

Shannon Schlegel  
Chair

Mark Simon  
Vice Chair

Roni Christmas  
Secretary

Members -  
Patti Schafer  
Adam Stacey (BOC Rep)  
Willis Heisey  
Frank Trierweiler

**CLINTON COUNTY  
PLANNING COMMISSION**



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Doug Riley, Director,  
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Community Development  
Department

**PLANNING COMMISSION MEETING MINUTES**

**September 10, 2020 – 7:00 P.M.**

**VIA COMPUTER (VIDEO)/TELEPHONIC CONFERENCE**

**COMPUTER LINK: <https://zoom.us/j/94992752185>**

**TELEPHONE: 1-312-626-6799**

**MEETING ID: 949 9275 2185**

**PER STATE EXECUTIVE ORDER NO. 2020-15 CONCERNING OMA AND COVID-19**

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

The September 10, 2020 Planning Commission meeting was called to order at 7:00 p.m. with Chair Schlegel presiding. Roll was called and a quorum was reported

Planning Commission members present – Shannon Schlegel (Chair), Mark Simon (Vice-Chair), Adam Stacey (B.O.C. Representative), Roni Christmas, Patti Schafer, Willis Heisey, Frank Trierweiler

Staff present - Wendy Ward, Planning & Zoning Secretary, Doug Riley, Community Development Director, Community Development Department, Jessica Plesko, Soil Erosion & Sedimentation Control Secretary

Visitors present – David Brown, Dave Pohl, Bill Nemanis, Osmond Smith

**2. Approval of Agenda –**

Director Riley provided a brief discussion on one item that was forwarded to the Planning Commission to be added to the agenda under Communications. DeWitt Township has received a Special Land Use Permit for a mining operation from Leavitt & Starck. Director Riley has forwarded this to the Olive Township Supervisor as well as for review by the Township Board.

**PLANNING COMMISSION ACTION**

Motion by Vice-Chair Simon, support by Commissioner Christmas to approve the September 10, 2020 agenda, as amended. Voting on the motion by roll call vote, those voting aye – Christmas, Schafer, Simon, Stacey, Heisey, Trierweiler, Schlegel. Motion carried unanimously [Vote of 7-0, all in favor, none opposed].

**3. Approval of Planning Commission Meeting Minutes – August 13, 2020**

**PLANNING COMMISSION ACTION**

Motion by Commissioner Stacey, support by Commissioner Heisey to approve the August 13, 2020 Planning Commission meeting minutes, as presented. Voting on the motion by roll call vote, those voting aye – Christmas, Schafer, Simon, Stacey, Heisey, Trierweiler, Schlegel. Motion carried unanimously [Vote of 7-0, all in favor, none opposed].

**4. Communications –**

Dewitt Charter Township has received a Special Land Use Permit from Leavitt & Starck Mining Operations for an expansion (23 acres to the west) of an existing gravel pit. Director Riley stated that he has no specific concerns regarding this SLU request. There were no formal comments from the Planning Commission on this.

**PLANNING COMMISSION ACTION**

Motion by Commissioner Trierweiler, support by Commissioner Heisey to accept the DeWitt Charter Township SLU notice and place on file. Voting on the motion by roll call vote, those voting aye – Christmas, Schafer, Simon, Stacey, Heisey, Trierweiler, Schlegel. Motion carried unanimously [Vote of 7-0, all in favor, none opposed].

**5. Public Comments –**

Commissioner Dave Pohl was present and extended his gratitude, on behalf of the County Commissioners, to Shannon Schlegel for her years of service and devotion to Clinton County and sent wishes for great success in the years to come.

**6. Old Business**

There was no old business presented.

**7. New Business –**

**A. PC-22-20 SLU – Application for a Special Land Use Permit  
(Public Hearing)**

An application for a special land use permit has been submitted by David Brown and the Nemanis Family Trust. Applicant is requesting special land use approval for a home based business for the storage of equipment and material in a proposed 130 foot x 40 foot pole barn. The property is located at 3201 N. Meridian Road, Parcel ID#19-060-036-400-065-00, Section 36, Duplain Township.

Doug Riley, Community Development Director, provided a brief review of the staff report. The applicant has a purchase agreement in place with the current owner/resident of the property. The applicant is requesting Special Land Use (SLU) approval for a home based business for the storage of equipment and material inside a proposed 130' x 40' pole barn. The applicant owns/operates a "Stay Dry" (basement waterproofing) business. A shared screen with graphics (as included in the staff report) was provided to those who had video access. A brief discussion followed on home occupations – no more than 25% use of the floor area, no greater than 400 sq-ft, no outside employees, and the business must be conducted in the home. The next level of home occupations is the home based business – this is only allowed in Ag zoned districts, allowed to use another building besides the house, does required Planning Commission review at a public hearing, adjacent property owners are noticed, does not have size limitations, and allows for outside employees. This application is for the latter.

The 130' x 40' pole barn proposed to be constructed for business purposes will be located on the southcentral portion of the property; approximately 390' south of the existing home with a new drive access off from N. Meridian Road. The single-family home and related improvements are located on the northern edge of the property along N. Meridian Road.

### **Local Agency Comments and Requirements -**

**Duplain Township** – The Duplain Township Board reviewed this application at their Township Board meeting last night (September 9, 2020) and recommended approval with no specific comments.

**Clinton County Drain Commissioner (CCDC)** – The CCDC submitted correspondence dated September 1, 2020 indicating that the Swarthout Intercounty Drain, an enclosed tile drain, crosses the parcel and lies within a 100' wide drain right of way. Their office is not opposed to the proposed use and the construction of the 130' x 40' building. By the sketch provided in the application, it appears the building will be well outside the limits of the drain right of way. The condition and capacity of the tile across this parcel is unknown as it appears there is substantial brush growth over the tile. The CCDC would encourage any storm water management features that could be incorporated to mitigate the additional runoff that would be generated from the proposed improvements on the site.

**Clinton County Road Commission (CCRC)** – The CCRC submitted correspondence dated August 28, 2020 indicating that they have no objections to the application.

**Mid-Michigan District Health Department (MMDHD)** – The MMDHD submitted correspondence dated August 24, 2020 indicating that they do not have specific well and septic information on file for the existing residence; however, based upon the distance from the dwelling to the proposed building, they don't believe the building will impact the existing on-site systems. As far as the new building itself, it is not evident if a bathroom or other fixtures that will generate sewage are proposed. If there will be sewage generated from the building, there needs to be a sewage disposal system permit applied for and on-site sewage disposal system installed.

Based upon the agency comments, Director Riley recommended a condition of approval in regards to compliance with these agency requirements and has included this in the staff report under recommended condition of approval #3.

Director Riley provided a brief review of Section 1332 (Home Based Business Criteria) of the Clinton County Zoning Ordinance (also included in the staff report). The key review criteria is what the applicant is proposing – to only utilize the building/location for the storage of equipment and material inside of the building. Applicant will conduct his 'storefront' or office operations from a commercial location in the City of Ovid (1.5 miles to the south). The key review element is that the applicant is proposing more limited use; storage, vehicles in the pole barn. All loading, unloading and employee parking would be in the building. The applicant stated that they will store equipment and material inside the pole barn and all employee parking and activity will take place within the confines of the proposed structure. There are four (4) crew leaders who will come to the property to pick up their work trucks, leave for the day, then return the trucks at the end of the day. The fact that the applicant proposes the new drive for the pole barn out to Meridian Road is a positive as there are no residences or other driveways across the road to the east (Shiawassee County).

All property owners within 300' feet of the property were noticed by U.S. mail, notice was provided on the Clinton County website as well as legal notice published in the Clinton County

News. Notice was also sent to those adjacent property owners within Shiawassee County. No public comments were received.

Three (3) potential motions for consideration were offered in the staff report and five (5) conditions were offered if the Planning Commission is so inclined to recommend approval of the Special Land Use Permit.

The Planning Commission will be making a recommendation to the County Board of Commissioners who have final authority on this application.

Chair Schlegel offered the Commissioners an opportunity at this time to present questions or concerns they may have to staff –

Commissioner Stacey asked what the difference was between this Home Based Business (HBB) and the previous HBB issue. **Director Riley stated that the former HBB was zoned RR-Rural Residential District; not an Agriculture Zoned District as this one is.**

Commissioner Trierweiler asked if the applicant would reside in the house on the property? **Director Riley responded that yes, he would, as this is a requirement for a HBB.**

David Brown, applicant and Bill Nemanis, property owner, were both present.

Mr. Brown thanked Director Riley for being so thorough in the staff report. A brief discussion followed.

Chair Schlegel offered the Commissioners an opportunity at this time to present questions or concerns they may have to the applicant –

Commissioner Stacey asked the applicant about the current location of his business; where it is located and what his plans are now? **Mr. Brown responded that his business is currently operating at a different location now; he will shift this business to the proposed location. His main desire for this proposed location is for the safety of his family; he has lived in Clinton County for 23 years. His business is currently located on Grand River by the Lansing Airport. This Covid pandemic has caused a hardship; he has lost lots of business. He has been self-employed for 15 years. The proposed location is perfect for him and his family. He is moving to simplify their lives; less stress and less overhead.**

Commissioner Stacey also asked applicant if there will be normal hours of operation (as this proposed location will allow applicant to work more flexible hours)? **Mr. Brown responded that they will meet at 7:00 a.m. and leave for the homeowners' houses and then business shuts down at 4:00 p.m. There will be no business conducted after hours.**

Commissioner Heisey asked applicant about the procedure for the 4 crew leaders, what is the daily procedure; how do they meet up with the crew workers? **Mr. Brown responded that there are currently 4 crew leaders, he runs a crew cab pickup and a dump trailer. Each crew leader will pick up his truck (already filled and ready to go) in the morning and then proceed to pick up his crew members downtown and then they are dropped off in the same location downtown and each crew leader returns the empty truck to the property at the end of the shift.**

There were no more questions at this time.

### **PLANNING COMMISSION ACTION**

Motion by Vice-Chair Simon, support by Commissioner Trierweiler to open the floor for the public hearing. Voting on the motion by roll call vote, those voting aye – Christmas, Schafer, Simon, Stacey, Heisey, Trierweiler, Schlegel. Motion carried unanimously [Vote of 7-0, all in favor, none opposed]. The public hearing was opened.

Osmond Smith, 2140 N. Meridian Road, Ovid was present and offered his concerns to the Commissioners. (He is an adjacent property owner in Shiawassee County). He owns the property across from where the proposed driveway is to be located. He used to be able to farm the whole 120-acres. The drain is plugged; the root systems have plugged this drain up. He gets water on both sides of his property. He has observed Mr. Nemanis mow his lawn and he is, in some locations, in the water. If the applicant is going to back fill the property to put a building on the property; let's fix this problem first. If it back fills too much, he will be under more water on the east side of the land. He would like to see the County Drain fixed before construction begins. The 9-acres was leased out in the 1970's back when it was farmed. A root system is plugging this drain; it was fixed behind the Nemanis house back then but from there to the road it was never fixed. He also wondered if applicant could relocate his driveway. **Director Riley stated that the Planning Commission could add this drainage concern to the final building permit approval in regards to a final grading and drainage plan being approved by the Drain Commissioners office. Inter-county drains can be problematic.**

Bill Nemanis, property owner, spoke at this time. He has spoken with Phil Hanses, Drain Commissioner, and has a signed letter stating that the CCDC will repair and make whole the drain by next year.

There were no more questions or concerns at this time.

### **PLANNING COMMISSION ACTION**

Motion by Commissioner Heisey, support by Vice-Chair Simon to close the public hearing. Voting on the motion by roll call vote, those voting aye – Christmas, Schafer, Simon, Stacey, Heisey, Trierweiler, Schlegel. Motion carried unanimously [Vote of 7-0, all in favor, none opposed]. The public hearing was closed.

Commissioner Stacey presented a concern to Director Riley about the limitations on the HBB; the variables, the scope and size, etc. Mr. Brown had indicated that he wants to downsize in the future years and that his son will take over. What if the son wants to expand the business in the future? **Director Riley responded that we review all Special Land Use Permits annually to ensure compliance. A lot of times we also hear from adjacent property owners if things get out of hand. The applicant will then have to come before the Planning Commission again. Mr. Brown is maxed-out on the allowance of accessory storage on a piece of property and another building to be proposed would require another public hearing. These are key safe guards. If the Special Land Use Permit is revoked, we give the applicant due notice/due process and this gives the applicant an opportunity to rectify.**

Commissioner Heisey stated that Section 5.11 of the Home Based Business Criteria states that *“the Home Based Business shall permit no more than two (2) employees on the premises other than members of the immediate family residing on the premises.”* Applicant is requesting approval for four (4) employees on the premises. Is this precedent setting; are we comfortable with this? **Director Riley responded that the Planning Commission needs to make a determination on the applicant's proposal. The Planning Commission can approve this;**

**that four (4) is ok based on the particulars of this specific proposal and location. Business is not conducted on the property; they are only coming and going. Director Riley stated that when it comes to review of Special Land Use permits, he looks at each one as an individual case. He does not feel that this is precedent setting; each case is different.**

Vice-Chair Simon shared his concern that the drain will be taken care of and that there is a commitment to do so from the CCDC – does this need to be included in a condition? **Director Riley responded that it is; condition #3 it states that applicant shall comply with the rules and permit requirements of the CCRC, MMDHD, CCDC as part of future building or driveway construction and shall be verified as part of the building permitting. In the motion presented, include that a specific grading and drainage plan be prepared and approved by the CCDC office prior to building approval.**

Commissioner Schafer questioned if there will be a restroom or other fixtures in the building? **Mr. Brown responded that this building will be used for cold storage; there will be no bathrooms or water. The permit he has applied for is not requesting any restrooms; not today or in the future.**

Commissioner Christmas went back to the four (4) employees being allowed; there will be 2-4 trucks coming and going. There is a lot of vegetation around there and she is comfortable that this is not an issue.

#### **PLANNING COMMISSION ACTION**

Motion by Commissioner Christmas to recommend approval to the Board of Commissioners of Case PC-22-20 SLU, BROWN, for a home based business which includes the storage of material and equipment at 3201 N. Meridian Road in Section 36 of Duplain Township based on the following reasoning and conditions -

#### **Reasoning:**

- 1) The standards as specifically described in Section 1332 (Home Based Business Criteria) have been or can be met subject to the conditions set forth below.
- 2) The standards set forth under Section 1305 (Special Land Use - Basis of Determination) have been or can be met subject to the conditions set forth below.

#### **Conditions:**

- 1) Any exterior lighting installed for the new building shall be kept similar to standard residential use and in compliance with the cutoff and shielding requirements of Section 606 of the Clinton County Zoning Ordinance.
- 2) The applicant shall retain as much of the existing vegetation and trees along N. Meridian and E. Kinley Roads in order to screen the proposed building and any related business activity.
- 3) The applicant shall comply with the rules and permitting requirements of the Clinton County Road Commission, Mid-Michigan District Health Department and Clinton County Drain Commissioner as part of future building or driveway construction; to include specifically that a grading and drainage plan be reviewed and approved by the CCDC with some inter-County cooperation, if applicable. Compliance with these agency requirements shall be verified as part of building (construction) permitting.
- 4) As represented by the applicant, all material and equipment storage, loading and unloading, as well as employee parking, will be confined within the proposed pole barn.

- 5) Any substantive changes to the site or use, as determined by the Community Development Department, shall be resubmitted to the Planning Commission for their review and approval.

Support by Trierweiler. Voting on the motion by roll call vote, those voting aye – Christmas, Schafer, Simon, Stacey, Heisey, Trierweiler, Schlegel. Motion carried unanimously [Vote of 7-0, all in favor, none opposed].

**8. Other Business –**

There was no other business presented.

**9. Community Development Director’s Report -**

Director Riley provided the following -

- This is Chair Shannon Schlegel’s last meeting. A new member has been appointed by the County Commissioners; Sara Clark-Pierson, a former County Commissioner, works for the State of Michigan and she is an Attorney. She will be present at the October 8, 2020 meeting.
- The Olive Township rezone application, submitted by the Simpsons last month, was withdrawn by applicant before it went to the County Commissioners. He requested to withdraw the application until he is more certain of what he wants to do with the property.
- The Hoten rezone was approved by the County Commissioners on August 25, 2020.
- Director Riley stated that he has received the agreement from the State of Michigan regarding all the PA 116 properties. The County will receive a map of these – 110 square miles in Clinton County.
- There will be an October PC meeting; one rezone in Riley Township and a Special Land Use Permit application for a farmer’s market and event center in Bingham Township.
- Director Riley brought up the comprehensive plan delay due to Covid 19; Commissioner Stacey suggested perhaps a college student intern from MSU majoring in Planning could assist.

**10. Planning Commissioner Comments –**

- Planning Commissioners extended their appreciation and best wishes to Chair Schlegel as she begins her new position on the bench. Chair Schlegel thanked everyone for their kind wishes. This has been her very favorite and she will miss everyone.
- Commissioner Christmas provided a brief update on the Green Space Commission. There is an increase of the usage of the rail/trail this summer. The Clinton Conservation Organization will hold their fall tree sale this year. They are taking orders for trees and plant material and the Motz Park maintenance building driveway will be the pickup location on October 1<sup>st</sup> from 9 a.m. – 6 p.m. and October 2<sup>nd</sup> from 9 a.m.- noon.

**11. Adjournment –**

**PLANNING COMMISSION ACTION**

Motion by Vice-Chair Simon, support by Commissioner Christmas to adjourn. Voting on the motion by roll call vote, those voting aye – Christmas, Schafer, Simon, Stacey, Heisey, Trierweiler, Schlegel. Motion carried unanimously [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 8:25 p.m.

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Wendy Ward, Planning & Zoning Secretary

**NOTE:** The September 10, 2020 Planning Commission meeting minutes were approved, as presented, at the October 8, 2020 Planning Commission meeting.