, applicant and Scott Hawkinson, business partner of Mr. Pennell, were both present. Mr. Hawkinson approached the Planning Commission to respond to any questions or concerns. Hawkinson believes that they are in agreement with all requirements as listed in staff's report and are willing to accommodate these requirements. The proposed use is along the lines of the statement of justification. Everything they have done there; family

reunions and weddings are mostly requested from the people locally. They receive nothing but positive comments from these people.

Barks spoke on behalf of Olive Township and their recommendations; to be more in line with what a bed & breakfast is denoted in the zoning ordinance, the township has received a couple of complaints and applicant assured Barks that they would be taken care of. Barks shared his concern with what the bed & breakfast says that premises must be owner occupied.

Hawkinson responded stating that Ms. Lacchia had fallen and broken her neck and has been staying 10841 Bond Road. She has not been at her address in East Lansing for 3 months and will be quite some time before she will be able to return home. If anything was to change, Hawkinson assured that the Planning Commission and staff would notify staff. There are 2 owners on the premises; Mr. Pennell, applicant lives 10875 Bond Road, the bed and breakfast and Ms. Lacchia lives in the addition. Hawkinson continued stating that the Applicant is proposing 4 units in the old house as it existed circa 1970's house and has been converted into 4 rooms with separate baths in each room. The addition is a private residence with a kitchen facility in it and if this special land use is approved, then the residents will all use the kitchen facility. There is also a 'reek' room that is part of the old house which would be a common area, as well. Ms. Lacchia's residence is upstairs in the new addition. There is a kitchen in the new addition and the kitchen in the existing facility has been removed. The meals (breakfast) are prepared in the addition. The train display is in the basement of the old home. The 'rec' room is located in the old garage; came out of the old garage with another atrium that goes into the new addition. The new addition has an atrium and a walk through with some displays and then it goes into a parlor with 2 bathrooms and they would like to put a baby grand piano in the parlor and then a circular stairway upstairs. Walk into the kitchen area and this is the new addition (where the garage would be) and this has a basement and there are 2 decks on the upper unit. Ostrowski added that the intention is to, under our zoning ordinance regarding bed and breakfast, only allowed 6 rooms in the facility; there are 4 in the existing – are there plans to add rooms? Hawkinson responded no, their intent is for only 4 units. Ostrowski continued with the question of bigger events - are the events mainly geared towards the new facility. Hawkinson responded that they have not had too many large events. He continued with that people don't stay there. Ostrowski discussed the concerns of the Mid Michigan Health Department – are meals being prepared for a group of 60 or 70 people - this requires a different type of approved kitchen, same with bathroom facilities. Does it become a food service establishment with more than 60 people? Hawkinson responded stating that they do prepare meals for people but for the most part, they are just concerned with the bed & breakfast. He continued with that there is a rule now that someone needs to take a one-day course in food handling but if we are talking about catering, they never cater off premise but do provide food for the people on the premise that are there. For someone who requests a family reunion or a rehearsal dinner, Hawkinson stated that they will prepare the meal. The only requirement that Hawkinson is aware of is there has to be a cook on the premise that has attended the one-day course and someone is scheduled to take this course. If there is another requirement, applicants will comply. Ostrowski added that if it's operating beyond what the use is – different licensing would be required.

Madam Chair Schlegel requested clarification from applicant. The kitchen in the first facility is no longer there, it is now in the 2<sup>nd</sup> facility. Hawkinson responded that there is a kitchen in the main house and the new facility. There are 2 houses that sit side by side and there is a kitchen in each facility. The existing bed & breakfast has a kitchen and the new addition also has a kitchen – it was pulled out of the house and placed in the new addition.

Leonard added that now that we are talking about people living and staying temporarily and the operator staying there permanently for the most time (Ms. Lacchia) brings up concerns with the building department – a final Certificate of Occupancy has not been approved for the building in its entirety as well as several different licensing and permits that need to be finalized with the building department. As of Wednesday, April 8<sup>th</sup>, Leonard spoke with Audley Pierce, Building Administrator, and applicants should not be having anyone occupying the premises. Hawkinson stated that they are willing to work with all requirements; trying to work with everyone. Pierce informed Leonard that he was unaware of the changes made per the original applications and before everything goes forward, these permits need to be taken care of.

Pennell stated that he went to the health department at the very beginning of this process and went over what exactly he is doing there and he was told that it wasn't any different than having 4 or 5 in a family and if concerned, add another tank onto his line before it hits the septic field and this is still on his plan to do – put another croc into the system. He thought everything was done and he has spent a lot of money over building his place and no one wants to come and see what he's done.

Madam Chair Schlegel reviewed the requirements that have been discussed – for clarification purposes. We need information from the Health Department; applicant needs to be in contact with the Health Department, the Building department and the Drain Commissioner. Simon shared his concern that this is open-ended and the project has gotten larger than life and other opportunities have come along. These need to be built into the plan and this is a bit of new ground. Hawkinson stated that he put this into his justification statement. Leonard added that what Simon is trying to say is in regards to the actual number of people and uses being proposed, it's possible that this could fall under the criteria for an Assembly Hall or some type of an assembly establishment (reunions, weddings, large groups of people) this becomes a commercial use in itself and it gets away from the intent and purpose of what a bed & breakfast is. This is applied to the ordinance and this is why the applicants are being held to specific criteria and if the initial intent of applicants was to have these types of larger events, they should have been brought up then. Hawkinson stated that our ordinance is very similar to other ordinances in the State. There are a lot of cities that go for more definitions; this isn't the first time this issue has been addressed. It is within the parameters of what people expect a bed & breakfast to accommodate. He says that many people call and request reunions. Leonard asked what applicants would like for their business. Hawkinson stated that they are a bed & breakfast; they have never said they are doing weddings, reunions, assembly hall, banquets – all we do is accommodate the customers that call on the bed & breakfast. Leonard again stated that

the ordinance is very specific and that applicants can accommodate up to 6 persons or 4 bedrooms – 6 sleeping quarters. Hawkinson questioned that every bed & breakfast that has a wedding and invite people to the bed & breakfast and attend the wedding is in violation of the ordinance. Leonard added that for a use setup such as what applicants have, they are governed under a specific set of criteria, the way we are looking at this and applicant

having assemblies of larger than the indicated number of people allowed there, that's where we're getting into a conquest.

Chair Schlegel interjected and asked if the commissioners had any further questions of the applicant. Because this is here today as a final site plan and special land use and she entertains a motion to open this as a public hearing.

### **PLANNING COMMISSION ACTION**

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

Robert Long has stayed at the bed & breakfast a few times and enjoys staying there. He feels that this is odd that we would limit a bed & breakfast to just the guests in the rooms. He understands that if the guests want to invite their friends over – they can't come; that this is just for the guests in the rooms. This seems very particular and odd; if he rented the whole house and filled each room and invited 10 guests over, you are saying that he couldn't invite his friends over.

Ostrowski questioned Leonard; since this is a special land use in this zoning district, can't the Planning Commission put conditions on the SLU permit. Leonard responded yes. The existing one operating currently is more conducive to these types of events more than the new proposed facility. These are 2 separate approvals even though they are linked. There is a contradiction in that applicants' don't advertise when they do and what it says in the advertisements is more than for a bed & breakfast, the advertising he sees shows that the applicants are trying to get banquets, reunions, larger groups of people. We have specific criteria that calls it a bed & breakfast and what it should meet; perhaps the PC needs to be more specific in the issuance of the special land use limiting the number of events. We must either change the ordinance or find a way to accommodate what the applicant needs.

Hawkinson stated that the bed & breakfast industry is changing; people seem to like privacy and what it offers. Perhaps the ordinance needs to be changed / updated. He did state that they would not be a nuisance, ever. As for an assembly hall, they do offer a meeting room. The PC might need to make the ordinance more comprehensive.

Barks commented that this was started about 7 years ago (2002) and the price on these rooms are expensive enough so that they will not get a lot of low class parties in there but from the township standpoint, we have had some concerns and still do have some concerns. This is a very nice facility and quite a ways beyond what you would expect – beautiful woodwork. The township has received a couple of complaints in the past year; noise complaints and applicants assured that they would be taken care of. It's not what he has in his mind for a bed & breakfast, 12 people renting 6 rooms, but he can see where applicants are coming from for a few families coming in to rent the place for a family reunion and it could also be quite nice to rent it for weddings. Because of the character of the area that is in, that we need to draw a line somewhere between what we conceive that a bed & breakfast should be and a commercial operation – where is the line drawn. A modest wedding of 30-40 people, use the meeting room, some stay some go home, this would not be any trouble. As for regulations, we need to restrict the numbers over a period of time – so many hours for so many people. Neighbors have shared their concerns with Barks.

Most of the neighbors do want to see this business continue but noise is the concern. This would work well with small weddings, family reunions, small convention center, training sessions – these would go real well but we must be careful of the large numbers. We also need to be concerned about the number of cars that can show up to attend the event.

Hawkinson added that if it stays pastoral, they are perfect for that and if it happens to go more commercial, maybe they'll grab the acreage next door. At this time it conforms with the neighborhood and it is a credit to the area.

When an event is booked, the event must be over by 10:00 p.m. but they can stay and enjoy the game room. The bridal party stays up a lot of times. Some family reunions have had kids sleep on the arrow beds. They have had 20 people stay all night for a family reunion. If somebody gets drunk you don't want them driving and this has happened a couple of times and had to dig up a room for someone. We had one group that wanted to put 5 or 6 people in a room and we said no and a lot of them had to go home – but a few extra people, they would allow this.

Madam Chair Schlegel entertained a motion to close the public hearing.

#### **PLANNING COMMISSION ACTION**

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

Barks stated that there are a few questions that need to be answered; the health department, the building department - Barks was under the impression that applicant had sought final approval on this and he thought that this had been asked for (he doesn't know for sure what really happened), the Drain Commissioner needs to take a look but he can't believe that there would be any problems; it's a lighter soil down there and sees no problems where they are at. The health department is something; the numbers and we need to express some concern there, the designation between outside activities and inside activities; what goes on inside the buildings themselves we don't need to be as concerned about this – our thing is that it is still a rural residential community around them and we need to be concerned about those people around them and we as a board need to do something as far as hours for outside activities and we need to put those perimeters onto this and he thinks that perhaps the size of the outside activities probably need to be somewhat regulated as the bed & breakfast in our ordinance is not very well regulated and very few regulations. He thinks we have some serious concerns; we want the applicants to survive. It still is a rural residential area and there are other people there, too. We need to get some guidelines for everyone to be happy with. Barks feels that this case should be tabled and 2-3 people sit down and try to write up some guidelines. He is not in the position to offer some things and he doesn't want to miss something that we should be concerned about yet he doesn't want to put regulations there that are not needed.

#### **PLANNING COMMISSION ACTION**

Barks moved to table this case for 30 days and get the Health Department and the Drain Commission settled, along with going ahead and writing up some fair and reasonable guidelines. Staff could get 1 or 2 from the board and applicants to come up with something fair and reasonable. Ostrowski added that we get the final inspection / certificate of compliance question taken care of and cleared up. The bed & breakfast role has changed

and we don't want to create a facility that is overwhelming to the area but tolerable and we can do this with special conditions that can be added to the land use, keeps within a range that that type of rural atmosphere. Ostrowski supported. Simon added that this is bringing good business to the area. The applicants would like to finish the addition. Ostrowski also added that we are talking about the special land use for this property and that it would spill over to the other one, too – to govern for continuity. Applicant would like to see the 2 properties go together. Madam Chair stated at this time there is a motion and a support.

Those voting in favor (6), those opposed (0). There being no further discussion, motion carried 6-0, 1 absent w/notice.

Madam Chair Schlegel recommended that staff send out an email to see who would be available to attend the meeting on the date chosen.

*Case PC-10-09 SLU / SP - Application for a Special Land Use / Final Site Plan Review has been tabled for 30 days pending further review. This case will be reviewed again on Thursday, May 14<sup>th</sup> at 7:00 p.m. by the Planning Commission.*

#### **10. Other Business -**

- A. Farmland Development Rights Agreements (March 2009)  
Completed contracts by landowners in our jurisdiction with the State of Michigan under the Farmland and Open Space Preservation Act of 1974.

#### **PLANNING COMMISSION ACTION**

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

- B. Dewitt Charter Township - PA-116 Farmland Agreement – Robert E. Bower  
Application for Farmland and Open Space Preservation Program from Robert E. Bower of Dewitt Charter Township. Mr. Leonard reviewed it this morning with Equalization and the Clerk's office. Clinton County does not have governing powers over this but staff would like to provide comments. This looks as if it's very residential, it's a 10-acre parcel and Mr. Bower is looking to place 5-acres in PA 116.

#### **PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Pam Pohl to submit correspondence to Richard Trent, Development Director for Dewitt Charter Township and provide comments. Motion also includes to acknowledge, accept and place on file Mr. Bower's farmland agreement. There being no further discussion, motion carried 6-0, 1 absent w/ notice.

#### **11. Community Development Report –**

Discussion followed about a proposed multi-unit temporary living structure and how best to apply such a request to the special land use classifications for a parcel zoned R-1, Single Family Residential found under Article 13 of the Ordinance.

Ms. Ann Rademacher was present and provided a brief presentation on her proposed use. She has been working with staff to get some type of general direction to apply it to the ordinance.

Ms. Fedewa stated that the Health Department calls this proposed use a commercial kitchen and that this has already been taken care of. The intent is not to restrict the housing to one gender. The cut off number of meals to avoid for a commercial kitchen – 3 meals a day and snacks anytime was approved. Ms. Fedewa responded to the question about male / females sharing the same showers / laboratories. She would prefer to rent on a monthly basis. Applicant is willing to work with staff and have the development meeting beforehand. Ostrowski thinks this fits in well with the property and location. Ms. Rademacher is aware that utilities will need to follow both the city and county regulations. Jerry Frazier, builder, was present and responded to the question about an elevator being needed at this location – Mr. Frazier stated that it's not required with this application.

Dan Leonard provided a brief discussion on wind turbines and concerns that are popping up all over the County. He attend Bengal Township's meeting the other night. There were well over 100 people in attendance with questions and concerns about the wind turbines.

Wendy Ward reminded everyone about the meeting on Thursday, February 23<sup>rd</sup> at 5:30 p.m. in the 1<sup>st</sup> floor conference room. Food and beverages will be provided.

## **12. Adjournment –**

### **PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Simon to adjourn the April 9<sup>th</sup> meeting. There being no further discussion, motion carried 6-0, 1 absent w/notice. The April 9<sup>th</sup> Planning Commission meeting adjourned at 9:15 p.m.

Respectfully submitted,

Wendy Ward  
Secretary to the Planning Commission / Community Development Department