

**EATON COUNTY  
PLANNING COMMISSION MEETING  
May 2, 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 Michelle Stahl

**Staff Present:** Claudine Williams and Brandy Hatt

**Nominations and Elections of Board Vice Chairperson:**

**Commissioner Ross** asked for nominations for Vice-Chair. **Commissioner Rogers** nominated Commissioner Rohrs. **Commissioner Barnes** seconded. **Commissioner Rogers** moved nominations be closed and a unanimous ballot case for Commissioner Rohrs. **Commissioner Barnes** seconded. Motion carried.

**Agenda Approval:** A motion was made by **Commissioner Barnes** to approve the agenda for the May 2, 2017 meeting as printed. **Commissioner Stahl** supported. Motion carried.

**Minutes Approval:** A motion was made by **Commissioner Barnes** to approve the April 4, 2017 minutes as printed. **Commissioner Rohrs** supported. Motion carried.

**Public Comments:** Mr. Charles Middaugh, 7621 Otto Road, stated the intent of the Eaton County Master Plan and Eaton County Land Development Code is to protect and preserve agricultural land from commercial developments. He stated there is a current threat in Benton and Oneida Township; there is nothing agricultural about an industrial solar development. He stated the construction process is lengthy and does irreparable damage to the property. Mr. Middaugh stated he is concerned about the solar development reducing surrounding property values.

Ms. Nancy Gensel, 5388 Carls Ridge Drive, stated she is here to speak about the proposed solar farms. She stated she resides in Benton Township and owns property in Oneida Township. She stated there is a possibility of five-hundred acres not zoned industrial to be used for a solar development. She stated Eaton County has a rich agricultural history. Ms. Gensel stated the corporation proposing the solar farm is from out of state; she is afraid when they are no longer present the community will be left with a brown area and when the technology is obsolete, there will be a blight issues. She asked the Planning Commission to take a hard look at the locations in Benton and Oneida Township, but other areas when a solar farm could tap into power. Ms. Gensel stated she feels there are industrially zoned areas that are more appropriate for the location of the solar farm.

**CU-5-17-6:** Request by Justin and Jorie Harris for a Conditional Use Permit to operate a Rental Storage Building per Section 14.26 of the Ordinance at 8623 Sand Road, Section 28, Bellevue Township.

**Staff Report:** Ms. Williams read the staff report and site plan review response from the Eaton County Road Commission into record.

**Applicant Statement:** Mr. Justin Harris stated he and his wife purchased the property and business at an estate sale. He stated they only purchased the property with the business on it; the home was sold

separately. Mr. Harris stated he would like to operate the rental storage business as approved in 1987. **Commissioner Stahl** asked Mr. Harris how often he plans to check on the business. Mr. Harris stated he visits the property three times a week and a friend in the area checks on it occasionally.

**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:** 7:12 p.m.

**Commissioner Owens moved to approve CU-5-17-6 (Justin and Jorie Harris)** for operation of a Rental Storage Building per Section 14.26 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 Justin and Jorie Harris for above described use only on property located at 8623 Sand Road only. It is non-transferable.

**Discussion: Commissioner Ross** stated the original Conditional Use Permit was for a Home Business. He asked staff for clarification. Ms. Williams stated the application is for the operation of a rental storage business only. **Commissioner Ross** asked if a rental storage business is a use allowed without a home on the property. Ms. Williams said yes.

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

**CU-5-17-7:** Request by Eaton Township for a Conditional Use Permit to operate a Government Facility (civic center) per Section 14.10 of the Ordinance at 2093 Narrow Lake Road, Section 28, Eaton Township.

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

**Applicant Statement:** Ms. Becky Dolman, Eaton Township Treasurer, stated she is also the treasurer for the non-profit that operates the use of the building. **Commissioner Stahl** asked Ms. Dolman if Eaton Township has any concerns with the lot combination or is it a preference to keep the legal non-conformity of the building. Ms. Dolman stated Eaton Township had not previously considered combining the properties because they did not own both properties.

**Commissioner Stahl** asked Ms. Dolman if Eaton Township would like a new sign for the business. Ms. Dolman said no, they plan to keep the historical sign.

**Commissioner Barnes** asked Ms. Dolman if the well and septic systems were inspected and if they passed those inspections. Ms. Dolman said yes.

**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:** 7:21 p.m.

**Commissioner Ross** stated he has been to the property and the proposed use fits the property and building. **Commissioner Owens** stated the proposed use is nice for a historical building.

**Commissioner Stahl** asked if the Planning Commission is okay with the legal non-conforming set back to the property line. **Commissioner Barnes** stated they should be required to combine the property if that is what any other applicant would be required to do. **Commissioner Owens** stated the Planning Commission works with legal non-conforming properties all the time; they are not always required to make conforming. **Commissioner Rogers** asked if the church is on the property it was originally constructed on. **Commissioner Ross** said yes, the church and cemetery have always been separate.

**Commissioner Rogers moved to approve CU-5-17-7 (Eaton Township)** for operation of a Government Facility (civic center) per Section 14.10 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 Eaton Township for above described use only on property located at 2093 Narrow Lake Road 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-20-88:** Request by Betty Breakey and Brook Hickman for a Change of Conditions to an existing Conditional Use Permit (to change ownership and allow for an addition) which allows for the operation of a twelve bed Adult Foster Care Small Group Home per Section 14.4.1 D. of the Ordinance at 11300 Columbia Highway, Section 12, Eaton Rapids Township.

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

**Commissioner Stahl** asked if the previous owner was required to keep a copy of their State of Michigan license on file. Ms. Williams said no, however it is an older permit.

**Applicant Statement:** Ms. Betty Breakey, current owner and Mr. Brook Hickman, potential new owner stood to address the Planning Commission. Ms. Breakey stated she has owned the business for forty-four years; she is selling the business to Mr. Hickman. She stated she is licensed for ten beds; Mr. Hickman would like to get a license for twelve beds.

**Commissioner Rohrs** asked Ms. Breakey if she lives in the home. Ms. Breakey said yes. **Commissioner Rohrs** asked if Mr. Hickman will live in the home. Mr. Hickman said he will not live in the home, but he will have a manager and staff on the property at all times.

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

**Speakers in favor:** Mr. Scott Wilson, Eaton Rapids Township Supervisor, stated the Eaton Rapids Township Board supports the request.

**Speakers in opposition:** None

**Public hearing closed:** 7:31 p.m.

**Member Stahl** asked the Planning Commission their thoughts on requiring the State of Michigan licenses to be submitted to the Community Development Department. **Commissioner Ross** stated we have several other similar uses that are also required to do the same.

**Commissioner Stahl moved to approve CU-20-88 (Betty Breakey and Brook Hickman)** for a Change of Conditions to an existing Conditional Use Permit (to change ownership and allow for an addition) which allows for the operation of a twelve bed Adult Foster Care Small Group Home per Section 14.4.1 D. of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. State of Michigan license shall be submitted to the Community Development Department annually.
2. 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 Health and Human Services.
3. This Conditional Use Permit is granted to Brook Hickman for above described use only on property located at 11300 Columbia Highway only. It is non-transferable.

**Commissioner Barnes** supported.

A brief discussion was held regarding requiring the State of Michigan License to be submitted to the Community Development Department. Ms. Williams stated other uses such as dealerships which are also required to have a license from the State of Michigan to operate are also required to submit their license to the Community Development Department in order to prove compliance with Zoning Ordinance Requirements. Ms. Hatt stated a similar use, Sunny Crest Youth Ranch located in Sunfield Township, is required to submit their State of Michigan licenses annually. She stated otherwise staff would have to obtain the license from the State of Michigan.

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

**CU-5-17-8:** Request by Adam and Haley Auvenshine for a Conditional Use Permit to operate a Commercial Recreation Facility (venue rental for events) as defined in Section 5.3.3 C of the Ordinance from a property located off from E. Vermontville Highway, also identified as parcel 070-021-300-051-03, Sec. 21, Benton Township.

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

**Applicant Statement:** Mr. and Mrs. Auvenshine stood to address the Planning Commission. Mr. Auvenshine stated they are very excited about their business; they have been thinking and planning for it for a long time. He stated they would like to revitalize the property and offer something beautiful the community can use. He said they will follow all of the guidelines.

**Commissioner Stahl** asked if they intend to have a sign for the business. Mr. Auvenshine said yes. **Commissioner Stahl** stated they will need a new site plan showing the location and size of the sign.

**Commissioner Stahl** asked Mr. and Mrs. Auvenshine how they would control alcohol and fireworks. Mr. Auvenshine stated both items are addressed in their contract, however they do not allow fireworks and alcohol must be served by a licensed bartender. **Commissioner Catron** stated he understands the building is existing, he wonders if the business will take away from the agricultural use of the land. Mr.

Auvenshine said no, they just are adding a bathroom on to the existing building and making modifications to bring the structure up to code.

**Commissioner Ross** asked Mr. and Mrs. Auvenshine if they have spoken with Eaton County Construction Code Department. Mr. Auvenshine said yes. **Commissioner Ross** asked if there will be kitchen facilities in the building. Mr. Auvenshine said no, they will have a prep area with counter top space only. **Commissioner Ross** asked if there will be any heating elements or open flames in the building. Mr. Auvenshine said no. **Commissioner Owens** asked if the building is currently used for hay storage. Mr. Auvenshine said yes. Ms. Hatt informed the Planning Commission the State of Michigan Building Code requires the building to have a sprinkler system.

**Commissioner Stahl** asked Mr. and Mrs. Auvenshine if they will have events year round. Mr. Auvenshine said no, they will only have events May through October as the building is not heated.

Ms. Williams informed the Planning Commission the property is protected farm land due to participating in the Eaton County Purchase of Development Rights program. She stated Mr. and Mrs. Auvenshine have permission from the State of Michigan to operate this business from the pole barn and property.

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

**Speakers in favor:** None

**Speakers in opposition:** Mr. Russ Reist, 2242 E. Vermontville Highway, asked if the proposed driveway is near the hump located on Vermontville Highway. Ms. Williams showed Mr. Reist the site plan. Ms. Hatt explained the driveway permit requirements of the Road Commissioner. Mr. Reist stated his concerns regarding alcohol were addressed with the bartender. He asked if the business will be in a new building or an existing building. Ms. Williams said the business will be located in an existing building. Mr. Reist stated he believes the driveway could come off from Otto Road instead of Vermontville Highway.

**Commissioner Ross** asked Mr. and Mrs. Auvenshine if they would like to address the concerns brought up by Mr. Reist.

Mr. Auvenshine stated the Eaton County Road Commission came out to the property to evaluate the location of the driveway. He said he has a commercial driveway permit from the Eaton County Road Commission to install the driveway where it is proposed on his site plan. Mr. Auvenshine said he could consider installing a driveway to the property off from Otto Road, but the driveway would be longer and they do not want to take up the farm land with a driveway. Ms. Auvenshine stated the accidents that have occurred in the area were on the corner of Otto Road and Vermontville Highway. She stated their proposed commercial driveway is located at least a quarter of a mile from the intersection. Ms. Auvenshine noted the Benton Township Board suggested they ask the Eaton County Road Commission for a sign indicating there is a driveway ahead. Mr. Auvenshine stated the driveway will be in the same location as the existing farm lane; he stated they are still in the process of figuring out signage. He added a portion of the Otto road frontage is owned by his mother and is not included in their property. Ms. Auvenshine stated renters are required to obtain a three million dollar insurance policy for each event; the licensed bartenders will also be required to show proof of license.

**Commissioner Ross** asked if there will be intercoms installed on the property. Mr. Auvenshine said no, all activities will be located in or behind the barn. He stated they want to be good neighbors and make the property nice for everyone. Ms. Auvenshine stated they will be installing trees along the driveway as well.

**Commissioner Owens** stated he grew up in the area; there are twenty-eight driveways in the quarter mile from the intersection of Otto Road and Vermontville Highway to the proposed driveway for the business.

**Public hearing closed:** 7:54 p.m.

**Commissioner Tirrell** stated he sees these types of businesses a lot during the course of his job.

**Commissioner Tirrell moved to approve CU-5-17-8 (Adam and Haley Auvenshine)** for operation of a Commercial Recreation Facility (venue rental for events) as defined in Section 5.3.3 C 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 Adam and Haley Auvenshine for above described use only on property located at off from E. Vermontville Highway (identified as parcel number 070-021-300-051-03) only. It is non-transferable.

**Commissioner Barnes** supported.

**Commissioner Stahl** asked about requiring a new site plan showing the location and size of the proposed sign.

**Commissioner Tirrell** amended his motion to require the size and location of the proposed sign to be added to the site plan. **Commissioner Barnes** supported

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

**CU-5-17-9:** Request by Verizon Wireless for a Conditional Use Permit to construct a Wireless Communications Tower per Article 14.27 of the Ordinance at 7098 E. Five Point Highway, Sec. 36, Hamlin Township.

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

**Commissioner Stahl** asked why Verizon Wireless has reapplied for a tower that was already approved. Ms. Williams stated the tower was never constructed. Ms. Hatt stated Verizon Wireless obtained the building permits and an extension from Eaton County Construction Codes Department for construction of the tower, but it was never constructed. The building permit was voided and Verizon reapplied to the Planning Commission.

**Applicant Statement:** Ms. Claudine Antoun, Verizon Wireless Representative, stated nothing has changed from their previous application. They are proposing the same tower in the same location.

**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:** 8:01 p.m.

**Commissioner Barnes** asked if the neighbors were notified of the application. Ms. Williams said yes, no responses were received.

**Commissioner Stahl moved to approve CU-5-17-9 (Verizon Wireless)** for construction of a Wireless Communications Tower per Article 14.27 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 Verizon Wireless for above described use only on property located at 7098 E. Five Point Highway 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.

**Other Business:** Ms. Williams informed the Planning Commission she received one Farmland and Open Space Preservation Agreement Application for a property located in Walton Township. Ms. Williams went over the application with the Planning Commission and a brief discussion was held.

**Commissioner Rogers** moved to recommend approval of the Farm Land and Open Space Preservation Application to the Eaton County Board of Commissioners. **Commissioner Owens** supported. Motion carried.

**Reports:** Ms. Williams also reported the Board of Appeals met earlier this evening. She stated they approved two applications

Ms. Williams informed the Planning Commission the Site Plan Review Committee met on April 27<sup>th</sup> to discuss an application for an accessory dwelling unit which was approved.

Ms. Williams stated the Zoning Ordinance Committee needs to meet. She said Ms. Hatt will call to schedule a meeting.

**Upcoming Cases:** Ms. Williams informed the Planning Commission there are three applications to be heard at their June 6, 2017 meeting.

**Public Comment: none**

**Commissioner Barnes** informed the Planning Commission she will not be here for the June 6<sup>th</sup> meeting.

A motion was made by **Commissioner Catron** to adjourn the meeting. **Commissioner Owens** supported. The meeting adjourned at 8:05 p.m.