

**EATON COUNTY
PLANNING COMMISSION MEETING
March 3, 2020**

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, Tammy Halsey, Jeana Rohrs, Tim Catron, Jack Owens, Barbara Rogers, Blake Mulder, Zachary Dillinger, and Ben Tirrell

Absent: John Little

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Mulder** to approve the agenda for the March 3, 2020 meeting agenda as printed. **Commissioner Rogers** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Rogers** to approve the February 4, 2020 minutes as printed. **Commissioner Mulder** supported.

Public Comments: None

Public Hearing of Conditional Use Permit and District Change Amendment Applications:

CU-3-20-3: Request by Lamar and Rebecca Miller for a Conditional Use Permit to operate a Home Business (sale of bulk and health foods) per Section 14.13 of the Zoning Ordinance at 5680 Allegan Road, Section 14, Vermontville Township.

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

Applicant Statement: Mr. Lamar Miller stated he will sell bulk food and health foods that are GMO free and organic. **Commissioner Mulder** stated it appear one of the major requirements is to install a deceleration lane and curbs and gutter; he asked Mr. Miller if that will be a problem. Mr. Miller said no.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 7:08 p.m.

Commissioner Tirrell moved to approve **CU-3-20-3 (Lamar and Rebecca Miller)** for a Conditional Use Permit to operate a Home Business (sale of bulk and health foods) per Section 14.13 of the Zoning Ordinance at 5680 Allegan Road, Section 14, Vermontville Township;

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Vermontville Township, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Lamar and Rebecca Miller for above described use only. It is not transferable per the Zoning Ordinance.

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

CU-12-06-35: Request by Paul and Linda Campbell and Nicholas Campbell for a Change of Conditions to an existing Conditional Use Permit, which allows for the operation of a Construction Contractor

Establishment and Storage of Heavy Equipment (lawn and snow maintenance) per Section 14.29 of the Zoning Ordinance. Specifically, to allow for a change to the site plan to adjust and combine properties at 3695 Bursley Hwy., Section 9, Chester Township.

Staff Report: Ms. Williams read the staff report into record. Ms. Williams stated she believes Mr. Campbell would like to construct a building for wood storage that is not associated with the Conditional Use Permit as well.

Commissioner Cattron asked Ms. Williams to read the response from the Eaton County Road Commission. Ms. Williams read it and stated that the Eaton County Road Commission wanted to ensure the applicant was aware of the limited driveway access after the proposed lot line adjustment.

Applicant Statement: Mr. Campbell stated he is planning to reconstruct an old corn crib into a 16' x 24' wood shed for his outdoor wood burner. **Commissioner Halsey** asked Mr. Campbell if he would like a sign for his business. Mr. Campbell said no.

Commissioner Cattron asked Mr. Campbell if he has any concerns regarding the Eaton County Road Commission's Site Plan Review comments. Mr. Campbell said no.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 7:18 p.m.

Commissioner Mulder stated the woodshed is not part of the business and is not on the site plan; he asked if the woodshed should be added to the site plan. Ms. Williams stated Mr. Campbell would be required to add the woodshed to the site plan when he applies for his Zoning Referral. She said staff will make sure the woodshed meets the required setbacks.

Commissioner Cattron moved to approve **CU-12-06-35 (Paul and Linda Campbell and Nicholas Campbell)** for a Change of Conditions to an existing Conditional Use Permit, which allows for the operation of a Construction Contractor Establishment and Storage of Heavy Equipment (lawn and snow maintenance) per Section 14.29 of the Zoning Ordinance. Specifically to allow for a change to the site plan to adjust and combine properties at 3695 Bursley Hwy., Section 9, Chester Township;

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Chester Township, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Paul and Linda Campbell and Nicholas Campbell for above described use only. It is not transferable per the Zoning Ordinance.

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

DCA-3-20-1: Request by Scott and Alyce Blackmer, Carlos Valadez and Amanda Hancock, and Lee and Laura Ferman. for a District Change Amendment to change the zoning of properties located at 2980 Kemler Road, 2936 Kemler Road, vacant property located off from Kemler Road (120-028-300-073-04), 2668 Kemler Road and 2772 Kemler Road from Low Density Residential (R-1) to Limited Agricultural (LA). The properties are located in Section 28, Eaton Rapids Township.

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

Applicant Statement: Mr. Carlos Valadez and Mr. Alan Blackmer stated they submitted the application to allow them to use their properties to the full potential. Mr. Valadez stated the current zoning restricts

the use of their properties, location of fencing and keeping of animals.

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 township board supports the request. He stated his farm backs to up to the applicant's property and Mr. Valadez's property has been owned and operated as a horse farm for as long as he can remember. Mr. Wilson stated he also supports the application as a neighboring property owner.

Speakers opposed: None

Public hearing closed: 7:29 p.m.

Commissioner Ross reminded the Planning Commission to address items A-G in any motion. He stated he was on the Planning Commission when the Master Plan was redone. He stated The Planning Commission took recommendation from the townships; at the time, he believes there was growth in the area. **Commissioner Ross** stated he does not have a problem with changing the zoning to Limited Agricultural. **Commissioner Catron** stated he visited the property; the one with the oil well is open land. He stated he does not have any concerns changing the zoning of the properties.

Commissioner Tirrell moved to approve DCA-3-20-1 (Scott and Alyce Blackmer, Carlos Valadez and Amanda Hancock, and Lee and Laura Ferman) to change the zoning of properties located at 2980 Kemler Road, 2936 Kemler Road, vacant property located off from Kemler Road (120-028-300-073-04), 2668 Kemler Road and 2772 Kemler Road from Low Density Residential (R-1) to Limited Agricultural (LA). The properties are located in Section 28, Eaton Rapids Township as it is in compliance with Items A-G from Article 13.6 of the Eaton County Ordinance:

- A. Identifiable conditions related to the application that have changed which justify the proposed amendment. When the change was made originally, several larger properties were inadvertently zoned R1.
- B. An error in the original Ordinance existed because there may have been an incorrect estimate of growth in the area.
- C. Rezoning this property will not create any precedents or effects due to the changes.
- D. This change will not adversely affect the environmental conditions or the value of the surrounding property.
- E. This amendment does not have any impact on the ability of the county or other governmental agencies to provide adequate public services.
- F. The district change complies with the adopted Eaton County Master Plan.
- G. This property could not be put to a reasonable economic use in the current zoning district; however, the zoning change will allow the property owners to use the property economically.

Commissioner Mulder supported.

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

DCA-3-20-2: Request by Eaton County Planning Commission for a Comprehensive Amendment to the Eaton County Land Development Code (Zoning Ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 7, Land Development Districts (amend Section 7.7 Site Development Standards for Principle Buildings and Structures, Table A), Article 8, Zoning Referral and Site Plan Review (amend Section 8.6.9 C. General Approval Standards), Article 9 Conditional Use Permits (amend Section 9.6 Appeal of Decisions), Article 14 Specific Provisions and Requirements (amend Section 14.36 Agricultural Migrant Labor Housing) and Article 16 Mobile Homes (amendments to entire section).

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

Commissioner Tirrell asked for clarification, due to the fact that age is not directly related to the aesthetics of the property, it cannot be regulated? Ms. Williams stated that is correct, age does not fall under what can be regulated.

Commissioner Dillinger stated the word camp needs to be removed from Section 14.36.2. A. and C. for consistency.

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

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 7:42 p.m.

Commissioner Mulder stated the amendment appears to be a lot of clean up and fixed language, which is necessary. **Commissioner Catron** stated on behalf of the Board of Appeals, they support the setback changes and the clarification to the clear vision right-of-ways due to how many cases they have heard.

Commissioner Mulder moved to approve DCA-3-20-2 Comprehensive Amendment to the Eaton County Land Development Code (Zoning Ordinance) to clarify the intent, update language and improve comprehension. Amendments are proposed to the following: Article 7, Land Development Districts (amend Section 7.7 Site Development Standards for Principle Buildings and Structures, Table A), Article 8, Zoning Referral and Site Plan Review (amend Section 8.6.9 C. General Approval Standards), Article 9 Conditional Use Permits (amend Section 9.6 Appeal of Decisions), Article 14 Specific Provisions and Requirements (amend Section 14.36 Agricultural Migrant Labor Housing) and Article 16 Mobile Homes (amendments to entire section):

- A. Identifiable conditions related to the application that have changed which justify the proposed amendment.
- B. There is no error in the original Ordinance; however, these changes are being made for update to the existing language.
- C. These changes will not create any precedents or effects.
- D. This change will not impact the ability of the county or other governmental agencies to provide adequate public services and facilities.

Also, change the word camp in Section 14.36.2.

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

Other Business:

CU-11-19-4 Surface Mine and CU-12-19-8 Large Solar Energy System: Ms. Williams stated Sandstone has requested the Planning Commission postpone a decision on their application, CU-12-19-8, due to the fact that they have applied for a court appeal on Friday. She said Sandstone has informed her they have requested an expedited response to the appeal. Ms. Williams stated she may have more information for the next Planning Commission meeting. Ms. Williams stated the Surface Mine operator has also requested their application remain postponed. **Commissioner Mulder** asked Ms. Williams if she has discussed the matter with legal counsel. Ms. Williams said yes, Counsel has recommended the Planning Commission postpone the applications.

Commissioner Mulder move to postpone CU-11-19-4 and CU-12-19-8 to the April 7, 2020 Planning Commission Meeting. **Commissioner Halsey** supported. Motion carried.

Reports: Ms. Williams reported the Site Plan Review Committee met last week and approved two applications for Accessory Dwelling Units and one application for a Home Occupation in a Low Density Residential Zoning District.

Ms. Williams informed the Planning Commission the Board of Appeals did not meet this evening due to lack of business.

Public Comment: None

Upcoming Cases: Ms. Williams informed the Planning Commission they have one Conditional Use Permit and one Conditional Use Permit Change of Conditions Application to be heard at the April 7, 2020 meeting. She stated Sunny Crest's six month review would also be heard at the April meeting.

Ms. Hatt stated she sent the Mach Planning Commission packet via e-mail and has also started sending the Site Plan Review e-mails to all of the Planning Commission members as well. **Commissioner Tirrell** stated the electronic packets are very helpful.

A motion was made by **Commissioner Halsey** to adjourn the meeting. **Commissioner Dillinger** supported. Motion carried.

The meeting adjourned at 7:51 p.m.