

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



**CLINTON COUNTY  
PLANNING COMMISSION**

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Wendy Ward

**PLANNING COMMISSION MEETING MINUTES**  
**Thursday, October 8, 2009 @ 7:00 p.m.**

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

The October 8<sup>th</sup>, 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, Pam Pohl, Jim Ostrowski and Bob Kudwa. All present and a quorum was reported.

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

**2. Pledge of Allegiance -**

The pledge of allegiance was given to the flag.

**3. Approval of Agenda -**

**PLANNING COMMISSION ACTION**

Moved by Barks to accept the agenda, as presented. Dan Leonard requested a friendly amendment to the agenda. The wind ordinance language was just finalized in DRAFT form and just received from legal counsel this week. He requested that a slight discussion on the wind ordinance be placed under Other Business. Barks accepted the friendly amendment. Dave Pohl supported. There being no further discussion, motion carried 7-0.

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

**PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Simon to approve the October 8<sup>th</sup> per diem vouchers. There being no further discussion, motion carried 7-0.

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

A. September 10, 2009

**PLANNING COMMISSION ACTION**

Moved by Dave Pohl, supported by Barks to approve the September 10<sup>th</sup> minutes, as printed. There being no further discussion, motion carried 7-0.

**6. Communications -**

There were no communications presented.

**7. Public Comments -**

There were no public comments presented.

**8. Old Business -**

There was no old business presented.

**9. New Business -**

**A. PC-26-09 SP - Final Commercial Site Plan Review – Consumers Energy**

An application for a final commercial site plan review has been submitted by Chris G. Thelen on behalf of Consumers Energy to construct a new equipment storage building on an existing training facility site located at 9301 E. Round Lake Road (Parcel ID#19-140-025-200-005-00), Section 25, Victor Township.

Leonard presented a brief review of staff's report. The main intent is to move all storage of equipment within the building. Required changes were made and presented to the planning commission this evening and these changes were expected. Victor Township is in favor of the proposal but shared their concern with the driveway – it was removed but somehow this summer it reappeared. It was a topic of discussion at the township. The Planning Commission should make certain that this driveway be removed prior to any building permits being issued as part of a motion. The health department, drain commissioner, and road commission are all in favor of the conditions required. Leonard recommends that the one existing drive, northeast of fenced area, remain. There will be only one drive into the property.

Discussion followed. Leonard feels that the existing vegetation is satisfactory. It seems to be pretty well screened. On aerial, driveway on the curve, first site plan had a driveway going in 100 feet from the curve to the east and about the same distance a driveway going into the west of the curve, on new site plan driveway to the east of the curve still there, the one to the west has been taken out, the gravel one on the curve is removed and the only one that will remain is the one to the northeast. They have proposed to put an extended drive at a later date.

Chris Thelen, Area Manager of Consumers Energy, was present and approached the Board. A brief discussion followed. The driveway was added to access the pipes; the contractor did this on their own. There are federal requirements that required that pipelines remain clear.

**PLANNING COMMISSION ACTION**

Moved by Barks to approve this site plan based on the rationale that there is only one driveway accessing the property and that it serves all three (3) structures, the screening is adequate, it is pretty clear cut and looks good. The driveway on the curve would be removed and that just the one driveway remains for all 3 structures.

Ostrowski supported based on the same rationale and added a friendly amendment to include that the Victor township board recommended approval of this site plan. Barks accepted the friendly amendment. There being no further discussion, motion carried 7-0.

**B. PC-27-09 LA – Language Amendment**

The subject of the Public Hearing will be the consideration of the following language amendment (summation), **OR-65-09 (PC-27-09-LA)**, to the 2005 Clinton County Zoning Ordinance: Sexually Oriented Business

Leonard provided a brief discussion on the proposed language amendment. This is basically a ‘house-keeping’ issue and to offer clarification to the zoning ordinance. Staff had asked legal counsel to address this issue some time back – for clarification purposes. There are several new definitions provided for clarification. The setback distance from a few specific items - a minimum of 500’ from any type of church, school, hospital, things of that nature. Our zoning ordinance can restrict *where* they go, however you must allow space for this to go *somewhere* in the community. Leonard shared that the 500’ makes sense and most case law supports the 500’ setback from these types of businesses to sensitive areas. As long as the board feels that 500’ from a hospital, for example, would probably be okay but 500’ from an elementary school would be a completely different issue. The question at hand is should the 500’ setback be increased.

A discussion followed on 500’ versus 1,000’ for distance. Dave Pohl stated that the impact of these types of businesses seems to be about 3 blocks; just about 1,000 feet. The impact is there and we certainly want to keep our kids safe and away from danger. Ostrowski asked if legal counsel was concerned with the distance; defending 1,000 foot distance as opposed to 500 feet. Leonard stated that legal counsel wasn’t concerned because of our area being more rural in nature; an urban type setting would be tougher. Ostrowski stated that we should make it 1000’ for everything; make it consistent. Kudwa says that most schools have enough land and 1000’ wouldn’t make much of a difference but a hospital, being where it’s zoned, would have more opportunity to be closer than 500’. Barks feels that a hospital would be in the proximity of residential district. Ostrowski commented that 1,000’ for everything makes it consistent and Barks feels that if we leave one of them at 500’ it shows that we gave it some thought. Schlegel thinks it sticks out, except for hospitals. She agrees with the conformity and consistency. Schlegel questioned hospital versus urgent care centers. For schools, Kudwa supports the 1000’.

**PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Barks to open the public hearing. There being no further discussion, motion carried 7-0.

**PLANNING COMMISSION ACTION**

Moved by Barks, supported by Ostrowski to close the public hearing. There being no further discussion, motion carried 7-0.

Further discussion followed. The general idea is to change everything to 1000'. Medical hospital takes away from any 'care' facilities. Ostrowski suggested to include the phrase 'for all hospitals and medical care facilities.' Leonard said that he would structure it around 'human care facilities'. He doesn't feel uncomfortable with this at all. He feels that 500' distance of a hospital is fine. He doesn't feel it will make that big of a difference.

#### **PLANNING COMMISSION ACTION**

Moved by Ostrowski to accept the amended wording of the Zoning Ordinance regarding Sexually Oriented Businesses with changes in Section 1312.C.2 through C.7 to change those distances to 1000' and in item #4 we would add the phrase 'and other human medical care facilities.' Kudwa supported.

Discussion followed. Dave Pohl would rather see the 500' distance. Schlegel said to not add other medical care centers; leave it as hospitals and keep it at 1,000' then we don't include every single urgent care center; we should leave this off and keep it at 1,000' or if we include everything, keep it at 500'. If you just say hospitals there aren't very many. We are not talking all the various medical centers. Maybe we are better off leaving the amendment off and stating 1,000'. Pohl would rather put the 500' and address each item individually; consistency would be nice. Simon agrees with 1000' but he doesn't feel the reasoning will stand up. General consensus of the Planning Commission is if we get challenged, we will get challenged on a number of things; make the decision with each case that comes before us. Dave Pohl supported. Further discussion followed on 'and other human medical care facilities.' Ostrowski doesn't like this wording – he likes 'hospitals and medical care facilities.' If the Planning Commission recommends this language to the County Board of Commissioners and then legal counsel says this won't wash then the Planning Commission must be aware that if this comes back with a different recommendation on that one matter, that the Board may change the language. They could change this and come back to the Planning Commission. Leonard will check with legal counsel on what the final motion should be. Schlegel doesn't like 'medical care center' at all; hospitals are very clear. Ostrowski agrees with this and adds a friendly amendment – to eliminate 'human' and change it to 'other urgent care facilities.' Staff has been directed to check with legal counsel on 500' versus 1,000' and bring results to the County Board for their decision. This recommendation is subject to legal counsel.

Madam Chair Schlegel called for a roll call vote. Those voting aye (7) – Pam Pohl, Simon, Dave Pohl, Barks, Kudwa, Ostrowski, Schlegel, those voting nay (0). There being no further discussion, motion carried 7-0.

#### **C. PC-28-09 SP – Final Commercial Site Plan Review – Miller Sand & Gravel, LLC**

An application for a final commercial site plan review has been submitted by Miller Sand & Gravel, LLC, to allow for a sand and gravel mining operation on the property located at 15805 West Howe Road (Parcel ID# 19-070-007-200-010-00), Section 7, Eagle Township. Map Amendment/Rezone Request **PC-19-09 MA (OR-62-09)**, to rezone this property from A-2 – General Agriculture District to MR – Mineral Resource Extraction District, took effect on ***Sunday, September 13<sup>th</sup>, 2009.***

Correspondence has been received from both Eagle Township and the petitioner requesting to table this case for 30 days so that the Eagle Township Board has a chance to officially review the site plan and provide comments. The Eagle Township Board's October meeting (October 13<sup>th</sup>) falls after the scheduled October Planning Commission meeting (October 8<sup>th</sup>).

**PLANNING COMMISSION ACTION**

Moved by Ostrowski, supported by Barks to table this case for 30 days (November 12<sup>th</sup> PC meeting). There being no further discussion, motion carried 7-0.

**10. Other Business –**

**A. Farmland Agreement for Jack Enderle**

These are 3 applications for enrollment in PA#116. There was confusion on the charter township's involvement and the County's role in what goes into PA#116's. MDA advised that Clinton County Planning Commission is nothing more than a recommendation and comments may be provided to the Charter township board.

**PLANNING COMMISSION ACTION**

Barks moved to review, accept and place these 3 farmland agreement applications on file and submit recommendation for approval to Watertown Township Board, supported by Dave Pohl. There being no further discussion, motion carried 7-0.

**B. Wind Ordinance Development**

Leonard provided a brief discussion on the upcoming proposed wind ordinance language. If the Planning Commission is comfortable with the proposed language, staff would like to move this project forward and set the public hearing for November 12<sup>th</sup> and just because of the popularity of this project and because our department doesn't want to take the financial burden of shipping this out to thousands of people, staff would post this draft on the County website. As long as this is clearly identified as a DRAFT for the Planning Commission, this is fine. Put DRAFT on the ordinance copies. Move the project forward, publish on the website, get the word out and give everyone a chance to review it.

**PLANNING COMMISSION ACTION**

Moved by Dave Pohl, supported by Barks to set the public hearing for November 12<sup>th</sup> to start the discussion on the proposed language for wind ordinance development. Ostrowski added a friendly amendment to place this on the website (inform the public) and note that it is a draft copy / a work in progress.

Ken Wieber, public citizen, raised the question about allowing formal presentations that will take more time, are engineers coming in to give presentations. Leonard stated that we are just looking at public comments. Wieber asked when they could prepare to bring in presentations from sound engineers and doctors to help understand what we are looking at as this is a very complicated issue; when will this be allowed. Staff answered under public comment when the public hearing is opened. Dave Pohl stated that time is very limited; submit any reports this month so it can be forwarded out to the Planning Commission.

Madam Chair Schlegel stated that there is a motion on the floor to set this as a public hearing, post on the website and all communication that goes out is stated DRAFT. There being no further discussion, motion carried 7-0.

The proposed language amendment will be set for a public hearing on November 12<sup>th</sup>, 2009. Madam Chair Schlegel stated that public comments will be welcomed at the public hearing but there is a time limit. If you have any correspondence, documentation, presentation, anything that might be important for the Planning Commission, you must submit to staff right away; before the Planning Commission packets are sent out. Three – five minutes is the allowed time per person and it's important that people not discuss the same things over. Staff will check with legal counsel regarding the formal presentations and time allowed and let the Planning Commission know.

**11. Community Development Report –**

Dan Leonard and Dave Pohl attended the Greening Mid-Michigan that Tri-County Planning stands behind, in an effort to help identify and have some type of plan set up to help monitor and protect existing wetlands throughout the County.

**12. Adjournment –**

**PLANNING COMMISSION ACTION**

Moved by Kudwa, supported by Dave Pohl to adjourn the October 8<sup>th</sup> Planning Commission meeting. There being no further discussion, motion carried 7-0. The October 8<sup>th</sup> meeting adjourned at 8:15 p.m.

Respectfully submitted,



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

**The October 8<sup>th</sup>, 2009 minutes were approved as presented at the November 12<sup>th</sup> Planning Commission meeting**