

**EATON COUNTY
PLANNING COMMISSION
May 3, 2022**

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, Michael Hosey, Bruce Porter, Barbara Rogers, Jim Mott, Zachary Dillinger, Ben Tirrell, and Tim Cattron

Absent: Lisa Lawitzke

Staff Present: Claudine Williams and Brandy Miller

Agenda Approval: A motion was made by **Commissioner Hosey** to approve the agenda for the May 3, 2022 meeting. **Commissioner Rogers** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Hosey** to approve the February 1, 2022 minutes as printed. **Commissioner Tirrell** supported. Motion carried.

Public Comments: None

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

CU-5-22-5: Request Jeff and Arica Braden for a Conditional Use Permit to operate a Construction Contractors Establishment and Storage of Heavy Equipment (electrical contractor) per Section 14.29 of the Zoning Ordinance from 9668 Valley Highway, Section 4, Kalamo Township.

Staff Report: Ms. Williams read the staff report, and site plan review comments from the Eaton Conservation District and Barry-Eaton District Health Department into record.

Applicant Statement: Mr. Jeff Braden offered to answer questions. **Commissioner Hosey** asked Mr. Braden if he would be using both building for his business. Mr. Braden said no, he will only use the existing 40' x 60' building for his business. **Commissioner Hosey** asked about the buffering of the property. Mr. Braden stated he is located in the middle of his one-hundred acre property.

Commissioner Dillinger asked Mr. Braden if he plans to store equipment outside. Mr. Braden said yes, he has a mini-excavator that is stored at the corner of the existing barn. **Commissioner Dillinger** asked Mr. Braden if he would like a sign for his business. Mr. Braden said no.

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: 7:09 p.m.

Commissioner Hosey stated he does not believe any additional buffering is needed. **Commissioner Ross** agreed, stating they are in the middle of the property.

Commissioner Hosey moved to approve **CU-5-22-5** a request by **Jeff and Arica Braden** for a Conditional Use Permit to operate a Construction Contractors Establishment and Storage of Heavy Equipment (electrical contractor) per Section 14.29 of the Zoning Ordinance from 9668 Valley Highway, Section 4, Kalamo Township, with 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, 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 Jeff and Arica Braden for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Dillinger supported.

Ms. Williams asked for clarification for which building is being used for the business. Mr. Braden stated he is using the existing 40' x 60' building; the new barn is for personal storage.

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

CU-5-22-6: Request by Robert Crisp for a Conditional Use Permit to operate a Distressed Vehicle Transporter per Section 14.24 of the Zoning Ordinance at 225 W. Five Point Highway, Section 1, Walton Township.

Staff Report: Ms. Williams read the staff report and site plan review response from the Eaton Conservation District into record. Ms. Williams also stated Ms. Miller had a conversation with the Eaton County Drain Commissioner's Office this afternoon in regards to the Eaton Conservation District's response and stated the Drain Commissioner's Office said they do not have any concerns. Ms. William explained the location of the drain on the site plan.

Commissioner Hosey asked if anyone has had a conversation regarding the number of vehicles. Ms. Williams stated she spoke with Mr. McNair's son who stated they have had issues with vehicle pick-up.

Commissioner Mott asked if the sixteen vehicles is based on the size of the storage area. Ms. Williams said no, it is based on the use of the property; A Distressed Vehicle Transporter is limited to storage of sixteen vehicles. **Commissioner Catron** stated it seems they get vehicles in, but do not wait until they leave to take in more. He questioned the size of the outdoor storage area. Ms. Miller stated the Planning Commission approved the fenced area as it is currently constructed. Ms. Williams stated the size of the outdoor storage area was addressed.

Applicant Statement: Mr. Robert Crisp stated he owns Buds Towing in Marshall, where he has one-hundred, fifty cars on the property. Mr. Crisp explained when a car is in an accident the fluids usually leave the car at the scene. He added he has had soil samples taken from his current lot in Marshall and no pollutants were found. Mr. Crisp stated the Five Point property is currently in compliance and only has sixteen vehicles. He said in a perfect world, cars would come and go, however, it can take up to fifty-two days to process a vehicle. He noted he has

impounded vehicles at his Marshall lot that are going on one-thousand days. Mr. Crisp stated the entrance to the driveway is in compliance and is paved. He stated if his request is approved, he will keep the Five Point property/business in compliance. Mr. Crisp stated he has other yards the vehicles can be taken to.

Commissioner Hosey asked Mr. Crisp if he could comply with the sixteen-vehicle limit. Mr. Crisp said yes, he has other yards the vehicles can be taken.

Commissioner Tirrell asked what the surface material of the yard is. Mr. Crisp said gravel. **Commissioner Tirrell** asked if the Road Commission has inspected the driveway yet. Mr. Crisp said no, they have made several calls requesting an inspection. **Commissioner Tirrell** requested staff could follow up with the Road Commission.

Commissioner Cattron asked why the impounding agency has no control. Mr. Crisp said it can take an insurance company days to make a decision; if they total the car, he then has to wait on the auction agency. He stated if the owner does not have insurance or they do not want the car back, he has to wait through the abandoned vehicle process which could take thirty to ninety days for one vehicle through the state.

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: 7:28 p.m.

Commissioner Tirrell asked what happened with the driveway. Ms. Miller stated Mr. McNair obtained a commercial driveway permit from the Eaton County Road Commission for the original driveway, she is not sure if the Road Commission inspected the driveway at the time it was installed.

Commissioner Cattron stated he looked at the site and does not have any issues. **Commissioner Mott** stated he does not have any concerns.

Commissioner Cattron moved to approve **CU-5-22-6** a request by **Robert Crisp** for a Conditional Use Permit to operate a Distressed Vehicle Transporter per Section 14.24 of the Zoning Ordinance at 225 W. Five Point Highway, Section 1, Walton Township, with 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, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.

Commissioner Tirrell supported.

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

DCA-5-22-1: Request by Ernest and Caren Gurka for a District Change Amendment to change the zoning of a vacant parcel of land located off from River Road identified as parcel 130-031-

400-001-03, from Low Density Residential (R-1) to Limited Agricultural (LA). The property is located in Section 31, Bellevue Township.

Staff Report: Ms. Williams read the staff report, and site plan review comments from Eaton Conservation District into record.

Applicant Statement: Mr. Ernest Gurka stated he had no new information and offered to answer questions.

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: 7:38 p.m.

Commissioner Tirrell moved to approve **DCA-5-22-1** a request by Ernest and Caren Gurka for a District Change Amendment to change the zoning of a vacant parcel of land located off from River Road identified as parcel 130-031-400-001-03, from Low Density Residential (R-1) to Limited Agricultural (LA). The property is located in Section 31, Bellevue Township. They find that the request meets Zoning Ordinance Section 13.6.1 as follows:

- A. There are no identifiable conditions related to the application have changed which justify the proposed amendment.
- B. Error was made in the original Ordinance which justified the proposed amendment; error was made rezoning the property back and forth between Limited Agricultural and Residential.
- C. There are no possible effects which may result from the approval of the petition.
- D. There is no impact from the approval of this amendment.
- E. There is no adverse effect.
- F. Complies with the Eaton County Master Plan.
- G. The property could not be put to a reasonable economic use; it would be limited as currently zoned.

Commissioner Hosey supported.

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

Farm Land Preservation (PA 116): Ms. Williams reported on three applications for properties located in Roxand and Kalamo Townships. She also noted receipt of an application for a property in Benton Township.

Commissioner Rogers moved to recommend approval of the Roxand and Kalamo Township applications to the Eaton County Board of Commissioners. **Commissioner Mott** supported. Motion Carried.

Other Business: Ms. Williams informed the Planning Commission they received communications from Clinton County regarding their draft Master Plan, Jackson County Planning Commission regarding their Master Plan, and Clinton County regarding a variance application for a property just north of Eaton Highway.

Commissioner Ross noted sub-committee appointments needed done; he listed who currently serves on each committee. **Commissioner Ross** asked if there are any proposed changes; hearing none, all committee assignments will stay the same for 2022.

Ms. Williams asked the Planning Commission if they would like to still receive the meeting packets in the mail or if emailing the packets and staff printing the information for the meeting is acceptable. Commissioners Ross, Rogers, and Porter asked to have their packets mailed, everyone else would like to receive e-mails with paper copies provided at the meetings.

Ms. Williams gave the Planning Commission an overview of the Eaton County Master Plan and Eaton County Courthouse Complex Sustainability Plan Meeting. She stated Commissioners Ross and Catron both attended. Ms. Williams stated the bids for proposal are due back on May 20th, 2022.

Ms. Williams reported on the new technology installed in the Board of Commissioners Room. As a result, she said the Board of Commissioners would like all public meetings made available to the public electronically. Ms. Williams said starting next month, all public notices to the paper and neighbor mailings will have a zoom link included. She noted the technology is for public participation only and per the Open Meetings Act, all board members are still required to be present at the meetings.

Reports: Ms. Williams asked if there were any questions or concerns with the 2021 Annual Planning Commission report. Hearing none, Ms. Williams informed the Planning Commission the report would be provided to the Board of Commissioners per the Michigan Planning Enabling Act.

Public Comment: None

Upcoming Cases: Ms. Miller stated there is one Change of Conditions Application to be heard at the June 7, 2022 Planning Commission Meeting.

A motion was made by **Commissioner Hosey** to adjourn the meeting. **Commissioner Rogers** supported. Motion carried.

The meeting adjourned at 7:59 p.m.