

**EATON COUNTY
PLANNING COMMISSION
June 1, 2021**

The Eaton County Planning Commission met virtually as permitted by Public Act 228 of 2020.

Call to Order: Brian Ross, Chair of the Eaton County Planning Commission called the meeting to order at 7:00 p.m.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, their office in City of Eaton Rapids, Eaton County, MI
Zachary Dillinger, their residence in Eaton Township, Eaton County, MI
Bruce Porter, in person Eaton County Courthouse
Barbara Rogers, in person Eaton County Courthouse
Ben Tirrell, their residence in the City of Charlotte, Eaton County, MI
Lisa Lawitzke, their residence in Bellevue Township, Eaton County, MI
Tim Cattron, their residence in Eaton Rapids Township, Eaton County, MI
Jim Mott, in person Eaton County Courthouse
Mike Hosey, their residence in Chester Township, Eaton County, MI

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Hosey** to approve the agenda for the June 1, 2021 meeting. **Commissioner Rogers** supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Minutes Approval: A motion was made by **Commissioner Rogers** to approve the April 6, 2021 as written. **Commissioner Cattron** supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Public Comments: None.

Public Hearings of Conditional Use Permit:

Postponed from April 6, 2021:

DCA-4-21-1: Request by Jennifer Ketchum to amend the Eaton County Land Development Code (Zoning Ordinance). The proposed amendment is to Article 14.32 Adult Entertainment Establishments and Amusement Establishments, Section 14.32.2 Definitions item E. Massage Establishment. The request is to add licensed massage therapists to those establishments exempt from this sections requirement

Staff Report: Ms. Williams informed the Planning Commission the Zoning Ordinance Committee is recommending adding licensed massage therapist as a use to personal service establishments, which could be operated as a home business with some proposed requirements. Ms. Williams read the proposed regulations and conditions for a personal service establishment into record. Ms. Williams stated the Zoning Ordinance Committee is also recommending changing the definition of a message establishment.

Commissioner Ross stated he did not think anyone had any problems with the request in April; we just wanted to make sure we had all of the wording correct before moving forward.

Commissioner Hosey moved to approve DCA-4-21-1 as amended to the Eaton County Land Development Code (zoning ordinance) which was reviewed by and updated by the Eaton County Zoning Ordinance Committee. Amendments are proposed to the following: Article 5, Definitions and Interpretations (amend Section 5.3.16 P, Personal Service Establishment) and

Article 14, Specific Provisions and Requirements (amend Section 14.32.2 Definitions, item E. Massage Establishment and F. Massage; Add Section 14.40 Personal Service Establishment). **Commissioner Tirrell** supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Ms. Williams noted the public hearing for this request was held at the April meeting.

Ms. Ketchum stated she is happy with the changes that were made. **Commissioner Dillinger** asked Ms. Ketchum about the time restrictions and hours. Ms. Ketchum stated she usually works until 2:00 p.m. on Saturdays, but can make the changes work.

CU-6-21-2: Request by Rudy Byler for a Conditional Use Permit to operate an Educational Institution per Article 14.10 of the Ordinance at 8633 Valley Hwy, Sec. 10, Kalamo Township.

Staff Report: Ms. Williams read the staff report and Site Plan Review comment from Eaton Conservation District into record. Ms. Williams added, based on a conversation between Mr. Byler and Ms. Hatt, the pole barn for the horses 24' x 24' building with ten-foot sidewalls.

Applicant Statement: Mr. Ruben Coblentz, builder for Mr. Byler stated the school would be located on the crest of the hill. He will comply with all requirements. The name of the school will be Valley View School; they may have a mailbox in the future.

Commissioner Mott asked if the drain field has already been approved. Mr. Coblentz said no, they were waiting on a decision from the Planning Commission before submitting an application. Ms. Williams stated a permit to install the well, septic and drain field is required prior to obtaining a building permit.

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: 7:22 p.m.

Commissioner Dillinger moved to approve **CU-6-21-2** a request by **Rudy Byler** for a Conditional Use Permit to operate an Educational Institution per Article 14.10 of the Ordinance at 8633 Valley Hwy, Sec. 10, Kalamo Township with the following conditions;

1. If a sign is installed, it shall be shown on the site plan.
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, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
3. This Conditional Use Permit is granted to Rudy Byler for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Hosey supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

CU-6-21-3: Request by Ben Yutzy for a Conditional Use Permit to operate a Home Business (manufacturing laminated posts used in pole buildings) per Article 14.13 of the Ordinance at 1827 Ainger Road, Sec. 6, Carmel Township.

Staff Report: Ms. Williams read the staff report and Site Plan Review comments from Eaton Conservation District into record.

Applicant Statement: Mr. Darren Yutzy, said the staff report was incorrect, he stated all materials will be stored indoors. He said no water is used for the business. Mr. Yutzy stated the glue is toxic; it will be stored in metal cabinets. He stated he is working with Republic Waste to take care of the solid waste from the business. Mr. Yutzy stated the sawdust is not toxic.

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: 7:32 p.m.

Commissioner Tirrell moved to approve **CU-6-21-3** a request by **Ben Yutzy** for a Conditional Use Permit to operate a Home Business (manufacturing laminated posts used in pole buildings) per Article 14.13 of the Ordinance at 1827 Ainger Road, Sec. 6, Carmel 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 Jonatan and LeAnn Mast for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Catron supported.

Commissioner Dillinger asked if the Planning Commission should ask for toxic waste handling procedures to be in place. **Commissioner Tirrell** stated that is regulated by law; he stated he is comfortable if they are working with a licensed facility.

A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

DCA-6-21-3: Request by Lynn Ball for a District Change Amendment to change the zoning of vacant property located off from Michigan Road/M-99, (parcel number 120-026-100-076-12), from Low Density Residential (R-1) and Limited Agricultural (LA) to Local Business (C-1). The property is located in Section 26, Eaton Rapids Township.

Staff Report: Ms. Williams read the staff report and Site Plan Review comment from Eaton Conservation District into record.

Applicant Statement: Mr. Lynn Ball said he does not have anything to add. He stated he believes the map shows the area is heading toward commercial development. Mr. Ball stated he does not have a buyer right now, but he would like to put the property on the market as commercial.

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: 7:43 p.m.

Commissioner Rogers moved to approve DCA-6-21-3 (Lynn Ball) to change the zoning of vacant property located off from Michigan Road/M-99, (parcel number 120-026-100-076-12), from Low Density Residential (R-1) and Limited Agricultural (LA) to Local Business (C-1). The property is located in Section 26, 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. There is more development in the area.
- B. There is not an error in the original Ordinance; however, with the changing conditions of the area and times, the rezoning is justified as there is a change in the times and condition of the area.
- C. Rezoning this property will not create any precedents or effects.
- 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 rezoning will improve the economics of the area.

Commissioner Hosey supported.

A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

CU-12-09-14: Request by Douglas Reaves and Russell Thorn for a Change of Conditions to an existing Conditional Use Permit to operate a Golf Course and Construction Contractors Establishment and Storage of Heavy Equipment business (R&D Landscaping) per Sections 14.11 and 14.29 of the Ordinance at 194 S. Michigan Road, Section 14, Eaton Rapids Township to construct an addition onto an existing building for salt storage.

Staff Report: Ms. Williams read the staff report and Site Plan Review comment from Eaton Conservation District into record.

Applicant Statement: Mr. Doug Reaves stated the staff report covers his request. He stated the current salt building is 40' x 48', he would like an addition to the building so he can store more salt due to a salt mine in Ohio closing. He stated he would like to have all of his salt before the winter season arrives.

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: 7:55 p.m.

Commissioner Hosey asked Commissioner Rogers if she thought more buffering was needed. **Commissioner Rogers** stated they do more business from the site then people realize; the addition to the salt building is good for business. She stated if the Planning Commissioners were to see their operation, they would have no idea as to the number of employees they have or the amount of business they do; you do not see the number of buildings. **Commissioner Ross** stated he does not believe additional buffering is needed.

Commissioner Hosey moved to approve a Change of Conditions for **CU-6-21-2**, a request by Douglas Reaves and Russell Thorn for a Change of Conditions to an existing Conditional Use

Permit to operate a Golf Course and Construction Contractors Establishment and Storage of Heavy Equipment business (R&D Landscaping) per Sections 14.11 and 14.29 of the Ordinance at 194 S. Michigan Road, Section 14, Eaton Rapids Township to construct an addition onto an existing building for salt storage 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 Douglas Reaves and Russell Thorn for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Lawitzke supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Other Business: Ms. Williams informed the Planning Commission the Zoning Ordinance met to discuss the District Change Amendment and other items. **Commissioner Ross** stated the Zoning Ordinance Committee asked Ms. Williams to begin researching language for wind regulations so we have it in place before a company request to develop one.

Reports: Ms. Williams stated the Zoning Board of Appeals met this evening and approved one application and denied one application.

Ms. Williams informed the Planning Commission of Windsor Township's notice of intent to update their Comprehensive Plan.

Ms. Williams stated she sent the Planning Commission a memo with the Planning Commission's Annual Report. She stated the Planning Commission is required to send an annual report to the Board of Commissioners every year. **Commissioner Catron** stated he reviewed the report, it is well written. **Commissioner Rogers** stated she was impressed.

Commissioner Rogers moved to send the Planning Commissions Annual Report to the Board of Commissioners. **Commissioner Catron** supported. Motion carried.

Public Comment: None

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

The meeting adjourned at 8:03 p.m.