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**CLINTON COUNTY
PLANNING COMMISSION**

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**PLANNING COMMISSION MEETING
Thursday, September 10, 2009 @ 7:00 p.m.**

1. Call to Order and Roll Call -

The September 10th, 2009 Planning Commission meeting was called to order at 7:00 p.m. with Madam Chair Shannon Schlegel presiding.

Members present: Mark Simon, Dave Pohl, Bing Barks, Shannon Schlegel, Jim Ostrowski and Bob Kudwa

Member absent and excused: Pam Pohl

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

Visitors: Paul St. Louis, Sue Carroll, Dan Whitmore, Sue Burnham, Diana Peck, Vicki Horak, Deb Schafer, Robin Currie, Eugenia Pung, Paul Pung, Marcia Pung, Steve Pung, Monica Jensen (?), Dennis Spitzley, Glenn Simon, Lauren Simon, Deb Pung, Duane Pung, unable to read name, Dan Morrison, Lori Pung, Amber Pung, unable to read name.

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 Dave Pohl to approve the September 10th meeting 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 Simon to approve the September 10th per diem vouchers. There being no further discussion, motion carried 6-0, 1 absent w/notice.

5. Approval of Planning Commission Meeting Minutes -

A. August 13, 2009

Ostrowski noted one correction to the August 13th minutes – page 6 of 9, end of 1st paragraph ‘Parameters **for outdoor events** set by the Planning Commission.....’

PLANNING COMMISSION ACTION

Moved by Ostrowski, supported by Barks to approve the minutes, as amended, supported by Barks. There being no further discussion, motion carried 6-0, 1 absent w/notice.

6. Communications -

There were no communications presented.

7. Public Comments -

There were no public comments presented.

8. Old Business -

A. 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 9th for 30 days, 60 days on May 14th, 30 days at the July 9th and 30 days at the August 13th Planning Commission meeting pending further information and review.

PLANNING COMMISSION ACTION

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

Dan Leonard provided history on this case. Leonard has had a chance to meet with applicants and the Road Commission, Drain Commission, Building and Health Department. Applicants did provide an updated site plan which laid out the parking scenario and location of any extra port-of-johns to be used for the larger events. Drawings and outdoor event parameters set by the Planning Commission at the August 13th meeting were turned over to the Health Department to discuss whether or not the system in place was adequate to handle a maximum of 50 people on a regular basis for the interior day to day uses going on within the proposed structure. Correspondence was received on September 9th from Matt Remus, Environmental Health Specialist II, Mid-Michigan District Health Department stating that the existing on-site sewage disposal system does not have adequate capacity for the proposed usage of a 5 bedroom bed and breakfast with a maximum daily occupancy load of 50 persons (pushes it outside the scope). As a result, the previously issued septic permit for 2500 gallon tank will not be adequate. Additional storage to accommodate surging will be needed, use of portable chemical toilets should be discussed, and if the on-site water supply is serving 25 or more people 60 days a year, it will be considered a type II, non-community water supply and will need to be started in the type II program. If guests will be served food prepared on-site, a foodservice license will be required from the MDA.

Given the correspondence from the Health Department, 50 people seems a bit high for what is being proposed for this type of use given the existing system. In looking at the parking requirements, which was an item of concern for these larger events and normal events but applicant did show that they can park 43 vehicles on site; half on the paved area (drive entrance and a small paved portion near the structure) and the other half would be within the existing grassy area east of Bond Road. For this type of use, the maximum amount of parking has been calculated as follows - based on number of people working, the size of the rooms, and the use, they can have 20 parking spaces at maximum on parcel so 43 seems high and could be handled given the size but just because of the use and its intensity, zoning ordinance states 20 is the maximum.

A brief discussion followed on the landscaping. Use needs to be screened adequately from the road right of way. Some changes and landscaping options were provided that could go on the parcel to buffer in between the road right of way and proposed parking scenario. The Planning Commission can waive and/or adjust the parking and landscaping requirements, however, a decision needs to be made is the interior occupancy of the building, the frequency and the maximum numbers of people for the outdoor larger events. Leonard feels that if we are going to stick to the guidelines of the zoning ordinance, the maximum number of people be contingent upon the maximum number of parking allowed. He feels that 80 people would be the maximum allowed (20 vehicles, 4 people per vehicle).

A brief discussion followed with Planning Commissioners and staff; landscaping, number of cars, applicants did not receive a copy of correspondence from the health department.

Madam Chair Schlegel requested a motion to open the public hearing.

PLANNING COMMISSION ACTION

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

Thomas Pennell, applicant, was present and approached the board to respond to questions and concerns.

A brief discussion followed on the input from the health department. Pennell stated that his plans would be to proceed with the 2500 gallon tank, permits have been pulled. He needs some time to think about this. When the health department came out originally and told him he needed to have a 2500 gallon tank, he was ready to put it in and throw another tank in line to increase him to 30,000 gallons but the health department wants him to abandon the original septic tank because under commercial guidelines, the health department says he is too close and he is judged on commercial guidelines. Now the health department says not only does he need the 2500 gallon tank but also additional. Pennell wants to know what it will take; he would just like to know what it takes. He would rather stay with the 50; he has had bigger gathering and has never had any trouble with his septic system on that side or on the big property next door.

2 issues are being provided here. The 50 referred to is for the people inside (confined) and has nothing to do with the outside gatherings as they will use port a johns. Barks feels that they can move ahead subject to health department approval; they can dictate the inside numbers. The Planning Commission can dictate the outside numbers – make this subject to what the health department has to say.

Dave Pohl added that we have addressed the parking issue for the larger events, the outside large events are going to require port-of-johns or something of this type of unit to accommodate a large gathering and any food items would have to be catered in for large gatherings – these 3 items have been discussed. Going back to the ‘regular customer type’ event, we need to define between the health department, the applicant and get to where applicant expects to accommodate 50 people, then the health department will have to be given that number and they will state the requirements. If not, then must scale back the number of people to accommodate what applicant is willing to provide - this is a health department requirement and not the Planning Commissions to address. This is what was addressed last month.

Schlegel reminded the Planning Commission that we are here for two separate issues tonight; a special land use (outside functions) and the final site plan (inside events) and we need to clarify this in the motion.

Ostrowski presented, for clarification purposes, that staff’s calculation for the parking spaces allowed, based on the Zoning Ordinance, states that under no circumstances shall the number exceed 20 minimum – interpreted as no more than 20 spaces are allowed based on the structure itself and nothing to do with the outside large events, just the normal day by day events. Applicant calculates that 43 vehicles could be allowed. Different parameters could be set for larger outdoor event. Leonard stated that this could be appropriate as the frequency would be slim. We are defining a normal course of business; the 20 parking sites and an overflow area for larger events (state this in the motion).

Madam Chair opened the floor for public comments.

Scott Hawkins, partner with Mr. Pennell, stated that it is nice to have an understanding of which direction to go and with getting an approval and assurance, this will help both parties in making the improvements. He is very pleased and they will comply with all health department requirements.

PLANNING COMMISSION ACTION

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

Barks added that, in regards to the motion, we should work on the inside first (the final site plan) and then once this is passed or settled, then we go to the outside one (the special land use). The inside one has two issues – the parking and that the cars should

stay on the hard surfaced area (gravel or cement and no parking on grass), and with the drawings; somewhere between 20-25 cars would be acceptable.

Ostrowski added that both the inside and outside events would be covered by one motion on a special land use, this should be the first motion – the special land use and then the site plan showing this would be more specific.

PLANNING COMMISSION ACTION

Moved by Ostrowski to recommend approval of the special land use, PC-10-09 SLU to the County Board of Commissioners to cover just the special land use and noting for both the benefit of the board and the petitioner that this is only for this due property and not the existing property (the original bed and breakfast location), that we allow this bed and breakfast operation to operate as the ordinance allows for a bed & breakfast with the addition of conditions that would allow gatherings of up to the maximum number allowed by the Mid-Michigan District Health Department based on the septic system that is going to be improved by the petitioner, whether petitioner wishes to have a maximum of 50 (not to exceed 50) or petitioner wishes to have 50 or more and he puts in a 5000 gallon tank and surge protector, this would be required by the Health Department to have 50 allowed but they might base the requirements on what petitioner has right now (25 people) but it would be their determination, parking on hard surface for a maximum of 20 vehicles to cover these indoor events, inside would not need set hours of operation.

The conditions regarding outdoor larger events (the final site plan review) be as follows: that an event with a maximum of one hundred (100) people would be allowed at the site, a maximum of four (4) events per year, restroom facilities and food preparation subject to Mid Michigan District Health Department's requirements, a maximum of twenty (20) parking spaces on hard surface is allowed, the grassy area could be used for overflow-type parking, and the event outside would end at 10:00 p.m.

Leonard stated that a maximum number of parking spaces should be placed on the overflow parking area; total of 40 spaces with 2 people per vehicle. Ostrowski added to the motion, as a friendly amendment, to allow for a maximum of twenty (20) additional parking spots on the grassy surface – allows for a total of 40 spaces.

Dave Pohl supported based on the same rationale and all conditions listed.

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

The Planning Commission recommends approval of PC-10-09 SLU / SP, the special land use, to the County Board of Commissioners for their review on Tuesday, September 29th at 9:00 a.m. The Planning Commission approved the final site plan at the September 10th PC meeting.

In regards to the final site plan, Leonard requested to have laid out any adjustments to the landscaping, possibly up front to the road, or what he had proposed for the zoning ordinance is adequate and (2) the location, all parking locations are adequate for the use that we have discussed. We have covered all that we can cover. The placement of the trees (5 plantings of trees), fencing and shrubs along the north side) and parking locations for the use in regards to the site plan approval. A good amount of screening on the north side is required by the planning commission. Staff can work with applicants on the fencing. They could continue with their split railed fence.

PLANNING COMMISSION ACTION

Dave Pohl moved to approve the final site plan with the vegetation as shown along Bond Road on the site plan and an adequate amount of landscaping with staff input along the north side with some type of fencing or barrier (split rail is fine) and parking as shown on the site plan. Ostrowski supported. Planning Commission requested staff to also take a look at the distance from the property line and the volleyball court on the south side. There being no further discussion, motion carried 6 to 0, 1 absent w/notice. This is all is contingent on the health department.

9. New Business -

A. PC-22-09 MA – A Petition for Change of Zone / Map Amendment OR-63-09

A Petition for Change of Zone, submitted by Diana Peck has been received in the Office of Planning & Zoning, Community Development Department. Applicant is requesting to rezone property located at 10129 S. Francis Road (Parcel ID#19-130-034-200-015-50), Section 34, Riley Township, from A-2 – General Agriculture District to RR – Rural Residential District.

Leonard reviewed staff's report. Riley Township board stating their support, Drain Commissioner provided comment back and noted that given the proposed approximate 2.0 acre split with the house, they did not foresee any future negative drain implications regarding the site but if other additional residential development was to happen, they would get a chance to review it and address it at that time. The Road Commission had no objections to the rezoning. We couldn't create any more of a non-conformity by allowing a property division, but we need to be hesitant on the location of the future rear property lines; the back yard setback. The applicant lives in the house adjacent to the north, the T shaped property. The purpose of this rezone is to help subdivide off that existing house on the 23 acres to put it on its own separate smaller parcel.

PLANNING COMMISSION ACTION

Moved by Simon, supported by Dave Pohl to open the public hearing. There being no further discussion, motion carried 6-0, 1 absent w/notice. The public hearing was opened.

Dan Whitmore, brother of the applicant and Diana Peck, applicant, were both present and Mr. Whitmore approached the board to speak on behalf of his sister. This is an attempt to clean up their father's estate. The remaining acreage would remain farmland.

There were no other public comments.

PLANNING COMMISSION ACTION

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

PLANNING COMMISSION ACTION

Dave Pohl moved to recommend approval of this rezone to the County Board of Commissioners for their review based on that it meets the Findings of Fact and the 7 criteria as listed in the zoning ordinance and this is a good utilization of an existing situation, Barks supported based on the same rationale. Ostrowski added that it is both on the County's and Riley Township's comprehensive plan as a residential transition district. Simon added a friendly amendment stating that Riley Township board supported the rezone. The two friendly amendments were accepted by Dave Pohl and Barks.

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

B. PC-24-09 SP – Final Commercial Site Plan Review

An application for a final commercial site plan review has been submitted by Susan Carroll, on behalf of Clinton County Habitat for Humanity, for a site plan update to establish a ReStore commercial building on property located at 2352 N. BR US-27 (Parcel ID#19-030-004-300-027-00), Section 4, Bingham Township.

Leonard reviewed staff's report. Bingham Township board shared their support of this final site plan, the Road Commission noted that MDOT will be the governing body if any new improvements are to be placed on the access point, the Drain Commissioner noted that they had no significant change in drainage that is anticipated as this is a new use and they are in favor of the re-use of the building. MMDHD also submitted correspondence stating that they have no objections to the change of use and re-use of the building.

Ostrowski, Bingham Township Supervisor, on behalf of the township board, stated that their board meeting for the month of September falls after tonight's PC meeting but the township board did have opportunity to review this case at the August board meeting and the petitioners were present to respond to any questions or comments presented by the board. Staff did provide site plan packets to all the board members prior to this evening's meeting and Ostrowski had requested the board members to share their comments and questions with him so he could pass them on tonight to the Planning Commission. Consensus of the township board was to recommend approval of the final site plan based on the condition that petitioners meet the recommendations of the Planning Commission and the zoning ordinance requirements. Consensus of the board is that it's an improvement to an empty building.

Leonard stated that there is a monument sign near the road right of way right now and the face has been changed a few times. In looking at the sign more clearly, it's not actually on the parcel we are looking at but applicants have provided an easement area that ties that location of the sign to the property so there is no confusion.

Sue Carroll, Executive Director for Habitat for Humanity and petitioner was present and approached the board. A brief discussion followed on the intent for the ReStore There will be no need for outdoor storage.

Madam Chair asked for any public comment and no comments were presented.

PLANNING COMMISSION ACTION

Moved by Barks to approve the final site plan based on the support received from the Bingham Township board, to include the plantings along the road, and any outside storage of material will be prohibited. Madam Chair Schlegel added at this time that this will be final approval by the Planning Commission. Ostrowski added a friendly amendment to include that it meets the basic conditions as outlined by staff; specifically condition #1, item #3 – to include some 'housekeeping' items on the site plan. Barks accepted this friendly amendment.

Those voting aye (6) and those voting nay (0), 1 absent w/notice. There being no further discussion, motion carried.

C. PC-25-09 LA – Language Amendment

The subject of the Public Hearing will be the consideration of the following language amendment (summation), **OR-64-09 (PC-25-09-LA)**, to the 2005 Clinton County Zoning Ordinance:

Section 418 Rural Residential District, RR, Special Land Uses – to add (9) Limited Recreational Retreat

Section 419 Single Family Residential District, R-1, Special Land Uses – to add (5) Limited Recreational Retreat

Section 423 Local Commercial District, C-1, Special Land Uses – to add (10) Limited Recreational Retreat

Section 424 General Commercial District, C-2, Special Land Uses – to add (10) Limited Recreational Retreat

Section 1340 Limited Recreational Retreat Center (entire section A-I)

Section 1103 Off Street Parking Requirements – to add (C.6)

Leonard provided a review of the proposed language amendment. Clarification on the length of stay was discussed last month.

Comments were received back from some townships and he reviewed these. This is a completely different idea than the bed & breakfast – we have not stated that anyone has to be a permanent resident of the place; this is specifically set up as a temporary use for existing structures, existing homesteads or certain commercial buildings in certain situations. This is a low impact type of use.

This was set as a public hearing; public notice was submitted.

PLANNING COMMISSION ACTION

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

Madam Chair opened the floor for public comments and there were no comments presented.

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. The public hearing was closed.

PLANNING COMMISSION ACTION

Moved by Ostrowski to recommend that, regarding the Limited Recreational Retreat, it is his motion to recommend to the County Board of Commissioners that the language amendment proposed this evening be adopted as part of our zoning ordinance. Supported by Dave Pohl.

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

10. Other Business –

A. Sexually Oriented Business – Proposed Language Amendment – Set Public Hearing Case for Case PC-26-09 LA (OR-65-09)

Staff is requesting that the Planning Commission make a motion to set the public hearing to review a proposed language amendment for Sexually Oriented Business. The County attorneys, Foster & Swift have put much more defined criteria for allowance of such businesses and to help clarify the holes that exist in our current zoning ordinance. The bulk of the update is definitions and some proposed text. We do have the backing of legal opinion.

PLANNING COMMISSION ACTION

Moved by Ostrowski, supported by Dave Pohl to set the public hearing for the October 8th Planning Commission meeting. There being no further discussion, motion carried 6-0, 1 absent w/notice.

B. Applications for Farmland Agreement / PA-116 #2009-4 and #2009-5

PLANNING COMMISSION ACTION

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

C. Wind Turbines – Proposed Language Amendment – Set Public Hearing Case PC-27-09 LA (OR-66-09)

This is still ongoing and staff has worked with legal counsel for about 2 months on this. One draft has been completed and sent out to legal counsel for their review and they are close to completion and we should receive something by next week. He didn't have time to see and review any of the additions before this evening. He was hoping to set the public hearing for October but since staff hasn't had a chance to review this yet, we don't need to jump the gun. Setting the public hearing is not the right course of action right now.

PLANNING COMMISSION ACTION

Moved by Dave Pohl, supported by Ostrowski to table for 30 days the request to set public hearing for the Wind Turbine proposed language, Case PC-27-09 LA, for the October 8th agenda and to set the public hearing. There being no further discussion, motion carried 6-0, 1 absent w/notice.

Staff will submit the document directly to the Planning Commission as soon as the documents are received from legal counsel.

11. Community Development Report –

The report was already discussed.

12. Adjournment –

PLANNING COMMISSION ACTION

Moved by Barks, supported by Dave Pohl to adjourn the September 10th Planning Commission meeting. There being no further discussion, motion carried 6-0, 1 absent w/notice. Meeting adjourned at 8:40 p.m.

Respectfully submitted,

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