

**EATON COUNTY
PLANNING COMMISSION MEETING
April 4, 2017**

Call to Order: Brian Ross, Chair of the Eaton County Planning Commission, called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, Jeana Rohrs, Christine Barnes, Jack Owens, Barbara Rogers, Ben Tirrell, Tim Cattron and Ronald Wilson

Absent: Michelle Stahl

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Barnes** to approve the agenda for the April 4, 2017 meeting as printed. **Commissioner Owens** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Owens** to approve the February 7, 2017 minutes as printed. **Commissioner Rohrs** supported. Motion carried.

Public Comments: None

CU-4-17-3: Request by Larry and Martha VanBuskirk for a Conditional Use Permit to operate a Commercial Recreation Facility (campground) as defined in Section 5.3.3 C of the Ordinance at 9396 Sycamore Lane, Sec. 28, Vermontville Township.

Staff Report: Ms. Williams read the staff report into record.

Applicant Statement: Mrs. Martha VanBuskirk stated they have worked very hard over the last two years to bring the property into compliance. She stated they are excited to open the campground and have it available to the community. Mrs. VanBuskirk stated they have been servicing the Maple Syrup Festival since they have purchased the property and noted there is a lot of excitement in the community for the campground to open.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: None

Public hearing closed: 7:13 p.m.

Commissioner Owens stated Vermontville Township recommended approval of the application. He said the township is very happy with how the owners have brought the property into compliance. **Commissioner Barnes** stated the campground is located within her district; there is a lot of excitement regarding the opening of it. **Commissioner Cattron** stated he visited the site, the owners have done a lot of working cleaning up the property; it looks nice.

Commissioner Ross asked the Planning Commission Members if there is a need for fencing or buffering on the property. **Commissioner Owens** stated he does not believe there is a need for either as the property is surrounded by a swamp and there are no homes near the property due to the swamp. **Commissioner Cattron** stated there are several trees located on the property creating a naturally dense buffer.

Commissioner Cattron asked if the Conditional Use Permit needs to be non-transferable. **Commissioner Ross** stated all permits are non-transferable. **Commissioner Owens** stated he would like to know if someone else purchases the property. He stated he would like them to appear before the Planning Commission to share their thoughts on how they will run the business.

Commissioner Barnes moved to approve CU-4-17-3 (Larry and Martha VanBuskirk) for operation of a Commercial Recreation Facility (campground) as defined in Article 5 of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Eaton County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner and Michigan Department of Environmental Quality.
2. This Conditional Use Permit is granted to Larry and Martha VanBuskirk for above described use only on property located at 9396 Sycamore Lane only. It is non-transferable.

Commissioner Owens supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-4-84: Request by Elliott Risner and Mark Risner for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a Construction Contractors Establishment and Storage of Heavy Equipment (excavation and snow removal business) to allow for construction of an addition onto an existing building to be used for storage per Section 14.29 of the Ordinance at 6142 S. Clinton Trail, Section 16, Hamlin Township.

Commissioner Cattron informed the Planning Commission that Mr. Risner preformed one day of excavation work for him during the construction of his home last year. He stated he wanted to make sure there was not a conflict in hearing and deciding on the application. The Planning Commission by consensus deemed there is no conflict.

Staff Report: Ms. Williams read the staff report into record.

Commissioner Owens asked Ms. Williams to further explain the existing buildings and permits obtained. Ms. Williams stated all existing buildings with the exception of the most recent addition have received building permits and final inspections.

Applicant Statement: Mr. Mark Risner stated he is the third generation in his family to work for the business. He stated his father has not always agreed with obtaining permits and typically has done what he wants. Mr. Risner stated he is then left to pick up the pieces and get the permits and approvals. He stated he has spoken with his father and construction without permits and approval will not happen again. Mr. Risner stated the neighbor, Ms. Parks, does not own property adjacent to their property. He stated he does not know why she would have anything negative to say about their business. Mr. Risner stated he could obtain letters of support from property owners who are adjacent to his property.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: None

Public hearing closed: 7:29 p.m.

Commissioner Rohrs asked if the Planning Commission could place a condition on a business or property that limits the construction on the property. **Commissioner Ross** stated the building they are currently requesting has already been constructed. Ms. Williams stated the Planning Commission could include a condition that limits the construction for business purposes on the property; however they are required to come back to the Planning Commission to request a change of conditions if they would like to construct any additional buildings.

Commissioner Tirrell moved to approve CU-4-84 (Elliott Risner and Mark Risner) for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a Construction Contractors Establishment and Storage of Heavy Equipment (excavation and snow removal business) to allow for construction of an addition onto an existing building to be used for storage per Section 14.29 of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Eaton County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner and Michigan Department of Environmental Quality.
2. This Conditional Use Permit is granted to Elliott Risner and Mark Risner for above described use only on property located at 6142 S. Clinton Trail only. It is non-transferable.

Commissioner Rogers supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-4-17-4: Request by Mark A. and Sandra Carrick and Mark J. Carrick for a Conditional Use Permit to operate a Construction Contractors Establishment and Storage of Heavy Equipment (landscape business storage and staging only) per Section 14.29 of the Ordinance at 2236 S. Perkey Road, Section 27, Eaton Township.

Staff Report: Ms. Williams read the staff report into record.

Applicant Statement: Mr. Mark Carrick stated the Staff Report is what they have asked for, but the report makes it sound like there is more activity on the property than is really there. He stated they do not wish to operate their business from their home. He stated they own a landscape company in Jackson; however they plow snow in Charlotte, not Jackson. Mr. Carrick stated they would like to construct a building to store their salt in, they propose to construct a hoop building with a concrete floor. He stated his two to five employees are for the hay operations on the farm. Mr. Carrick stated the daily activities located on the property for the business are for the Charlotte based employees to meet on the property and carpool to Jackson, but even that does not happen every day.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: None

Public hearing closed: 7:41 p.m.

Commissioner Rogers moved to approve CU-4-17-4 (Mark and Sandra Carrick and Mark J. Carrick) for operation of a Construction Contractors Establishment and Storage of Heavy Equipment (landscape business storage and staging only) per Section 14.29 of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Eaton

County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner and Michigan Department of Environmental Quality.

2. This Conditional Use Permit is granted to Mark and Sandra Carrick and Mark J. Carrick for above described use only on property located at 2236 S. Perkey Road only. It is non-transferable.

Commissioner Barnes supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-7-13-8: Request by Laura and Ronald Goostrey for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of an Agricultural Business (production and sales of agricultural products) to change the ownership of the business per Section 14.1 of the Ordinance at 1959 W. Kalamo Highway, Section 26, Carmel Township.

Commissioner Tirrell recused himself from hearing the application (and left the room) due to the fact he sold the property and business to the applicants.

Staff Report: Ms. Williams read the staff report into record.

Commissioner Catron asked Ms. Williams if the Planning Commission were to allow the Conditional Use Permit to be transferable would that mean any type of business could be operated from the property. Ms. Williams said no, the new owners would have to operate the business as approved in the Conditional Use Permit. The Planning Commission held a brief discussion regarding the previous zoning and use of the property.

Applicant Statement: Ms. Laura Goostrey stated they are very excited about owning and operating the store. She stated she was not aware of the Conditional Use Permit. She said the store is operated the same as the previous property owners. Ms. Goostrey stated the only change may be the hours of operation; they are currently 11:00 a.m. to 6:00 p.m., but she may expand them to 10:00 a.m. to 8:00 p.m. in the future. She stated she also was not aware of an open building permit on the property, but will have the corrections made. She said she has hired a contractor to do the repairs.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: None

Public hearing closed: 7:52 p.m.

Commissioner Rogers moved to approve CU-7-13-8 (Laura and Ronald Goostrey) for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of an Agricultural Business (production and sales of agricultural products) to change the ownership of the business per Section 14.1 of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Eaton County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner and Michigan Department of Environmental Quality.
2. This Conditional Use Permit is granted to Laura and Ronald Goostrey for above described use only on property located at 1959 W. Kalamo only. It is non-transferable.

Commissioner Wilson supported.

Commissioner Cattron asked if the permit would be able to be transferred to another property owner without coming back to the Planning Commission as requested. **Commissioner Wilson** stated the Planning Commission discussed the non-transferable issue regarding an earlier application and decided the permit needed to remain non-transferable. He asked how this application is any different. **Commission Owens** agreed. **Commissioner Rogers** stated a new property owner would need to apply for their own permit.

A roll call was taken with seven (7) voting aye and none (0) voting nay. Motion carried.

CU-4-17-5: Request by Stephen and Lisa Whipple for a Conditional Use Permit to operate a Light Automotive Repair Facility per Section 14.37 of the Ordinance at 2111 N. Clinton Trail, Section 22, Chester Township.

Staff Report: Ms. Williams read the staff report into record. She also informed the Planning Commission the Eaton County Board of Appeals approved Mr. and Mrs. Whipple's application for a variance allowing their proposed business to be located six-hundred feet from their home rather than the required five-hundred feet or less.

Commissioner Owens asked Ms. Williams why the Michigan Department of Transportation has such extensive requirements for the driveway to this business. Ms. Williams stated the Michigan Department of Transportation considers the business to be commercial in nature.

Applicant Statement: Mr. Stephen Whipple stated he was informed two months ago the lease for his current business location will not be renewed and he had nine months to move his business. He said he has operated his business from behind the Shell Gas Station in the City of Charlotte for the past ten years. Mr. Whipple said he considers this proposed business to be his retirement garage.

Commissioner Cattron asked Mr. Whipple what he plans to do for a sign for the business. Mr. Whipple stated he would like to use the existing sign he has for the business in town, but is not really sure at this time.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: None

Public hearing closed: 8:07 p.m.

Commissioner Owens moved to approve CU-4-17-5 (Stephen and Lisa Whipple) for operation of a Light Automotive Repair Facility per Section 14.37 of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Eaton County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner, Michigan Department of State and Michigan Department of Environmental Quality.
2. This Conditional Use Permit is granted to Stephen and Lisa Whipple for above described use only on property located at 2111 N. Clinton Trail only. It is non-transferable.

Commissioner Owens supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

Other Business: Ms. Williams informed the Planning Commission they received a letter from Jeff and Karri Wills requesting a determination on the allowed size of their already approved manager's house to be located on the same property as their campground, Sherwood Forest. Ms. Williams stated the campground was approved by the Planning Commission in 2015, CU-10-15-25; however, the site plan and application listed the size for the approved manager's house as "to be determined". She stated Mr. and Mrs. Wills are requesting to construct a sixteen-hundred square foot home which will include three bedrooms to be used as the manager's house. **Commissioner Wilson** asked if the Zoning Ordinance addresses sizes for manager's houses. Ms. Williams said no, the closest use may be an Accessory Dwelling Unit. Ms. Williams stated there are rental storage businesses that have manager's houses, but the ordinance does not address them either. **Commissioner Cattron** asked if there is a principal residence on the property. Ms. Williams said yes. **Commissioner Cattron** asked if staff knew how big the principal residence is. Ms. Hatt stated she does not know the square footage of the home, but believes it is a two story home. **Commissioner Ross** stated he thought they discussed the managers house being smaller than the proposal. **Commissioner Rohrs** said Commissioner Ross may be thinking of the resort cabins to be located on the property. **Commissioner Owens** asked Ms. Williams what the definition of an Accessory Dwelling Unit is. Ms. Williams read Section 6.2.10 C., Accessory Dwelling Units from the Zoning Ordinance.

Commissioner Tirrell stated the desire is to have a manager on-site. **Commissioner Ross** stated he is concerned the Zoning Ordinance does not allow for two homes on one parcel. **Commissioner Owens** asked how large the manager's house is for the campground in Vermontville. Ms. Williams said eight-hundred square feet; however she noted it is on a separate parcel.

Commissioner Ross asked Mr. Wills if he would like to address the Planning Commission.

Mr. Wills stated his desire is to have a manager on-site twenty-four hours a day; they get busy during the summer and the manager improves the operation and safety. He stated they were already approved to have a managers house; he just needs to know how large it can be. **Commissioner Wilson** stated he can understand Mr. and Mrs. Wills logic for the managers house. Mr. Wills stated the managers house does not have to be sixteen-hundred square feet, but he would like the option to build one up to sixteen-hundred square feet. He stated they are looking for a family to manage the campground. **Commissioner Wilson** asked Mr. Wills how many people are in his family. Mr. Wills said five.

Commissioner Rogers asked Mr. Wills how far the manager's house will be located from his home. Mr. Wills said he does not have his site plan with him. Ms. Hatt stated the managers house is proposed to be located between two-hundred and five-hundred feet from Mr. and Mrs. Wills's home. Ms. Hatt stated the proposed managers house will be on its own well and septic systems.

Commissioner Owens asked Mr. Wills how many campsites are at the campground. Mr. Wills stated he currently has seventy-one sites, but is approved for one-hundred sites.

Commissioner Barnes asked if Mr. Wills could install a private road and construct the manager's house on a separate parcel like the campground in Vermontville. Ms. Hatt stated Mr. and Mrs. Wills have already applied for a legal non-conforming private road; in order for them to divide their one parcel of land they would need to bring their legal non-conforming road up to current Zoning Ordinance standards. Ms. Hatt explained the campground in Vermontville had two already existing parcels they were able to adjust, thus allowing the managers house to be located on a separate parcel from the campground.

Commissioner Catron stated he is concerned about creating two homes on the property. **Commissioner Wilson** stated the manager's house could be moved or sold if the campground closes. He stated a seven-hundred square foot home is small. **Commissioner Owens** said he agrees, but is concerned about consistency and future requests and approvals. Ms. Williams explained the original thought behind allowing for Accessory Dwelling Units on a property was to care for aging family members or allow for a caregiver to reside on the property. Ms. Hatt stated the property is not likely to be divided in the future due to the location and condition of the legal non-conforming private road and the fact that there is no other location for a driveway to be installed off from Sherwood Highway due to the MDOT I-69 Right-of-Way.

Commissioner Wilson moved to approve a manager's house up to twelve-hundred square feet for use by an employee of the campground only. The home shall not be used as a rental or cabin. **Commissioner Rogers** supported.

Commissioner Rogers asked Commissioner Wilson if the manager's house could be up to fourteen-hundred square feet.

Commissioner Wilson amended his motion allowing the managers house to be up to fourteen-hundred square feet. **Commissioner Rogers** supported the amendment.

A roll call was taken with seven (7) voting aye and one (1) voting nay. Motion carried.

Ms. Williams informed the Planning Commission Mr. and Mrs. Wills and staff would also like clarification on rustic cabins to be constructed on Michigan Department of Environmental Quality approved campsites. Ms. Williams read an e-mail from Ms. Sarah Roitiers of MDEQ stating the MDEQ does not require prior approval for the construction of rustic cabins on licensed campsites because they are not considered any different than a camper or tent. Ms. Williams ask the Planning Commission if a campground owner would need to come back to the Planning Commission for a change of conditions to their Conditional Use Permit if they would like to construct a rustic cabin on a MDEQ approved campsite. Ms. Williams added all rustic cabins are still required to obtain building and trade permits from Eaton County Construction Codes Department.

Ms. Hatt explained the nuances of the MDEQ requirements for rustic and resort cabins as they are quite complicated.

Commissioner Owens moved to allow the construction of rustic cabins on campsites already approved by the Eaton County Planning Commission and licensed by the MDEQ without needing a Change of Conditions approval from the Planning Commission. **Commissioner Wilson** supported. Motion carried.

Ms. Williams informed the Planning Commission they received a letter from Mr. Nick Thompson, owner of Thompson Lawn Care, which is operated with a Conditional use Permit. She stated Mr. Thompson is requesting a lot line adjustment. Ms. Williams read the letter into record.

Commissioner Rogers moved to approve the lot line adjustment request made by Mr. Nick Thompson. **Commissioner Tirrell** supported. Motion carried.

Reports: Ms. Williams informed the Planning Commission Mr. Ronald Wilson has submitted his resignation from the Planning Commission. **Commissioner Ross** thanked Mr. Wilson for his time and service on the Planning Commission.

Commissioner Ross stated in light of Commissioner Wilson's resignation, he has chosen to appoint Commissioner Barnes to the Zoning Ordinance Committee.

Ms. Williams informed the Planning Commission she and Ms. Hatt attended an informational meeting in Oneida Township on April 4th regarding solar energy farms. Ms. Williams stated Eaton County, specifically Benton Township and Oneida Township have properties a solar energy company has expressed interest in developing. Ms. Williams stated Oneida Township does not address solar energy in their Zoning Ordinance. She stated a solar energy farm may be considered a use similar to a Community Service Facility per Section 14.5 of the Eaton County Zoning Ordinance. Ms. Williams said she would continue to work with Oneida Township and the developer and keep the Planning Commission informed.

Ms. Williams reported to the Planning Commission they received a communication from Clinton County regarding a proposed amendment to their Zoning Ordinance to include a section on solar energy farms.

Ms. Williams also reported the Board of Appeals met earlier this evening. She stated they approved one application and denied an application for a variance in the amount of fifty feet from the right-of-way for construction of grain bins.

Upcoming Cases: Ms. Williams informed the Planning Commission there are five applications to be heard at their May 2, 2017 meeting.

Public Comment: none

A motion was made by **Commissioner Wilson** to adjourn the meeting. **Commissioner Owens** supported. The meeting adjourned at 8:51 p.m.