

**Chair**  
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**Secretary**  
Pam Pohl  
**Commissioners**  
Bing Barks  
Robert Kudwa  
Jim Ostrowski  
Mark Simon

**CLINTON COUNTY  
PLANNING COMMISSION**

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**Assistant Planner**  
Daniel Leonard

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

**PLANNING COMMISSION MEETING**  
**Thursday, May 14, 2009**  
**7:00 p.m.**

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

The May 14<sup>th</sup>, 2009 Planning Commission meeting was called to order at 7:00 p.m. with Acting Chair Dave Pohl presiding. A quorum was reported, 6 members present, 1 absent w/ notice.

Members present: Dave Pohl, Mark Simon, Pam Pohl, Jim Ostrowski, Earl Barks,  
Robert Kudwa

Members absent and excused: Shannon Schlegel

Staff present: Wendy Ward, Secretary to the Planning Commission and  
Dan Leonard, Assistant Planner / Code Enforcement Officer,  
Community Development Department

Visitors: Pete Maniez, Ken Wieber, Kelly Lange, Donald Potts, Darren Smalec,  
Tom Miller, Garrett Miller, Duane and Debra Pung, Maureen and  
Glenn S.

**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 May 14<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 Ostrowski 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. April 9, 2009

Moved by Simon to approve the minutes as presented, supported by 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 -**

Dan Leonard reviewed correspondence received from Diane Burton, 4150 W. Townsend Road, St. Johns, dated May 4, 2009 regarding wind turbines. She attended the meeting at Bengal Township and shared

that she has not developed a strong opinion one way or the other. She stated that staff and Commissioners must question the real value of this technology and we must be sure to address the noise level of the turbines and the strain on our county road system during the installation process.

**7. Public Comments -**

Ken Wieber, 5048 N. Wright Road, Fowler, concerned public citizen, was present and offered a brief discussion on the wind turbines and zoning. He discussed the recent research that he discovered – that these turbines are 500’ and the effects are unknown. He cannot stress the importance of taking the time to research these turbines and not make the mistakes as to what was done with the ecosystems in the past. He is asking to have a seat at the table and be able to address their concerns. They would like equal consideration at the table with those who are in charge of the turbines. Dave Pohl stated that these opportunities will be available for the public. Ms. Ward stated that she would be happy to send out any information; especially notice of public hearings, to those who place their name on the sign-in sheet.

**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 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. The Planning Commission tabled Case PC-05-09 MA on April 9<sup>th</sup> for 30 days pending further information and discussion to be reviewed on May 14, 2009. A request to withdraw map amendment OR-58-09 was submitted by applicant and received by staff on April 28, 2009.

**PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Barks to remove Case PC-05-09 MA from table. There being no further discussion, motion carried.

Mr. Leonard provided a brief update and history on this case. Applicant has asked to withdraw the application for the rezone. A language amendment, PC-14-09 LA, will be presented later this evening regarding allowing child group day care homes (Section 1318 and Section 416) in A-2 zoning districts through a special land use application.

There were no public comments.

**PLANNING COMMISSION ACTION**

Moved by Barks, supported by Simon to accept the request for the withdrawal of the rezone. 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 was officially withdrawn.*

**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. The Planning Commission tabled Case PC-10-09 SLU / SP on April 9<sup>th</sup> for 30 days pending further information and review.

## **PLANNING COMMISSION ACTION**

Moved by Simon, supported by Pam Pohl to remove Case PC-10-09 SLU / SP from table. There being no further discussion, motion carried 6-0, 1 absent w/notice.

There were deficiencies in the site plan itself as well as local jurisdictions. Staff worked with applicant and local jurisdictions to come up with some type of a check list so that everyone was on the same page. Staff assembled all of the entities brought to the table, the group discussed everything together and they were all on the same page. A summation of each department's reports was included in staff's report; comments and concerns presented by the Clinton County Road Commission, Drain Commission, Building Department and the Health department. Correspondence was submitted to applicants stating the comments received from the local agencies and representatives meeting on April 16<sup>th</sup> (dated May 11<sup>th</sup>). A major concern shared was the difficulty in locating the drain field and septic on the property. Chris Klawuhn, Environmental Health Supervisor at the MMDHD will work with applicant on the locations. Another concern shared by Klawuhn was regarding the serving of food. There are food laws that need to come into play regarding the serving of food to people who are not staying at the establishment.

Scott Hawkins, partner with Mr. Pennell, approached the board and stated that there are a number of things that he is concerned with. He did state that he didn't get the staff report early enough to review and act; he thought that staff would have gotten in touch with them earlier. The County Road Commission indicated to him that the parking issue shouldn't be a problem. The correspondence he received from the Building Department stated conditions that must be met for a certificate of occupancy. – zoning approval, plans corrected from garage utility space to residence, egress windows in all sleeping areas, health department approval for additional bedrooms and bath areas, permit application for building of bedrooms and bath areas (no permit received for north side of residence), permit for plumbing and electrical of bath areas and electrical for bedrooms never applied for and are required, as well as any fees for these permits.. Hawkins also stated that the County Drain Commissioner did not come out to the site and he was told that there are no concerns and no need for them to come out, same with the Count Road Commission. The Health Department told the applicants that this site is being treated as a commercial property and that they need to follow commercial standards regarding the septic. Applicants stated that they are willing to file the permits and go through the motions and that the plumbing and electrical were inspected and that they didn't build without permits.

Hawkins commented that he feels that the staff report list is deceiving the way it's worded. They do want to build a hallway to the back. They will have to table this again because they've only had one day to review the letter and they want to work with staff but can't do it in one day.

Barks commented that he is aware of one inspection at the site; footing inspection and that applicant had called the building department for an inspection - they were waiting to backfill. Applicants stated that they will fill out all the paperwork and submit all proper permits and pay fees, they will talk to the health department, send out guys to locate the leach fields and locate where the drain starts as they don't want to dig it up.

A brief discussion followed based on a comment shared by Ostrowski regarding the preparation of meals for people other than those who are staying on site. Hawkins stated that there was an occasion where a catering truck was parked on the premise and two pigs were cooked on the premises. Meals are prepared through a mobile caterer d for guests who are staying at the bed and breakfast. Dave Pohl stated that the Planning Commission doesn't really need to know the details here, but what's necessary is that the health department concerns must be followed, the Building department's conditions for certificate of occupancy be met, a complete plan of the existing buildings, any additions proposed and how they are related. This would be valuable - a lot of discussion and 'what Ifs' have been offered and needs to be put on paper. Hawkins stated that this

has been done through a site plan application. Pohl added that the number of expected guests needs to be clarified and addressed; what is the guest capacity expected to be. We have a standard to follow and we know what to expect. Simon shared that the food safety certification was discussed at the last meeting and applicant had stated that someone will be attending the one-day required course for certification – what is the status on this? Hawkins stated that they are signed up for the one day course and will be attending soon.

### **PLANNING COMMISSION ACTION**

Moved by Barks, supported by Simon to table Case PC-10-09 SLU / SP for 60 days to give the applicants a fair amount of time to satisfy the health department and zoning department's concerns. Dave Pohl offered a friendly amendment stating that this is pending clarification of health department, building / zoning issues. As there is no discussion on a tabled motion, motion carried 6-0, 1 absent w/notice.

***Case PC-10-09 SLU / SP – Application for a Special Land Use / Final Site Plan Review for Thomas Pennell was tabled for 60 days to be reviewed on July 9, 2009.***

### **C. PC-29-08 SLU / SP – Application for a Special Land Use / Final Site Plan Review**

In September 2008, Terry and Pete Maniez submitted Case PC-29-08 SLU / SP, a request for an extension to an existing Special Land Use / Final Site Plan Review, Case PC-29-07 SLU / SP, for limited mining extraction on the properties located at 6266 and 6400 W. Mead Road (Parcel ID# 19-080-015-400-010-50 and Parcel ID# 19-080-015-400-021-00) Section 15, Essex Township. Case PC-29-07 SLU / SP was approved by the County Board of Commissioners on July 31, 2007. The request for an extension was approved by the County Board of Commissioners on September 30, 2008. Applicants are requesting an extension of the hours of operation to be 7:00 a.m. to 8:00 p.m. Mondays – Fridays and 7:00 a.m. to 6:00 p.m. on Saturdays

Dan Leonard presented staff's report. There are more restrictions on this site (from a regular mining operation) because this is a limited mining operation. Regarding this particular case / operation, there is a strict deadline date for completion - December 2009, and if this is not completed, applicants will have to come back before the Planning Commission for a renewal of the existing special land use. Applicants stated that the delay stems from the economy slowness and that do not plan to work at a feverish pace but they would like to complete the operation within the qualified timeline. Correspondence from Essex Township board was received and the board stated that they were in favor of the request. Correspondence was also received from Bob and Mary- Ellen Andrews, 6456 W. Mead Road, adjacent property owners, stating that they are not opposed to the grant of this extension of hours of operation. Photos were provided to the Planning Commission from applicants showing what is going on right now at the site. The mining is set off the road quite a ways (600') and is screened. The impacts are very minimal. Their request has been presented to change the hours of operation to 7 a.m. – 8 p.m. M-F and 7 a.m. to 6 p.m. on Saturday only (no Sundays or Holidays).

Pete Maniez, applicant, was present and approached the board. Applicant offered comments as to the reason for the request for extension of hours. He doesn't arrive home until 3:30-3:45 from work and he doesn't want all this to fall on his brother, Terry. Ostrowski shared that he has no problem with the weekday hours (these are less than on commercial operations) but he is concerned with the 6:00 p.m. on Saturdays. Commercial operations are restricted until 3:00 p.m. on Saturdays. He questioned Mr. Maniez if this would cause a hardship if it was restricted to 3:00 p.m. on Saturdays instead of 6:00 p.m. Maniez stated that 3:00 p.m. on Saturday would be fine. September 2009 is when his existing permit runs out.

Acting Chair Pohl opened the floor for public comments and there were none.

**PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Barks to recommend approval of extending the hours during the week from 7:00 a.m. to 8:00 p.m. Monday through Friday and 7:00 a.m. to 3:00 p.m. on Saturdays based on the recommendation of approval from Essex Township board and that there is no opposition received from the public. There being no further discussion, motion carried 6-0, 1 absent w/notice.

*Case PC-29-08 SLU / SP – Application for a Special Land Use / Final Site Plan Review Extension of Hours of Operation for Terry & Pete Maniez has been recommended for approval by the Planning Commission to the County Board of Commissioners for their review on Tuesday, May 26<sup>th</sup> at 9:00 a.m.*

**9. New Business -**

**A. PC-11-09 MA – A Petition for Change of Zone / Map Amendment OR-59-09**

An application for a rezone/map amendment (OR-59-09) has been submitted to the Department of Community Development by Leon D. Searles, Searles Construction, requesting to rezone properties generally located on French Road and Paxton Road, west of Airport Road (Parcel ID#19-080-025-100-015-00, Parcel ID#19-080-025-100-020-00, Section 25, Essex Township, from A-2 - General Agriculture District to MR – Mineral Resource Extraction District.

Mr. Leonard provided a review of staff’s report. There is an existing soil erosion permit and site plan on this site and applicants have adhered to the plan. Nothing has changed since this was adopted and no requirements have changed since 2004. Applicant did include the site plan in the packet itself and this is acceptable. Leonard doesn’t feel it’s too much of a stretch to look at but it can be brought up and discussed. Maybe during the site plan review, the bond can be discussed as the amount should change – is it for the whole site or just the area being mined / operated. The rezone request is separate and the site plan will be presented to and reviewed by the Planning Commission.

**PLANNING COMMISSION ACTION**

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

Don Potts, Construction Manager of Searles Construction, applicant, was present and approached the Board on behalf of Searles Construction. Their intent with this request is to bring this site up to speed and follow the ordinance requirements.

Barks shared that he sees no reason for this request not being approved. Potts stated that the expected time frame is about 5 years but it will also depend on the economy.

**PLANNING COMMISSION ACTION**

Moved by Barks, supported by Ostrowski to close the public hearing. There being no further discussion, motion carried.

**PLANNING COMMISSION ACTION**

Moved by Ostrowski to recommend approval of this rezone request based on the rationale that this is an existing gravel mining operation and to help clean up our old zoning ordinance, the recommendation of approval from Essex Township Board and it meets all the findings of fact. Mr. Leonard questioned if the Planning Commission would be comfortable with staff looking over the existing site plan and if any deficiencies are found, to bring this back to the Planning Commission at a later date. The Planning Commission stated that they have no problems with this. Potts stated that they will be coming back with a site plan for the expansion and this will be the time that the

site plan will be reviewed. There being no further discussion, motion carried 6-0, 1 absent w/notice.

Potts stated that he will not be able to attend the Board of Commissioners' meeting.

*Case PC-11-09 MA – Petition for Change of Zone / Map Amendment 59-09 for Searles Construction has been recommended for approval by the Planning Commission to the County Board of Commissioners for their review on Tuesday, May 26<sup>th</sup> at 9:00 a.m.*

**B. PC-12-09 MA – A Petition for Change of Zone / Map Amendment OR-60-09**

An application for a rezone/map amendment (OR-60-09) has been submitted to the Department of Community Development by Darren Smalec, requesting to rezone property generally located at 9600 Woodworth Road (Parcel ID#19-120-013-400-015-01), Section 13, Ovid Township, from A-2, General Agriculture District to RR, Rural Residential District.

Darren Smalec, applicant was present and approached the board. Acting Chair Dave Pohl asked the applicant if he has spoken with Gail Watkins, Ovid Township Assessor, to see if the split would be allowed. Pohl is concerned if this would meet the land use requirement. Applicant needs to be sure that he can create another lot.

**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.

There were no public comments.

Simon shared concerns with the applicant paying for the rezoning without knowing if the split is acceptable. The real issue is if this rezone fits with the comprehensive plan and future land use plan. This may come down to a ZBA request. The rezone is applicant's first step. He won't have any opportunity to go any smaller than 10 acres.

**PLANNING COMMISSION ACTION**

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

Discussion followed on whether or not to table this rezone request; depending on the split approval.

**PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Simon to recommend approval of the rezone based on that the seven (7) Findings of Fact are met and are satisfied, the new zoning classification is compatible with this existing region of Ovid Township, the township board recommends approval of the rezone, the rezone meets the County's future land use, and the comprehensive plan declares this area as an RR – Rural Residential region. There being no further discussion, motion carried 6-0, 1 absent w/notice.

**C. PC-14-09 LA – Language Amendment OR-61-09 – Section 416 and Section 1318**

The subject of the Public Hearing will be the consideration of the following language amendment (summation), OR-61-09 (PC-14-09-LA), to the 2005 Clinton County Zoning Ordinance: **Section 416; General Agriculture District, A-2 (Special Land Uses)** to allow for the addition of a potential Child Group Day Care Home, governed under Section 1318 specifically, to be established

within the A-2 zoning classification AND **Section 1318; Day Care Facilities (Group Day Care Home & Day Care Center)** to clarify the rationale behind the language amendment, a statement regarding the intent to allow said operation to occur within an expanded zoning classification will

be provided. Additionally, language regulating site specific characteristics / criteria should also be included within the amendment. The proposed restrictions will essentially ensure that the region's character and land use compatibility be maintained with the special use. The proposed new requirements will also be structured to blend harmoniously with those existing regulations under the State of Michigan's Department of Human Services regarding the topic of family and group child care homes.

**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.

Acting Chair Pohl opened the floor for public comments and there were none.

**PLANNNG COMMISSION ACTION**

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

**PLANNNG COMMISSION ACTION**

Moved by Barks, supported by Kudwa to recommend approval to the County Board of Commissioners and to adopt language amendment OR-61-09, case PC-14-09 LA as written and presented. There being no further discussion, motion carried 6-0, 1 absent w/notice.

**10. Other Business -**

- A. Watertown Charter Township – Draft Master Plan Public Hearing Scheduled July 22, 2009  
This is notification of a public hearing by Watertown Charter Township to review the draft master plan scheduled for July 22<sup>nd</sup>.

**PLANNNG COMMISSION ACTION**

Moved by Ostrowski, supported by Barks to acknowledge, accept and place on file. Staff will review and provide comments to Watertown Township, if necessary. There being no further discussion, motion carried 6-0, 1 absent w/ notice.

**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. State of Michigan – Farmland & Open Space Preservation Contracts Completed – May 2009

**PLANNING COMMISSION ACTION**

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

**11. Community Development Report –**

Leonard provided a brief discussion on the wind turbines. He has gone to five (5) township meetings so far and will visit the other eight (8) townships in the near future. Many comments and concerns are being brought forth to staff. There is a meeting scheduled with the County Road Commission and the County Drain Commissioner on the language concerning the roadways. The townships want to be certain that this is covered. The question of a possible moratorium at the township meetings had been presented. Moratoriums, as per legal counsel, are used to help give the county a chance to catch up and

get something on the books before they actually look at a particular situation. Ostrowski asked about if there will be two separate zoning ordinance languages; commercial vs. residential – big commercial turbines vs. small residential turbines. Leonard stated yes; maybe two separate sections addressing the differences.

Mr. Wieber commented that the township has provided good feedback but they are concerned with the time and search for this; we cannot rush this through this, there are too many impacts on lives and real estate. Moratoriums allow for time; there is no reason to force this through in a few months. This is a big issue and there are a lot of communities that are taking the turbines down and reviewing the setbacks.

Acting Chair Dave Pohl clarified that we do not foresee this being completed before the end of the year. There is a lot of homework that needs to be done.

Leonard stated that the Michigan Association of Counties is conducting an open gathering for local municipal boards to visit on the topic of wind. The workshop will be held on June 15<sup>th</sup> in Huron County. He will forward this information on to the Planning Commission for anyone who is interested in attending.

## **12. Adjournment –**

### **PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Barks to adjourn the May 14<sup>th</sup> meeting. There being no further discussion, motion carried 6-0, 1 absent w/notice. The May 14<sup>th</sup> Planning Commission meeting adjourned at 9:15 p.m.

Respectfully submitted,

Wendy Ward  
Secretary to the Planning Commission / Community Development Department