

Chairperson
Roni Christmas
Vice-Chairperson
Patti Schafer
Secretary
Willis Heisey
Members
Adam Stacey (BOC Rep.)
Jan Motz
Michael O'Bryant



Community Development Dept.
Director
Doug Riley
Planning & Permit Technician
Jessica Plesko

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Clinton County Planning Commission

MEETING MINUTES JULY 14, 2022

CALL TO ORDER	The Clinton County Planning Commission met on Thursday, July 14, 2022 at 6:30 p.m. with Chairperson Christmas calling the meeting to order.
ROLL CALL	Adam Stacey – <i>joined at 6:41 p.m.</i> Jan Motz Michael O'Bryant – <i>absent with notification</i> Patti Schafer Roni Christmas Willis Heisey
STAFF PRESENT	Doug Riley, Director Jessica Plesko, Planning & Permit Technician Dan Hufnagel, Building/SESC Inspector Erin McElroy, Building Department Secretary/Accounting Clerk Joel Haviland, Building Official/Zoning/SESC Administrator
VISITORS	Albert Manas 2913 N. Chandler Road Ashley Faivor, 4373 W. Colony Road Gregory Hunt, 1190 E. Taft Road Pat Feldpausch Laurie Hunt, 1190 E. Taft Road Roy Davis, 2860 W. Hyde Road Thomas Karek, 400 E. McConnell Street
PLEDGE OF ALLEGIANCE	The Pledge of Allegiance was given to the flag of the United States of America.
AGENDA	The agenda was presented for review and approval. <u>PLANNING COMMISSION ACTION:</u> Willis Heisey moved, supported by Patti Schafer to approve the agenda as presented. Motion carried.
APPROVAL OF PLANNING COMMISSION MEETING MINUTES	<u>PLANNING COMMISSION ACTION:</u> Patti Schafer moved, supported by Willis Heisey to approve the June 9 2022 Planning Commission Meeting Minutes as presented. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 4-0, all in favor, none opposed.]
COMMUNICATIONS	None
PUBLIC COMMENTS	Chairperson Christmas called for public comments. There were no public comments.
OLD BUSINESS	None

- Doug Riley, Director reviewed **PC-16-22 SLU – Application for a Special Land Use Permit** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
- Chairperson Christmas asked for any comments from the PC.
- Patti Schafer inquired if potential condition of approval number 7 (regarding signage) is of any major concern at this point?
- Doug Riley answered that the applicant has not proposed any signs at this time, so it is not of concern currently. The recommended condition would simply require a signage permit and compliance with the respective standards.
- Chairperson Christmas asked for any additional comments from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Jan Motz to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

- Chairperson Christmas call on the applicant.
- Michael McNamara, Mint City Excavating, Inc. stated that Doug Riley represented his case well and did not have anything to add.
- Willis Heisey spoke from experience of being an engineer in Pennsylvania, regarding acceptable drive materials.
 - Stated, the type of crushed asphalt drive being proposed is illegal in Pennsylvania for businesses due to potential of oil, etc. to leach and impact on the environment.
 - Inquired if Michigan allows such materials to be used for business drives?
- Michael McNamara assured that this type of drive is legal in Michigan and is commonly used for this type of purpose.
- Willis Heisey indicated that crushed asphalt can make a very good drive surface.
- Patti Schafer asked Mr. McNamara what his plans are for signage.
- Michael McNamara indicated that he plans to only use a temporary sign until a long-term sign has been decided on.
- Doug Riley informed Mr. McNamara that there are limitations on temporary signs.
 - Encouraged him to consider permanent signage sooner rather than later.
- Michael McNamara stated that he is willing to look at permanent signage.
- Adam Stacey asked Director Riley what the regulations for temporary signs are?
- Doug Riley consulted Joel Haviland.
- Joel Haviland explained that temporary signs are only allowed for a few weeks at a time.
- Adam Stacey inquired why this is the case?
 - Cluttering?
- Doug Riley confirmed that there can be issues such as inappropriate locations, such as in the road right-of-way, blocking clear vision at intersections, etc.
- Adam Stacey asked if a temporary sign could be used as a permanent sign?
- Joel Haviland stated that height and sizing can be an issue.
- Doug Riley added, as well as foundation requirements.

- Michael McNamara indicated that he is willing to install a permanent sign.
- Chairperson Christmas asked for any comments from the public.
 - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Jan Motz to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Jan Motz to recommend approval to the Board of Commissioners of *PC-16-22 SLU/SP, Mint City Excavating*, for a landscape supply yard on the northwest corner of Old US-27 and Locher Road in Section 28 of Olive Township based on the following reasoning and conditions:

- Reasoning: **(1)** The standards set forth under Sections 6.1 (Site Plan Requirements), Section 4.37 (Commercial, non-farm related nursery and greenhouse) and Section 6.2.F (Special Land Use – General Standards/Basis of Determination) have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** The access onto Old US-27 shall be upgraded to commercial (paved) drive standards as required by the Michigan Department of Transportation (MDOT). An MDOT right-of-way permit shall be required for this work. **(2)** The existing driveway to Locher Road shall be closed/remain closed. The Clinton County Road Commission shall be consulted regarding any closure requirements for this drive. **(3)** The applicant shall obtain final (written) approval from the Clinton County Drain Commissioners Office prior to construction permitting for the project. **(4)** Any new site lighting shall comply with Section 5.6 of the Zoning Ordinance and the details for said lighting shall be approved/permitted by the Community Development Department prior to installation. **(5)** A portable restroom shall be provided for customer and employee use in proximity to the “trailer/office”. **(6)** The applicant and site shall remain in compliance with the special use permit criteria (standards) for this use as outlined in Section 4.37 of the Zoning Ordinance. **(7)** Any -signage on the site will require a permit and compliance with Section 5.7 of the Zoning Ordinance. **(8)** Any significant expansion or change in use of the site shall be reviewed by the Community Development Department against the standards of the Zoning Ordinance, which may require an amendment to the special land use permit with review by the Planning Commission/Board of County Commissioners. **(9)** The site will be subject to annual inspection by the Community Development Department as specified in Section 6.2.J.2 of the Zoning Ordinance. It shall be the duty and obligation of the owner(s) and/or operator(s) to at all times be in compliance with the use requirements of the Zoning Ordinance and the stipulations of the special use approval.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

*PC-18-22 MA
(OR 180-22)*

- Doug Riley, Director reviewed ***PC-18-22 MA (OR 180-22) – Application for Zone Map Amendment (Rezoning)*** as detailed in the Staff Report (which includes the Zone Map Amendment (Rezoning) criteria to be reviewed by the PC).
- Chairperson Christmas asked for any comments from the PC.

- Adam Stacey asked Director Riley to clarify the applicant's request regarding the splitting/configuration of the future parcels.
- Doug Riley explained that the applicant is requesting to rezone a 1.758-acre portion (including the homestead) of 7544 N. DeWitt Road to split off and sell while the remaining 3.049 piece will be combined with the property directly to the east.
 - Indicated that the survey now shows the location of the drain field.
 - The well is located in the basement of the home.
- Chairperson Christmas asked for any additional comments from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Willis Heisey to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

- Chairperson Christmas call on the applicant.
- Albert Manas (Realtor), on behalf of Stella Karek Trust, stated that Doug Riley represented this case well and did not have anything to add.
- Adam Stacey asked Mr. Manas why he isn't requesting the remaining portion to the south of the proposed future parcel to be rezoned as well?
- Albert Manas indicated, to his understanding, the proposal is structured this way to meet Clinton County Zoning Ordinance regulations and as a preference for the future landowner for mowing.
- Roy Davis introduced himself as a relative of Stella Karek and the landowner directly to the east (who wishes to combine the remaining portion with his property).
 - Explained that there are safety reasons for him to keep the remaining property.
 - The vehicular vision is not good on the corner of Hyde and DeWitt Roads unless the grass is mowed – which he intends to continue maintaining.
- Chairperson Christmas asked for any comments from the public.
 - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

PLANNING COMMISSION ACTION: Willis Heisey moved, supported by Jan Motz to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Jan Motz moved, supported by Patti Schafer to recommend approval of petition *PC-18-22 MA (OR 180-22), Karek Trust*, to the Board of County Commissioners to amend the Zoning Map from A-2 (General Agriculture) to RR (Rural Residential) for the property located in Section 8 of Greenbush Township as legally described in the petition based on the following reasoning:

- Reasoning: **(1)** The seven (7) findings of fact outlined in Section 7.21.E of the Zoning Ordinance, as detailed in the staff report, have been met. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

PC-21-22 SLU

- Doug Riley, Director reviewed ***PC-21-22 SLU – Application for a Special Land Use Permit*** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
 - Noted that this review is for the SLU only as the applicant did not provide full site plan details (e.g., landscaping, lighting, building elevations, etc.) as required by the Zoning Ordinance.

- If the PC and Board of Commissioners are inclined to approve this request, the applicant would have to subsequently submit a Site Plan for the Planning Commission's review and approval prior to building permitting.
 - Septic receiving facilities are primarily regulated/licensed by the State (EGLE). Zoning approval from the underlying jurisdiction is a pre-requisite of their licensing. Compliance with all EGLE requirements is included as a recommended condition of approval.
- Chairperson Christmas asked for any comments from the PC.
- Adam Stacey asked Director Riley how EGLE monitors these types of sites?
- Doug Riley responded that EGLE indicated they perform annual inspections.
 - EGLE inspects on a complaint-basis otherwise.
 - Noted that in his discussions with EGLE, they mentioned they have requirements for odor control.
 - Odors are not supposed to be detectable from over 150 feet from the building.
- Adam Stacey inquired how this type of facility operates.
- Doug Riley deferred to the applicant.
 - Noted that he visited a similar site in Clare, Michigan that was permitted and constructed in 2020 and it appeared the site was low impact (i.e., smell, etc.).
- Chairperson Christmas asked Director Riley if the floodplain was of any concern for this project?
- Doug Riley indicated the floodplain would not affect the proposal.
 - Suggested the Planning Commission consider giving the applicant some guidance on landscaping requirements as they will be required to come back for Site Plan approval.
- Adam Stacey questioned how the EGLE standard of a 150-foot smell barrier setback is determined.
- Doug Riley relayed that a "noticeable" smell must be restricted to 150 feet from the facility.
 - Commented how suitable this site appears for this proposed use due to the large land area that it would be located on, distance to homes/businesses, and good road infrastructure for truck traffic.
- Chairperson Christmas asked for any additional comments from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Willis Heisey moved, supported by Jan Motz to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

- Chairperson Christmas call on the applicant.
- Gregory Hunt stated that there are no external odors for this type of facility.
 - Processing will only occur every 2-3 days.
 - Asked Director Riley if he noticed a smell on his site visit to the facility in Clare, Michigan?
- Doug Riley confirmed that there was no smell at all on his site visit.
- Adam Stacey questioned if the facility would be used on the weekends?
- Gregory Hunt indicated that it would likely be used on the weekends.

- Noted that he will be unable to have large vegetation close to any side of the proposed building due to access requirements from all sides.
- *The PC had preliminary discussions with the applicant in regard to landscaping requirements for consideration with the future site plan submittal.*
- Chairperson Christmas asked for any comments from the public.
 - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

PLANNING COMMISSION ACTION: Adam Stacey moved, supported by Willis Heisey to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Willis Heisey moved, supported by Patti Schafer to recommend approval to the Board of County Commissioners of *PC-21-22 SLU, Gregory Hunt, LLC*, for a septic receiving facility in Section 28 of Bingham Township based on the following reasoning and conditions:

- Reasoning: **(1)** The standards set forth under Section 6.2.F (Special Land Use – General Standards/Basis of Determination) have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** The applicant shall obtain written approval from the State Office of Environment, Great Lakes and Energy (EGLE) – Drinking Water and Environmental Health Division (DWEDH) – Septage Program for the project prior to construction permitting (i.e., building permit issuance) for the project by the Community Development Department. The project shall also remain in compliance with all EGLE standards and requirements for operation of the facility. **(2)** The applicant shall satisfactorily address the requirements of Bingham Township and the City of St. Johns (as applicable) in regard to the sanitary sewer and water infrastructure for the facility. Written approval from both entities will be required prior to construction permitting (i.e., building permit issuance) for the project by the Community Development Department. **(3)** The applicant shall submit for final site plan review of the facility by the Planning Commission for such items as landscaping, lighting, building elevations, etc. as required under Section 6.1 of the Zoning Ordinance prior to construction permitting (i.e., building permit issuance) for the project. **(4)** The applicant shall obtain final approval/permitting from the Michigan Department of Transportation for the access to S. BR-127 and the construction of the northbound left turn lane prior to construction permitting (i.e., building permit issuance) for the project by the Community Development Department. **(5)** The applicant shall obtain final (written) approval from the Clinton County Drain Commissioners Office prior to construction permitting (i.e., building permit issuance) for the project by the Community Development Department. **(6)** Any significant expansion or change in use of the site shall be reviewed by the Community Development Department against the standards of the Zoning Ordinance, which may require an amendment to the special land use permit with review by the Planning Commission/Board of County Commissioners. **(7)** The site will be subject to annual inspection by the Community Development Department as specified in Section 6.2.J.2 of the Zoning Ordinance. It shall be the duty and obligation of the owner(s) and/or operator(s) to at all times be in compliance with the use requirements of the Zoning Ordinance and the stipulations of the special use approval.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

OTHER BUSINESS

None

COMMUNITY
DEVELOPMENT
DIRECTOR'S REPORT

- Doug Riley, Director provided a brief update:
 - Mark Simon is currently rehabilitating but will be resigning from the Planning Commission and Zoning Board of Appeals.
 - Upon a visit, he seems to be in good spirits.
 - Michael O'Bryant is also recovering from a health issue.
 - He is getting better and hopes to return to the Planning Commission, possibly by the next meeting.
 - The Board of Commissioners approved the 5-year Comprehensive Plan Update.
 - Gave a landscaping update regarding the Bingham Solar Farm site:
 - The site lost approximately 10% of its plantings in the first year.
 - And approximately 30% this year.
 - Have been working with the developers to replace the dead plantings.
 - Still have not had any complaints regarding this property.
 - Noted, there may be more interest in another solar farm in the future.
- *The PC briefly discussed the future of solar farms and their regulation.*
- Doug Riley continued with this report of updates:
 - The mileage has been increased from 0.53 cents per mile to 0.625 cents per mile.
 - Proposed the Planning Commission consider amending the Zoning Ordinance to allow the Planning Commission to be the final authoritative body on Special Land Use reviews.
- Adam Stacey indicated that he is not in support.
- Willis Heisey agreed; likes the checks and balances of current process.
- Patti Schafer also agreed.
 - Commented, the Board of Commissioners probably wants to see what the Planning Commission is reviewing and the development that is happening in the County.
- Doug Riley thanked the PC for their discussion.
 - Noted that he would like to continue with policy discussions like this moving forward.
- *The PC discussed dogs as they relate to causing a nuisance.*
- Doug Riley concluded, there were no applications submitted prior to the submittal deadline for the August Planning Commission meeting.
 - Recommended the PC cancel the August meeting.

PLANNING COMMISSION ACTION: Adam Stacey moved, supported by Willis Heisey to cancel the August 11, 2022 Planning Commission meeting. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

PLANNING
COMMISSIONER
COMMENTS

None

ADJOURNMENT

PLANNING COMMISSION ACTION: With no further business to come before the Commission, Adam Stacey moved, supported by Jan Motz to

adjourn the meeting at 8:08 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]



Jessica Plesko, Planning & Permit Technician

NOTE: These minutes were approved by the Planning Commission on September 8, 2022.