

Shannon Schlegel  
Chair

Mark Simon  
Vice Chair

Kevin Kirk  
Secretary

Members -  
Patti Schafer  
Roni Christmas  
Adam Stacey (BOC Rep)  
Willis Heisey

**CLINTON COUNTY  
PLANNING COMMISSION**



Board of Commissioners Room, Courthouse  
100 E. State Street, Suite 1300  
St. Johns, Michigan 48879  
Phone (989) 224-5292  
Fax (989) 227-6492  
www.clinton-county.org

Doug Riley, Director,  
Community Development

Wendy Ward, Planning & Zoning  
Secretary, Community Development  
Department

Community Development  
Department

**PLANNING COMMISSION MEETING MINUTES**

**Meeting of October 10, 2019 - 7:00 P.M.**

**Clinton County Commissioners' Chambers, 2<sup>nd</sup> floor**

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

The October 10, 2019 Planning Commission meeting was called to order at 7:00 p.m. with Acting Chair Simon presiding. Roll was called and a quorum was reported.

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

Planning Commission member absent – Shannon Schlegel (Chair)

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

Visitor(s) present – Earl Barks, Cheryl Hengesbach, Edward Hengesbach, Steve Droste

**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 recommended a slight reshuffle to put item 8.B. PC-28-19 MA – Petition for Change of Zone/Map Amendment OR 153-19 first to review under 8. New Business and item 8.A. PC-25-19 SLU – Special Land Use Application second to review. This is in agreement with the applicants.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Stacey, support by Commissioner Schafer to approve the October 10, 2019 Planning Commission agenda, as amended. There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice].

**4. Approval of Planning Commission Meeting Minutes – September 12, 2019**

**PLANNING COMMISSION MOTION/ACTION**

Director Riley discussed the amendment on page 13 of 14 that is to be considered as part of the approval of the September 12<sup>th</sup> minutes.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Christmas, support by Secretary Kirk to approve the minutes, as amended. There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice].

5. **Communications –**

- Shiawassee County Community Development – Notice of Intent to Update Future Land Use Plan  
Director Riley provided a brief report that Shiawassee County submitted notice of their intent to update their master plan. As they complete their master plan, we will be initiating our plan update. If the Planning Commission so desires, Director Riley will submit correspondence to Shiawassee County requesting a copy of the draft master plan.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Christmas, support by Commissioner Schafer to receive and place on file and for Director Riley to submit correspondence to Shiawassee County requesting a copy of their draft and final master plan. There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice].

6. **Public Comments -**

There were no public comments.

7. **Old Business –**

A. **PC-21-19 SLU – Application for a Special Land Use Permit**

An application for a special land use permit has been submitted by Mike Cotter, Fly MIPPG, LLC. Applicant is requesting approval to allow operation of a powered paragliding training facility at Forest Hill Airport. The property is located at 7415 South Forest Hill Road, Parcel ID#19-130-016-200-005-54, Section 16, Riley Township. **The Planning Commission tabled this case at the September 12, 2019 meeting until the November 7, 2019 meeting.**

Director Riley provided a brief update. He fully anticipates that this case will be ready to go by November 7<sup>th</sup> and attorney comments should be received by then.

8. **New Business -**

B. **PC-28-19 MA – Petition for Change of Zone/Map Amendment OR 153-19**  
**(Public Hearing)**

A petition for change of zone/map amendment has been submitted by Stephen Droste. Applicant is requesting to rezone approximately 11.02-acres at 8402 Loomis Road, Parcel ID#19-110-020-100-002-60, Section 20, Olive Township, from A-2 (General Agriculture) to RR (Rural Residential).

Doug Riley, Community Development Director, presented a brief review of the staff report.

Township and Local Agency comments –

**Olive Township** – The Olive Township first submitted correspondence dated September 27, 2019 indicating that they recommend disapproval of the rezone from A-2 to RR to be consistent with the Township's land use map and discourage spot zoning. **Note: Following receipt of this recommendation, Director Riley discussed the rezoning with the Olive Township Supervisor and the fact that this rezone was consistent with the adopted future land use map. As such, legally it would not be considered spot zoning on that basis. Spot zoning would also not be a factor if the allowed land uses and parcel sizes of the proposed zoning district are found to be consistent with the surrounding area's existing development. The Olive Township Supervisor verbally indicated that he believed that their September 27<sup>th</sup> letter/recommendation may have been premature and he would likely attend the Planning Commission to address their recommendation.** On October 4, 2019, the Township Board submitted a request for a delay in the rezone case to allow the Board to review the case at their meeting of October 14, 2019. **The Olive Township Board then submitted correspondence dated October 14, 2019 indicating that they recommend approval of the rezone to the Planning Commission.**

**Clinton County Drain Commissioner (CCDC)** – The CCDC’s Office submitted correspondence dated October 1, 2019 indicating that they have no objection to the proposed rezone. Obviously the intent is to be able to create another building lot. As per the map submitted, the St. Clair Drain is present in the SE corner of the site and the drain and its easement will have to be honored for any future building construction.

**Clinton County Road Commission (CCRC)** – The CCRC submitted correspondence dated September 17, 2019 indicating that they have no objections to the rezone. However, they wanted to caution that if the rezoning is intended to be followed up with a land split, there may be problems with site distance for a driveway on a new parcel.

**Mid-Michigan District Health Department (MMDHD)** – The MMDHD submitted correspondence dated September 17, 2019 indicating that they have no objections to the rezone.

Director Riley provided a brief review of the Findings of Fact (Section 1605).

There are three (3) motions to be considered in the staff report (pages 7-8).

All property owners within 300’ feet of 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. No public comments were received.

Director Riley recommended that the Planning Commission consider tabling this rezone request for review at the November 7, 2019 Planning Commission meeting to allow the Olive Township Board to review this case at their October 14<sup>th</sup> meeting. This is not a time sensitive issue.

Commissioner Stacey commented that all parcels surrounding applicant’s parcel are A2 zoned; this is consistent with the area.

Steve Droste, applicant, 8402 Loomis Road, was present and approached the Commission. A brief discussion followed.

Commissioner Schafer questioned the applicant if there was a concern if this rezone request was tabled. Mr. Droste responded that no, there is no concern. He has cleared the site and doesn’t want to go forward with building if the rezone is not approved; also with the cold weather coming. The rezone approval will come first, then the land division from the Township and then the building permits.

Earl Barks, Olive Township Board Supervisor, was present and approached the Commission to speak on behalf of the township. The Township Board didn’t like the idea of spot zoning and as they looked at this closer the Board thought that maybe we need to do some rezoning on the larger area. The Township Board is in favor of applicant doing what he wants to do; just not in favor of spot zoning. They would probably be in favor of it but want to look at the area around it. They request that this be postponed until the November 7<sup>th</sup> Planning Commission meeting. Director Riley will attend the Township Board meeting on Monday, October 14<sup>th</sup>, along with the applicant, to further evaluate the request.

Commissioner Stacey commented that the Commission should not delay applicant on a technicality.

#### **PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Christmas, support by Commissioner Schafer to open the public hearing. There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice]. The public hearing was opened.

There was no public comment.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Christmas, support by Commissioner Schafer to close the public hearing. There being no further discussion, motion carried unanimously (Vote of 6-0, all in favor, none opposed, 1 absent w/notice]. The public hearing was closed.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Secretary Kirk to table Case PC-28-19 MA (OR 153-19) to amend the Zoning Map, until the November 7, 2019 Planning Commission meeting,

Commissioner Christmas questioned if the Planning Commission could recommend adoption/approval of this rezone request to the County Board of Commissioners based on the recommendation of approval by the Olive Township Board at their October 14<sup>th</sup> scheduled meeting. This was then made into a motion.

Secretary Kirk's motion died for lack of support. A new motion was presented.

**PLANNING COMMISSION MOTION/ACTION**

Commissioner Christmas recommended approval/adoption of Case PC-28-19 MA (OR 153-19), an amendment to the Zoning Map, assuming a recommendation of approval from the Olive Township Board (from their October 14<sup>th</sup> meeting) and the Findings of Fact (Section 1605) as listed on pages 7-8 of the staff report.

Support by Commissioner Schafer. Acting Chair Simon called for a roll call vote. Those voting in favor – Christmas, Heisey, Schafer, Kirk, Stacey, Simon, those opposed (0). There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice],

**A. PC-25-19 SLU – Application for a Special Land Use Permit (Public Hearing)**

An application for a special land use permit has been submitted by Edward Hengesbach. Applicant is requesting approval to allow a medical hardship trailer (mobile home) to be placed on the property located at 10072 S. Jones Road, Parcel ID#19-160-031-100-005-00, Section 31, Westphalia Township.

Doug Riley, Community Development Director provided a brief review of the staff report. Applicant is requesting to locate a medical hardship trailer (mobile home) on the property in order to care for his elderly mother who resides in the current home. The property owner will install a septic tank and drain field to serve the existing home and another septic tank for the medical hardship unit.

Township and Local Agency comments –

**Westphalia Township** – The Westphalia Township Board submitted correspondence dated July 10, 2019 indicating that they recommend approval of the special land use permit.

**Clinton County Drain Commissioner (CCDC)** – The CCDC submitted correspondence dated October 1, 2019 indicating that they have no objection; however, the Leik County Drain does cross the property in the vicinity of the proposed trailer, so due diligence is require to ensure that the trailer is not installed over the tile or within the drain easement.

**Clinton County Road Commission (CCRC)** – The CCRC submitted correspondence dated October 1, 2019 indicating that they have no objections.

**Mid-Michigan District Health Department (MMDHD)** – The MMDHD submitted correspondence dated October 3, 2019 indicating that they do not object to the proposed medical hardship trailer as long as all of their issues with the installation of the sewage disposal system

are addressed and the sewage disposal system is granted final approval after everything is installed and approved.

There are three (3) motions to be considered in the staff report (pages 7-8).

Director Riley provided three (3) recommended conditions of approval (page 8 in staff report) if the Planning Commission is so inclined to approve the special land use.

All property owners within 300' feet of property were noticed by the U.S. mail, notice was provided on the Clinton County website as well as legal notice published in the Clinton County News. No public comments were received.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Schafer, support by Commissioner Christmas to open the public hearing. There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice]. The public hearing was opened.

Edward Hengesbach, applicant, was present and approached the Commission. A brief discussion followed.

The Commission commended the Hengesbach's for working so diligently with the Mid Michigan District Health Department and for the efforts to care for an elderly family member.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Christmas, support by Commissioner Schafer to close the public hearing. There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice]. The public hearing was closed.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Schafer to recommend approval of PC-25-19 SLU, Hengesbach Special Land Use, to the Board of Commissioners for the placement of a medical hardship unit on property as legally described in Section 31 of Westphalia Township based on the following reasoning and conditions of approval –

**Reasoning –**

1) The standards set forth under Section 1335 (Medical Hardship Housing) and Section 1305 (SLU Basis of Determination) have been or can be met subject to the conditions set forth below.

**Conditions -**

- 1) The applicant shall comply with all rules and requirements of the CCDC, CCRC and the MMDHD. This includes the requirements for septic and well permitting from the MMDHD for the property. Any substantive change, as determined by the Community Development Department, shall be resubmitted to the Planning Commission for their review and approval.
- 2) Compliance shall be maintained with the Clinton County Zoning Ordinance, including those specific provisions applicable to the petitioned use. A surety of at least \$1,000 is required to be maintained so that the County has adequate resources to remove the unit if necessary. This surety shall be provided to the Community Development Department prior to building permit issuance for the medical hardship unit.
- 3) The applicant shall obtain the appropriate permits (e.g. building, plumbing and electrical) from the Community Development Department for installation of the medical hardship unit.

Support by Secretary Kirk. Acting Chair Simon called for a roll call vote. Those voting aye (6) – Kirk, Heisey, Christmas, Schafer, Stacey, Simon, those voting nay (0). There being no further discussion, motion carried unanimously [6-0, all in favor, none opposed, 1 absent w/notice].

Commissioner Stacey stated to the applicants that it is not mandatory that they be present at the County Board of Commissioners meeting on October 29<sup>th</sup> as he will be present at the meeting and can speak on their behalf.

**9. Other Business –**

**A. PA 116 Farmland Agreements -**

**1. Lonier Family Properties, LLC – Steve Lonier and Scott Lonier**

- #2019-11 Riley Township, Section 20
- #2019-12 Riley Township, Section 29

**2. Kristopher M. & Carla S. Wardin**

- #2019-13 Essex Township, Section 23
- #2019-14 Essex Township, Section 22, 27 & 34
- #2019-15 Essex Township, Section 34
- #2019-16 Essex Township, Section 34
- #2019-17 Essex Township, Section 23, 27 & 34
- #2019-18 Essex Township, Section 27

Director Riley reviewed all eight (8) of the PA 116 Farmland Agreements. He sees no conflicts; they are all zoned A-2, General Agriculture. He recommended that the Planning Commission receive these applications and place on file.

**PLANNING COMMISSION MOTION/ACTION**

Motion by Commissioner Christmas, support by Commissioner Schafer, to accept and place on file all eight (8) PA 116 Farmland Agreements. There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice].

**10. Community Development Director's Report -**

Director Riley presented November 7<sup>th</sup> Planning Commission agenda items –

- Case PC-21-19 SLU – Mike Cotter, Fly MIPPG, LLC was tabled on September 12, 2019 and is back for further review.
- Case PC-29-19 MA (OR 154-19) – Fabiano, A-2 to C-3, Eagle Township
- Case PC-31-19 SP – Consumers Energy (Grand Ledge City Gate Project), Eagle Township

Commissioner Heisey stated that he may not be back in town for the November 7<sup>th</sup> Planning Commission meeting. There will be a quorum if he is absent.

Director Riley provided a follow-up on OR 152-19, the proposed Zoning Ordinance language amendment to add a new subsection under Article 5, General Provisions, Section 532- Recreational Marihuana Establishments Prohibition. The County Board of Commissioners concurred with the Planning Commission's recommendation to adopt/approve the language. Director Riley added that he will reach out to the Townships via correspondence and advise the local jurisdictions that the ordinance language is available on the County's website and available for them to place on their township's website.

Commissioner Schafer questioned if this language has been acknowledged by the State of Michigan. Director Riley responded that the State has been notified and that starting in October, they will begin accepting applications for establishments. The State has an on-line list of all jurisdictions in Michigan who have opted out and will use this list when receiving applications to determine whether or not these establishments are allowed in an area before proceeding with an application.

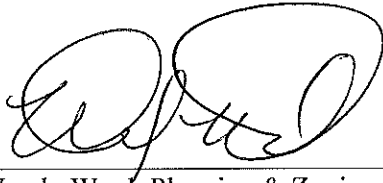
**11. Planning Commissioner Comments -**

**12. Adjournment –**

**PLANNING COMMISSION MOTION/ACTION**

Motion by Secretary Kirk, support by Commissioner Schafer to adjourn the October 10, 2019 Planning Commission meeting. There being no further discussion, motion carried unanimously [Vote of 6-0, all in favor, none opposed, 1 absent w/notice].

With no further business to come before the Planning Commission, Acting Chair Simon declared the meeting adjourned at 7:45 p.m.

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

Wendy Ward, Planning & Zoning Secretary

**NOTE:** These minutes were approved, as presented, at the November 7, 2019 scheduled meeting.