

Shannon Schlegel
Chair

Mark Simon
Vice Chair

Bob Kudwa
Secretary

Members -
Patti Schafer
Roni Christmas
Adam Stacey (BOC Rep)
Kevin Kirk

**CLINTON COUNTY
PLANNING COMMISSION**



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PLANNING COMMISSION MEETING MINUTES

Meeting of May 9, 2019 - 7:00 P.M.

Clinton County Commissioners' Chambers, 2nd floor

1. Call to Order and Roll Call -

The May 9, 2019 Planning Commission meeting was called to order at 7:00 p.m. with Chair Schlegel presiding. Roll was called, all members present, and a quorum was reported.

Planning Commission members present –Roni Christmas, Patti Schafer, Mark Simon (Vice-Chair), Shannon Schlegel (Chair), Robert Kudwa (Secretary), Kevin Kirk, Adam Stacey (B.O.C. Representative)

Staff present - Wendy Ward, Planning & Zoning Secretary, Doug Riley, Community Development Director, Community Development Department

Visitors present – Kurt Kraulik, Ron Dershem, Judy Dershem, Bob Randolph, Jessica Plesko, Andy Todosciuk

2. Pledge of Allegiance -

The pledge of allegiance was given to the flag of the United States of America.

3. Approval of Agenda –

Director Riley stated that we have received four additional PA-116 Farmland Agreements after the packets had been sent out. A copy has been provided to the Planning Commissioners this evening. He recommended a motion to amend the agenda and add the Freed (4) and Voisinet (1) PA-116 applications under Agenda Item #9.B - Other Business.

PLANNING COMMISSION MOTION/ACTION

Motion by Commissioner Schafer, support by Commissioner Christmas to approve the May 9, 2019 agenda, as amended. There being no further discussion, motion carried unanimously [Vote of 7-0, all in favor, none opposed].

4. Approval of Planning Commission Meeting Minutes –

- April 11, 2019

PLANNING COMMISSION MOTION/ACTION

Motion by Vice-Chair Simon, support by Commissioner Christmas to approve the April 11, 2019 minutes, as presented. There being no further discussion, motion carried [Vote of 7-0, all in favor, none opposed].

5. **Communications –**
There were no communications presented.

6. **Public Comments -**
There were no public comments presented.

7. **Old Business –**

A. **OR 148-19 (PC-02-19 MA) – Petition for a Change of Zone – Amended (increased area proposed for rezoning) – (Public Hearing)**

A request to rezone approximately 8-acres of a 56.58-acre vacant parcel located on the northeast corner of Wildcat Road and Scott Road, Parcel ID#19-030-015-200-010-00, Section 15, Bingham Township, from R-1 (Single Family Residential) to A-2 (General Agriculture), has been submitted by Amaryllis Vega, Assistant Developer, Renergetica USA Corporation, on behalf of Swanson Solar Farm, LLC.

The Planning Commission tabled this case at the February 14, 2019 meeting at the request of the applicant to allow modification of their submitted rezoning application. The applicant subsequently amended their application to include an additional 6-acres. **NOTE: THE PLANNING COMMISSION TABLED CASE OR 148-19 (PC-02-19 MA) AT THE APRIL 11 2019 MEETING FOR TWO (2) MONTHS, UNTIL THE JUNE 13, 2019 MEETING, PER APPLICANT'S REQUEST OF MARCH 27, 2019.**

Director Riley recommended to the Commissioners that this item remain tabled as the applicants are ready to come back before the Commissioners at the June 13, 2019 meeting. No action is required at this time.

8. **New Business -**

A. **PC-09-19 SLU / SP – Application for a Special Land Use Permit / Final Site Plan**

An application for a special land use permit with accompanying final site plan for a mini-storage facility has been submitted by Ron and Judy Dershem. Applicants are requesting approval for a mini storage facility on property located on the southeast corner of S BR US-27 and East Parks Road (3003 S. BR US-27), Parcel ID#19-030-027-200-013-00, Section 27, Bingham Township

Director Doug Riley, Community Development Department, provided a brief review of the staff report. He presented an overview of the aerial photo, showing the location of the 5-acres being proposed. The applicants are requesting Special Land Use and Site Plan approval for four (4) proposed mini-storage buildings on the approximate north half of the property and proposed outdoor storage on the southern half. Access to the facility is proposed off E. Parks Road on the north end of the facility; no access to S BR US-27 is proposed. The area around the storage buildings is proposed to be paved, the outdoor storage area is proposed to be a gravel surface and allow for outdoor recreation items; boats, campers and motor homes.

Director Riley presented key items in the staff report –

- 1) The previous property owner, Morton Builders, received approval in 2006 (Case PC-20-06 SP) to convert the previous home (since removed) to an office building and to construct an associated storage building for a contractor's business and that project was never realized.
- 2) Landscaping plan - 5' spruces/evergreens and 10 deciduous trees, 127 shrubs along the road frontages is what the applicants have proposed. The requirement by Code would be 38 trees and 202 shrubs; and the applicants are proposing a 'waiver' of 23 trees and 75 shrubs. Due to the requirement for a buffer between a commercial and residential land use, the applicants have proposed a 6' tall wooden slat fence on the east boundary (in lieu of landscaping) and 6' tall chain link fencing is proposed around the outdoor storage area.

- 3) There is a significant amount of grading to accommodate the project. The northern area drains to the north; two (2) detention areas are on the north side and would outlet to the Michigan Department of Transportation (MDOT) road right-of-way. The southern portion has a small detention area incorporated to the south of the last building and a larger detention area on the south boundary and outlets to the MDOT right-of-way.

Township/Local Agency comments -

- 1) **Bingham Township Board** submitted correspondence dated April 24, 2019, recommending approval of the project.
- 2) **Clinton County Drain Commissioner (CCDC)** – The CCDC submitted correspondence dated March 29, 2019, indicating that their office is not opposed to the proposed site plan as impacts to the Spaulding County Drain are expected to be minimal given the distance that the site is located from it. They did provide several stipulations that they would like to see met. This item is addressed in recommended condition of approval #5.
- 3) **Clinton County Road Commission (CCRC)** – The CCRC submitted correspondence dated April 25, 2019 indicating that the site plan, as proposed, meets their requirements but they will require some changes to the proposed pavement on Parks Road. They should be able to address these changes as part of the permit process. In addition, they recommend that the asphalt surface on Parks Road be extended an addition 50’ to the east property line.
- 4) **Michigan Department of Transportation (MDOT)** – The MDOT submitted correspondence dated April 18, 2019 indicating that the property owner will need to apply for an MDOT right-of-way permit with their drainage calculation form 2484 filled out and attached with the permit. This item is addressed in recommended condition of approval.

Director Riley reviewed the criteria for a Special Land Use Permit (Section 1305); with focus on #7; *‘The proposed land use or activity is compatible with the adjacent uses of land and natural environment.’* The screening/buffering aspect of this project is intended to assure the compatibility of this property with the surrounding area and adjacent land uses. #6 of staff report; Self-Storage Facilities (Section 1329), page 8 of 11 of the staff report was also reviewed; specifically item F. *“The exterior design of the storage units must be compatible with adjacent properties and the rural character of Clinton County, subject to the Planning Commission and Board of Commissioners review and approval. When a building is adjacent to a zoning district that permits a residential use or the adjacent property is currently in residential use, the Planning Commission and Board of Commissioners may consider the use of a building material that is aesthetically compatible.”* The applicants have submitted their elevations of the proposed buildings and it appears that no doors would face S. BR-27. With there being no doors facing BR-27, a wainscot treatment along the bottom of the buildings is proposed by the applicants to enhance the appearance (an important aesthetic consideration) and would be consistent with the other recent steel building construction along BR-27 near St. Johns (MLT Trucking). Approval of the building elevations is included as a recommended condition of approval #2.

There are three (3) motions to be considered in the staff report (pages 10-11). Director Riley provided 7 recommended conditions of approval (page 10 of 11 in staff report) if the Planning Commission is inclined to approve the project.

All property owners within 300’ feet of property were noticed by U.S. mail and notice was provided on the Clinton County website as well as legal notice in the Clinton County News. Comments from property owners were received after the staff report was completed. There were five (5) letters received from property owners; Alan Harr (opposed), Andy

Todosciuk (opposed), Emily and Kevin Palmatier, 1275 E. Parks Road (opposed), Walter Hoten, 1103 W. Parks Road and 1195 W. Parks Road (opposed), Jeff Lator, 1130 E. Parks Road (not necessarily opposed; this is more of a concern with paving – a large volume of traffic and a large number of potholes created by traffic that already exists). The Planning Commissioners were provided copies of these letters.

Ron and Judy Dershem, applicants, were both present. Ron Dershem approached the Commission at this time. A brief discussion followed. This property will be secure, there will be cameras, no doors will face US-27, there will be coded entry automatic gate and 24-hour accessibility.

Regarding aesthetics, the bottom section of all of the buildings will have a wainscot treatment and brick all the way around (like MLT), perhaps a couple of cupolas on top of the buildings, an architectural feature, and dark grey in color, with a black roof and white doors.

Regarding the 'waiver' on landscaping, Mr. Dershem stated that they don't want a complete visual obstruction; they want to see down the lanes. A concern was brought up by Secretary Kudwa regarding the sloping as you near the highway. Judy Dershem can address this when she approaches the Commission.

Commissioner Schafer complimented the applicants on the layout of this project. The fencing is good, the landscaping is good, she understands the concern for the safety of the citizens accessing the property, and the proposed security is good. Lighting is a priority; the better you can provide good lighting for the consumers, the better this project will be. There will be no temperature control units provided at this time.

Secretary Kudwa shared his support of the irrigation component as part of the landscaping plan provided by the applicants; he feels this is a very important issue.

Commissioner Kirk provided comment that he recently drove by several mini-storage facilities on Highway 12, Coldwater, Sturgis, etc., some with just one tree in the front, all open, some no trees, just a fence, buildings with only 2-colors; door is one color and the building is one color. He is in favor of this proposed project; it looks very good.

Judy Dershem, applicant, approached the Commission at this time. Landscaping is a big issue to her; the waiver is for security. She wants the property/business to be safe, she especially wants the older adults to feel comfortable and secure when they access the site. This waiver to the landscaping requirement is presented to provide opportunity for security. This also allows law enforcement to have better vision of the site. Fire and rescue will have a general code to access the site. She believes there is a need for this business; she has received 18 names in just 2 months (waiting list). At this time, Ms. Dershem reviewed correspondence received from Chris Heam, stating his support of the project. This correspondence was entered into the record and placed on file with the other letters. Ms. Dershem provided a photo to the Planning Commissioners showing the proposed color and décor of the storage buildings.

Kurt Krahulik, Engineer, DC Engineering, was present and approached the Planning Commission. The proposed chain link fence goes around the facility and the wood fence attaches to the chain link fence on the southeast corner; fencing will go all the way around the property. There is a two-lane driveway proposed, with security entrance (by gate).

PLANNING COMMISSION MOTION/ACTION

Motion by Commissioner Kirk, support by Commissioner Schafer to open the public hearing. There being no further discussion, motion carried unanimously [Vote of 7-0, all in favor, none opposed].

- 1) Andy Todosciuk was present and approached the Commission. He doesn't have a problem with the proposed storage units. He does have a concern with this proposed use being located in that area. He feels he should have received notice of the property being for sale; he was never given the opportunity to consider the purchase of the property. He has not heard anyone saying that this is a good use of the property. He feels there are other areas in this community that would provide a better location for this type of use. He is concerned with the irrigation and runoff of water; he is worried that water will come down and flood out his business.
- 2) Kevin Horton, 1265 E. Parks Road, is in agreement with Mr. Todosciuk. There are other places that would be better fit for this type of use.
- 3) Jean Ruestman, 201 S. Morton Street, is in favor of this special land use approval. She appreciates the growth and development of this community. The Dershem's noticed the need for this use, took the initiative, researched, planned and now offer this project to the community. Storage space is a big thing. She feels this is a nice welcome to this city. She appreciates people who take concerns for the well-being of their community.

PLANNING COMMISSION MOTION/ACTION

Motion by Commissioner Schafer, support by Secretary Kudwa to close the public hearing. There being no further discussion, motion carried unanimously [Vote of 7-0, all in favor, none opposed].

Discussion followed. Commissioner Kudwa would like to see more trees on the exterior southwestern section; maybe screen out the fence a bit, more shrubbery on the southwest side. Commissioner Christmas suggested Rosy Glow shrubs as they grow quite tall and big. She recommended to stagger (zig zag) some other kind of spruce or pine trees along with the Serbian Spruce on the south side. The landscaping on the west side looks good. The review of the landscape plan is approved; to include the waiver and to add some landscaping along the southern exposure to north bound traffic which will be reviewed by staff.

PLANNING COMMISSION MOTION/ACTION

Motion by Commissioner Schafer to recommend approval to the County Board of Commissioners of PC-09-19 SLU/SP, Dershem mini-storage facility, application for special land use and accompanying final site plan in Section 27, Bingham Township, based on the following reasoning and conditions –

Reasoning –

- 1) The standards set forth under Section 715 (final site plan requirements), Section 716 (standards for review), Section 1305 (Basis of Determination) and Section 1329 (Self-Storage Facilities) have been or can be met subject to the conditions set forth below.

Conditions -

- 1) The landscaping and screening for the proposed use is approved as shown on the site plan dated 4/8/19 under Section 602.B of the Zoning Ordinance and shall include irrigation for the proposed plantings and also to include the 'waiver' of 23 trees and 75 shrubs and to allow a 6' tall wooden slat fence (in lieu of landscaping) to serve as the buffer requirement with the additional southern exposure landscaping to be reviewed by staff.
- 2) The exterior building elevations are approved as shown on the plans dated 4-2019 under Section 1329.F of the Zoning Ordinance and as proposed by the applicants this evening.
- 3) The paving of E. Parks Road shall be extended to the east property line of the subject property as recommended by the CCRC.
- 4) The project/facility shall meet and remain in compliance with all requirements of Section 1329 (Self Storage Facilities) of the Clinton County Zoning Ordinance.

- 5) Approval of the final grading/drainage plan by the CCDC and MDOT shall be required prior to the issuance of a building permit for the project.
- 6) All site lighting shall be in accordance with Code and directed toward the interior of the site. Section 606 of the Zoning Ordinance requires that the lights be shielded/directed downward to avoid any adverse impacts on adjacent properties or streets. Any site lighting shall be detailed and reviewed as part of building permit review/issuance.
- 7) Any future signage will be required to comply with Section 1012 of the Zoning Ordinance.

Support by Commissioner Christmas.

Chair Schlegel called for a roll call vote. Those voting aye (7) – Stacey, Christmas, Kudwa, Simon, Kirk, Schafer, Schlegel, those voting nay – (0). There being no further discussion, motion carried unanimously [Vote of 7-0, all in favor, none opposed].

Staff will take care of the signage issue.

Chair Schlegel thanked everyone for being respectful this evening.

9. Other Business

A. Discussion Items – Potential Zoning Ordinance Amendments:

- | | |
|--------------|---|
| Section 1401 | <u>Multiple Residence Drive – (Subsections B.3 and B.8)</u>
Increased design length flexibility. |
| Section 905 | <u>Performance Standards for Ag Homestead Lot – (Subsection C.3)</u>
Allowance for Health Department required parcel size for existing lagoon systems. |
| Section 501 | <u>Accessory Buildings, Structures and Uses – (Add a new Subsection)</u>
Solar Panels – Restricting to side or rear yards (for residences or businesses). |

Director Riley requested that the Commissioners review this proposed language and let him know if they see any red flags. Regarding the solar panel issue (Section 501), Bob Randolph is present and would like to discuss this with the Commissioners.

Bob Randolph, 4275 S. Dewitt Road (and owner of Quality Solar), St. Johns, was present and approached the Commission. A brief discussion followed on Section 501, Solar Panels; he deals with solar. There is a new technology coming out. He would like to come to a Planning Commission meeting and put on a power point presentation to discuss the different types of thinking. He would discuss residential, commercial, industrial and agricultural; he will touch on solar farms, too. His presentation would take about 15-20 minutes and then he would offer a questions/discussion time after the presentation. This would be for knowledge and education purposes only. The Planning Commission was receptive to this. Director Riley stated when there is a light agenda; he will add Mr. Randolph to the agenda. Mr. Randolph requested a couple weeks' notice.

Director Riley stated that he feels these are very straight forward language proposals. A brief discussion by the Planning Commission followed and it was suggested to proceed with the amendment process.

B. Application for Farmland Agreements

- 1) **Clint Chant, Section 26, Riley Township -**
 - PA-116 #2019-1
 - PA-116 #2019-2

- PA-116 #2019-3
- 2) **Larry P. Freed, Section 24, Ovid Township**
- PA-116 #2019-4
 - PA-116 #2019-5
 - PA-116 #2019-6
 - PA-116 #2019-7
- 3) **James & Kathleen Voisinet, Section 36, Olive Township**
- PA-116 #2019-8

Director Riley provided a brief discussion on the eight (8) farmland agreements. He has reviewed them, they all make sense and he recommends that the Commissioners receive, accept and place on file.

PLANNING COMMISSION MOTION/ACTION

Motion by Commissioner Christmas, support by Commissioner Kirk to receive, accept and place on file the eight (8) farmland agreements. There being no further discussion, motion carried unanimously [Vote of 7-0, all in favor, none opposed].

10. Community Development Director's Report -

Director Riley provided a brief discussion on a few items.

Dan Jorae's Special Land Use Permit, PC-06-19 SLU/SP, recommended for approval by the Planning Commission on April 11th, was approved by the County Board of Commissioners on April 30, 2019.

There will be a June Planning Commission meeting; we may have four (4) items for review.

Capital Crossings, a manufactured housing community off of Grange Road and the I-96 interchange, Eagle Township, is under new ownership and the County has approved a new consent agreement. The streets are being paved and building permits are currently being processed for 18 new units. This project provides important affordable housing. Commissioner Schafer (Eagle Township Supervisor) added that the new owners are excited to be a part of the community. It does look very nice. The old sign is coming down, a playground is going in, and this will be a family community.

Director Riley introduced Joel Haviland, Building & Zoning Administrator and Jessica Plesko, Soil Erosion Secretary.

11. Planning Commissioner Comments -

Reappointments to the Planning Commission for a three (3) year term by the County Commissioners on April 30, 2019 –

- Shannon Schlegel
- Patti Schafer
- Kevin Kirk

Vice-Chair Simon shared a concern with Locher Road and BR US-27; regarding the gravel pit. There is a large mess with the mud. He asked Director Riley to keep an eye on this.

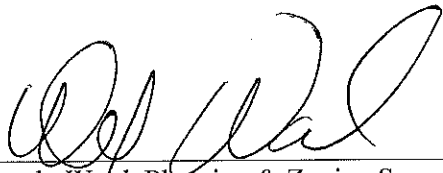
Commissioner Kirk shared a concern with Andy T's comment that he was never given the opportunity to purchase the former Morton Builders property (now the Dershem's); a case that was previously reviewed this evening. The property is right next door to him.

12. Adjournment –

PLANNING COMMISSION MOTION/ACTION

Motion by Vice Chair Simon, support by Commissioner Schafer to adjourn the May 9, 2019 meeting. There being no further discussion, motion carried [Vote of 7-0, all in favor, none opposed],

With no further business to come before the Planning Commission, Chair Schlegel declared the meeting adjourned at 8:35 p.m.

A handwritten signature in black ink, appearing to read 'W. Ward', written over a horizontal line.

Wendy Ward, Planning & Zoning Secretary

NOTE: These minutes are subject to approval at the regularly scheduled meeting of June 13, 2019