

**Chairperson**  
Roni Christmas  
**Vice-Chairperson**  
Patti Schafer  
**Secretary**  
Willis Heisey  
**Members**  
Adam Stacey (BOC Rep.)  
Frank Trierweiler  
Mark Simon  
Michael O'Bryant



**Community Development Dept.**  
**Director**  
Doug Riley  
**Planning & Permit Technician**  
Jessica Plesko

## Clinton County Planning Commission

Clinton County Courthouse  
100 East State Street, Suite 1300  
St. Johns, Michigan 48879-1571  
(989) 224-5180

### MEETING MINUTES DECEMBER 9, 2021

**CALL TO ORDER** The Clinton County Planning Commission met on Thursday, December 9, 2021 at 6:31 p.m. with Chairperson Christmas calling the meeting to order.

**ROLL CALL** Adam Stacey  
Frank Trierweiler  
Mark Simon  
Michael O'Bryant  
Patti Schafer – *absent with notification*  
Roni Christmas  
Willis Heisey

**STAFF PRESENT** Doug Riley, Director  
Jessica Plesko, Planning & Permit Technician  
Dan Hufnagel, Building/SESC Inspector  
Erin McElroy, Building Department Secretary/Accounting Clerk

**VISITORS** Amber Fogarty, 14965 S. Jones Road  
Courtney Sturgis, Spicer Group  
Dan Connelly, 30845 Embassy Street  
Doug Steffen, Clinton County Road Commission  
Eric Silm, Bingham Township  
Gail Watkins, Clinton County Road Commission  
Gloria Barker, 225 Beaupre Avenue  
Marty Ruitter, 13172 Watercrest Drive

**PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was given to the flag of the United States of America.

**AGENDA** The agenda was presented for review and approval.  
**PLANNING COMMISSION ACTION:** Mark Simon moved, supported by Willis Heisey to approve the agenda as presented. Motion carried.

**APPROVAL OF PLANNING COMMISSION MEETING MINUTES** **PLANNING COMMISSION ACTION:** Frank Trierweiler moved, supported by Mark Simon to approve the October 14, 2021 Planning Commission Meeting Minutes as presented. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

**COMMUNICATIONS**  
*VICTOR TOWNSHIP – MASTER PLAN*  
*PA-116 – KURN CZ*

Doug Riley, Director:  
• Thanked the Planning Commissioners for their review and comments.

Jessica Plesko, Planning & Permit Technician:  
• Presented the Kurncz PA-116 application.

PA-116 – STRONG

Jessica Plesko, Planning & Permit Technician:

- Presented the Strong PA-116 application.

**PLANNING COMMISSION ACTION:** Frank Trierweiler moved, supported by Willis Heisey to receive, and place on file the three communication items.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

PUBLIC COMMENTS

Chairperson Christmas called for public comments. There were no public comments.

OLD BUSINESS

None

NEW BUSINESS

PC-41-21 MA  
(OR 171-21)

Chairperson Christmas called on Doug Riley, Director for report.

- Doug Riley:
  - Reviewed **PC-41-21 MA (OR 171-21) – Application for a Zone Map Amendment (Rezoning)** as detailed in the Staff Report (which includes the zone map amendment criteria to be reviewed by the PC).
- Gloria Barker stated that Mr. Riley represented her mother's case well.
- Chairperson Christmas asked for any comments from the Commission.
  - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

**PLANNING COMMISSION ACTION:** Willis Heisey moved, supported by Frank Trierweiler to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.
  - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

**PLANNING COMMISSION ACTION:** Willis Heisey moved, supported by Frank Trierweiler to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

**PLANNING COMMISSION ACTION:** Frank Trierweiler moved, supported by Mark Simon to recommend approval of *PC-41-21 MA (OR 171-21), Kurncz*, to the Board of Commissioners to amend the Zoning Map from A-2 (General Agriculture) to RR (Rural Residential) for the property located in Section 25 of Greenbush Township as legally described in the petition based on the following reasoning:

- Reasoning: The seven (7) findings of fact outlined in Section 1605 as detailed in the staff report have been met.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

PC-42-21 MA  
(OR 172-21)

- Doug Riley:
  - Reviewed **PC-42-21 MA (OR 172-21) – Application for a Zone Map Amendment (Rezoning)** as detailed in the Staff Report (which includes the zone map amendment criteria to be reviewed by the PC).
- Frank Trierweiler inquired what the land (east side) is currently being used for?
- Amber Fogarty answered that she rents the land to a farmer.

- Chairperson Christmas asked Ms. Fogarty if she had anything she would like to add to Mr. Riley's report before she calls for a motion to open the public hearing.
- Amber Fogarty noted that she has spoken with the Mid-Michigan District Health Department (MMDHD) and the property has perked in several areas.
- Adam Stacey, noting that Zone Map Amendments (rezonings) can't be conditioned, asked Ms. Fogarty what her intentions are for development of the land once it is split?
- Amber Fogarty explained that her plan is to sell 4 acres of the property to someone who wants to build a house in the field behind the woods.
- Adam Stacey, referring to the GIS photos within the Staff Report, questioned Ms. Fogarty about a square area on the subject property.
- Amber Fogarty explained that the area in question is a garden.
- Chairperson Christmas asked for any comments from the Commission.
  - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

**PLANNING COMMISSION ACTION:** Mark Simon moved, supported by Frank Trierweiler to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.
  - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

**PLANNING COMMISSION ACTION:** Mark Simon moved, supported by Frank Trierweiler to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

**PLANNING COMMISSION ACTION:** Mark Simon moved, supported by Michael O'Bryant to recommend approval of *PC-42-21 MA (OR 172-21)*, *Fogarty*, to the Board of Commissioners to amend the Zoning Map from A-2 (General Agriculture) to RR (Rural Residential) for the property located in Section 20 of Eagle Township as legally described in the petition based on the following reasoning:

- Reasoning: The seven (7) findings of fact outlined in Section 1605 as detailed in the staff report have been met.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

*PC-44-21 SLU*

- Doug Riley:
  - Reviewed ***PC-44-21 SLU – Application for Special Land Use Permit*** as detailed in the Staff Report (which includes the special land use criteria to be reviewed by the PC).
- Adam Stacey questioned why a Special Land Use Permit is required for a drive-thru restaurant?
- Doug Riley stated that it is common practice in Michigan and explained that the logic is largely due to impacts of drive-thrus.
  - Noted that there are currently no specific tenants for this site.
- Frank Trierweiler, referring to the GIS photos within the Staff Report, asked for clarity on the property located on the inner corner of the subject property (on BR-127 and Scott Road)?
- Doug Riley clarified: that piece of land is the "clear vision area", put into place by the Michigan Department of Transportation (MDOT).
- Adam Stacey inquired why this particular clear vision areas is set up as is?

- Doug Riley explained that when BR-127 was completed, it no longer followed Scott Road (intersecting with M-21), MDOT abandoned Scott Road.
  - The City of St. Johns and the Clinton County Road Commission (CCRC) also abandoned Scott Road south of Arby's restaurant.
  - North of the intersection (where Arby's restaurant is located) is still public road right of way, maintained by the City of St. Johns.
  - South of that intersection (on Scott Road) is an ingress/egress easement, and technically, a private drive.
- Adam Stacey asked Mr. Riley to clarify that with no access off of BR-127 (only Scott Road) to the subject property for the proposed business, there will be no impacts to BR-127?
- Doug Riley confirmed, adding that the proposed restaurant will also be accessed through the shopping plaza parking lot from Townsend Road.
- Adam Stacey asked if the stacking standards in the report are based on 1-lane drive-thrus?
- Doug Riley confirmed – they are based on 1-lane drive-thru standards.
  - Commented that maneuvering lanes can usually be a little narrower.
- Frank Trierweiler inquired about the timeline for this project.
- Doug Riley answered that he would let the applicant speak to timeline questions.
  - Commented that he believes the applicant would like special land use approval so they can actively engage in conversations with potential tenants.
  - Stated that the applicant has requested a partial waiver on landscaping requirements as they are concerned with the required trees blocking the exposure.
  - Discussed the recommended conditions of approval with the Commission.
- Mark Simon inquired about the proposed width of the crosswalk to the outdoor seating area.
- Doug Riley offered that the crosswalk width could be re-evaluated during inspections if necessary.
  - Added, bollards could be added as a condition of approval on the edge of the outdoor seating area for an additional safety measure if the Commission felt so inclined.
- Willis Heisey asked Courtney Sturgis (from Spicer Group) why bollards were not included in the site plan as a safety measure?
- Courtney Sturgis introduced herself as representing the applicant, Gary Vandenberg.
  - Explained that the outdoor seating area proposal is somewhat conceptual at this point.
  - Bollards or curbs could absolutely be added to the site plan.
- Willis Heisey questioned the method in which products will be delivered?
- Courtney Sturgis responded that it is possible products will be delivered by truck and trailer.
  - As to the area for deliveries, it has been discussed and the site plan designers (engineers) were as generous as they could be with the radius of turn.
  - However, it may be possible to look at designing deliveries to be made from the east.
- Doug Riley noted that there is not a specific code standard for the radius of turn for deliveries.
  - Many of the potential issues could be resolved by timing of deliveries.

- Frank Trierweiler commented, depending on the business/restaurant, the drive-thru combined with the lot shape could cause safety impacts.
- Chairperson Christmas asked if it would be possible to widen the drive to the east?
- Doug Riley stated that it is a possibility.
- Chairperson Christmas commented that the landscaping requirements do seem too large; perhaps the applicant could get smaller plants.
  - Advised the applicant's representative, Ms. Sturgis, about potential plant substitutes.
  - Asked for confirmation that the sidewalk on the site plan (between BR-127 and Townsend Road to the restaurant) is part of this proposal and intended to be installed?
- Courtney Sturgis confirmed that the sidewalk is part of the proposal.
  - Asked on behalf of the applicant, Gary Vandenberg, that condition number 1 is concerning regarding timing.
  - There are concerns about securing a tenant with Bingham Township's requirements to extend the municipal utilities.
- Chairperson Christmas asked Mr. Riley to relay the details of the current water supply negotiations.
- Doug Riley indicated that Bingham Township municipal water is proposed to be run up to Townsend Road and to the site.
  - The Ordinance states that, whether there is municipal water or a well, the Community Development Department receives the approval (from the municipality or the MMDHD).
  - Bingham Township's supervisor is in attendance and can speak specifically to the Township's position.
  - As it stands currently, the MMDHD has final sign-off on the well.
- Chairperson Christmas asked for any comments from the Commission.
  - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

**PLANNING COMMISSION ACTION:** Mark Simon moved, supported by Willis Heisey to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Bingham Township Supervisor, Eric Silm confirmed that Bingham Township does intend to provide municipal water to the subject property.
  - The Township currently has plans ready and a consultant working on obtaining permits, bids, etc.
  - The Township's plan is to extend municipal utilities 500 foot beyond Townsend Road.
  - The current proposal from the Township to the applicant is for him to extend utilities to and through his site.
- Adam Stacey agreed that the site should be served by municipal utilities.
  - Questioned if businesses north of Townsend Road on BR-127 are not being served by municipal utilities?
- Eric Silm answered that they are not; they are operating off of well systems.
- Willis Heisey asked Ms. Sturgis if the discussion held between the Bingham Township Supervisor and the Planning Commission satisfies the applicant's timeline?
- Courtney Sturgis stated that she is unsure and would ultimately have to ask the applicant; however, it sounds reasonable.
- Eric Silm suggested the east drive be relocated to the north side of the site.

- Doug Riley advised that he could check into this being a viable option (with stacking requirements).
- Chairperson Christmas asked for any comments from the public.
  - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

**PLANNING COMMISSION ACTION:** Frank Trierweiler moved, supported by Willis Heisey to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

**PLANNING COMMISSION ACTION:** Frank Trierweiler moved, supported by Michael O'Bryant to recommend approval of petition *PC-44-21 SLU/SP, Vandenberg*, for the construction of a new restaurant (with drive-thru) and retail facility on vacant property on the northeast corner of BR-127 and E. Townsend Road in Section 15 of Bingham Township to the Board of County Commissioners based on the following reasoning and subject to the following conditions:

- Reasoning: The standards set forth under Sections 715 and 716 (Site Plan Requirements) and Section 1305 (Special Land Use – General Standards/Basis of Determination) have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** The applicant shall fully explore the provision of municipal water to the project with Bingham Township, the City of St. Johns and the Mid-Michigan District Health Department. Written approval for the provision of water to the site from Bingham Township and the Mid-Michigan District Health Department shall be required prior to building permit issuance. **(2)** The applicant shall address the requirements of the Clinton County Drain Commissioner's Office as part of construction permitting for the project. Written approval from the Drain Commissioner's Office will be required prior to building permit issuance. **(3)** If the proposed building materials change significantly upon tenant fulfillment, as determined by the Community Development Department, the new building elevations/materials shall be re-submitted to the Planning Commission for approval prior to building permit issuance. **(4)** The applicant shall obtain a permit from the Michigan Department of Transportation for any work within the BR-127 right-of-way. **(5)** The dumpster enclosure shall be designed in accordance with Section 602.K. of the Zoning Ordinance and the materials shall be architecturally compatible with the building/materials used in the development. **(6)** Final lighting details for the site and building shall be provided as part of construction permitting for the project in accordance with Section 606 of the Zoning Ordinance. **(7)** The applicant shall prepare a comprehensive signage plan in accordance with the standards of Section 1012 of the Zoning Ordinance prior to building permit issuance for the project. This signage plan shall include directional signage for vehicles. **(8)** The site will be subject to annual inspection by the Community Development Department (as specified in Section 1309 of the Zoning Ordinance). It shall be the duty and obligation of the owner(s) and/or operator(s) to at all times be in compliance with the use requirements of the Zoning Ordinance and the stipulations of the Special Use approval. **(9)** Bollards will be added to the edge of the outdoor seating area for safety purposes.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

*PC-45-21 SP*

- Doug Riley:

- Reviewed **PC-45-21 SP – Application for a Site Plan Approval** as detailed in the Staff Report (which includes the site plan approval criteria to be reviewed by the PC).
- Noted that there was 1 public comment received in response to noticing.
  - Believes that recommended condition number 1 addresses the concerns indicated in the public comment.
- Adam Stacey, referring to the site plan, asked if the area in between the fuel pumps and the parking lot is proposed to be a grass buffer?
  - Requested that Doug Riley to identify (on the site plan) where the new building is being proposed in relation to the existing building.
  - Inquired if the existing office/main building on the site will be demolished to construct the new building?
- Doug Riley confirmed.
- Mark Simon asked for information on the wash area.
- Doug Riley indicated that he would let the applicant, Doug Steffen from the Clinton County Road Commission (CCRC), answer questions in those regards.
- Doug Steffen indicated that trucks are currently washed inside the building.
- Adam Stacey mentioned that he did vote against the funding for this proposal as a Board of County Commissioner; however, he does think the site plan is reasonable overall.
  - How will the CCRC operate when the existing building is demolished?
- Doug Steffen answered that outline of the new building will be constructed approximately 30 feet off of the exiting building to accommodate maintaining operations during construction.
- Adam Stacey inquired when they are planning to break ground on this project?
- Doug Steffen replied, the hope is late March to early April of 2022.
- Adam Stacey inquired if this site is serviced with municipal water?
- Doug Steffen confirmed that the site is serviced with municipal water currently.
  - Noted that they are currently working on addressing the comments submitted by Bingham Township in regards to municipal water supply.
  - Are also working on addressing the comments regarding drainage to the property to the north.
  - The swale shown on the site plan is designed to take all rooftop and parking lot water to a detention pond.
- Adam Stacey questioned if the office space will be the same size as existing?
- Doug Steffen indicated that the office space will be larger.
- Eric Silm commented that Bingham Township will require the CCRC to extend the utilities through the site (from the north property line to the south property line).
- Chairperson Christmas asked for any comments from the public.
- Dan Connelly introduced himself as the property owner to the north of the subject property.
  - Admitted that he had not noticed the swale on the site plan.
    - This does alleviate some of his concerns but not all of them.
  - Some of his concerns include:
    - The slope increasing from 3% to 10%.

- The direction of drainage has changed from toward BR-127 to his property.
    - The potential for water to impact his property.
  - Requested that the engineers designing the plan take a second look at the proposed slope and swale.
  - Overall, he would not be opposed to the project as long as his concerns are addressed.
- Adam Stacey, identifying that “veto power” is not given to adjacent property owners, asked that Mr. Connelly’s comments are taken into consideration for this project.
- Doug Riley indicated that he did forward Mr. Connelly’s comments to the CCRC and Clinton County Drain Commissioner’s Office (CCDC) for their consideration and planning.
- Chairperson Christmas asked for any additional comments from the Commission.
  - Hearing none, Chairperson Christmas called for a motion.

**PLANNING COMMISSION ACTION:** Willis Heisey moved, supported by Mark Simon to approve *PC-45-21 SP, Clinton County Road Commission*, application for site plan approval for its new facility in Section 28 of Bingham Township based on the based on the following reasoning and subject to the following conditions:

- Reasoning: **(1)** The standards set forth under Section 715 (Information Required for a Final Site Plan) and Section 716 (Standards for Review) as referenced in the Staff Report have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** The applicant shall satisfactorily address the requirements of Bingham Township and the Clinton County Drain Commissioner’s Office for the water, sanitary sewer and storm water infrastructure as part of construction permitting for the project. Written approval from both agencies will be required prior to building permit issuance. **(2)** The applicant shall abandon the existing well used for irrigation and vehicle washing as required by the Mid-Michigan District Health Department prior to final occupancy approval being issued for the new building. **(3)** The applicant shall obtain a permit from the Michigan Department of Transportation for any work within the S. US-27 right-of-way. **(4)** Any substantive change to the site plan, as determined by the Community Development Department, shall be resubmitted to the Planning Commission for their review and approval.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

OR 173-21

- Doug Riley:
  - Reviewed **OR 173-21 – Zoning Ordinance Reformatting** as detailed in the Memorandum.
  - Provided an update on the status and items remaining as part of this process.
- Chairperson Christmas asked for any comments from the Commission.
  - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

**PLANNING COMMISSION ACTION:** Mark Simon moved, supported by Frank Trierweiler to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.

- Hearing none, Chairperson Christmas called for a motion to close the public hearing.

**PLANNING COMMISSION ACTION:** Michael O'Bryant moved, supported by Mark Simon to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

**PLANNING COMMISSION ACTION:** Mark Simon moved, supported by Willis Heisey to recommend that the Board of County Commissioners approve the adoption of the reformatted Zoning Ordinance (OR 173-21). Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

**OTHER BUSINESS**  
*COMPREHENSIVE  
PLAN - UPDATE*

Chairperson Christmas called on Doug Riley, Director for report.

- Doug Riley, Director:
  - Staff is still working on the Comprehensive Plan (5-year) review/update.
  - He and Jessica Plesko sat aside an entire week to focus on the update.
  - Staff met with the last township on the list (Bingham Township) on November 8th.
  - He has been working with the CCRC to develop a Comprehensive Plan identifying gravel pits and haul routes as part of this update.
    - This plan will be a great benefit to potential purchasers as well as a tool for Staff.
  - Jessica Plesko is largely focusing on reformatting/refreshing the Plan.
- Adam Stacey questioned when the Plan was last updated?
- Doug Riley – 2016.
- Adam Stacey commented that due to the impacts of COVID-19, the timing for updating this plan has been good.
  - Suggested that PA-116 enrolled areas be cross-checked with the Future Land Use Map (FLUM) to help prevent misconceptions/issues.
- Doug Riley stated that such a review was completed by Staff and the Michigan State University (MSU) Planning interns.
  - Any conflicting areas were analyzed for proposed changes to the FLUM.
  - Given the scale of what this plan covers, it is a good plan – providing just enough detail.

*PLANNING  
COMMISSION  
SCHEDULE - 2022*

- The Commission had discussion regarding meeting dates and times.
- PLANNING COMMISSION ACTION:** Mark Simon moved, supported by Frank Trierweiler to approve the 2022 Planning Commission Meeting Schedule as presented. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

**COMMUNITY  
DEVELOPMENT  
DIRECTOR'S REPORT**

Doug Riley, Director provided a brief update:

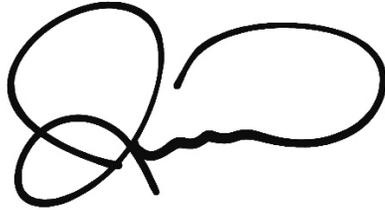
- There will be a Planning Commission meeting in January.
  - One of the applications may be a request for Peele's wedding barn.
  - Jill Bahm from Giffels Webster will attend the meeting and present the Zoning Ordinance "health audit".
  - The election of officers will be on the agenda as well.
- Relayed that he attended a meeting/workshop held by Victor Township regarding potentially opting into marijuana uses.
- Wished the Planning Commission a Merry Christmas/Happy Holidays!

PLANNING  
COMMISSIONER  
COMMENTS

None

ADJOURNMENT

**PLANNING COMMISSION ACTION:** With no further business to come before the Commission, Adam Stacey moved, supported by Frank Trierweiler to adjourn the meeting at 9:00 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

A handwritten signature in black ink, consisting of several loops and a wavy line at the end.

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NOTE: These minutes were approved by the Planning Commission on January 13, 2022.