

Chairperson
Roni Christmas
Vice-Chairperson
Patti Schafer
Secretary
Margaret Sayles
Members
Jan Motz
Michael O’Bryant
Peter Psarouthakis
Val Vail-Shirey (BOC Rep.)



Clinton County Planning Commission

Community Development Dept.
Planners
Raphael Kasen / Jeff Keesler
Planning & Permit Technician
Jessica Bolt

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

MEETING MINUTES AUGUST 10, 2023

CALL TO ORDER The Clinton County Planning Commission (PC) met on Thursday, August 10, 2023 at 6:30 p.m. with Chairperson Christmas calling the meeting to order.

ROLL CALL Jan Motz
Margaret Sayles
Michael O’Bryant
Patti Schafer
Peter Psarouthakis
Roni Christmas
Val Vail-Shirey

STAFF PRESENT Jeff Keesler, Planner (Consultant)
Jessica Bolt, Planning & Permit Technician
Joel Haviland, Building Official/Zoning/SESC Administrator
Raphael Kasen, Planner (Consultant)
Todd Campbell, Deputy County Administrator

VISITORS Barb Idzkouski, 600 S. Scott Road
Bryan Curtis, 5800 Paxton Road
Carl Orson, 4751 Findlay Road
Cori Feldpausch, 11480 State Road
Charlotte Wallace, 10880 S. Francis Road
Dan Feldpausch, 11480 State Road
David Hanson, 1785 E. Round Lake Road
Eric Smith, 6128 Paxton Road
Ed Conklin, 5900 Paxton Road
Eric Sutherland, 13772 W. McCrumb Road
Glen Miller, Miller Brothers Excavating Inc. / 3150 S. Lowell Road
Janine Dyer, 15773 Tallman Road
James Goble, Quiet Waters Transport, LLC / 5722 Findlay Road
Jamie Hanson, 1785 E. Round Lake Road
John Chickoring, 5823 Paxton Road
Katrina Pease, 5760 Paxton Road
Keith Koneval, 807 S. Lansing Street
Kevin Smith, 5858 Paxton Road
Matt Drennan, ESA
Mark Coyne, Coyne LLC / 401 E. Railroad Street
Mike Coyne, Coyne LLC / 401 E. Railroad Street
Pat Twietmeyer
Paul Hart, 4701 Findlay Road
Ritch Nelson, 5730 Paxton Road
Shari Nelson, 5730 Paxton Road
Tom Pile, 600 S. Scott Road

Vicki Orson, 4751 Findlay Road

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: Peter Psarouthakis moved, supported by Margaret Sayles to approve the agenda as presented. Motion carried.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Michael O'Bryant to approve the July 13, 2023 PC Meeting Minutes as presented. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

COMMUNICATIONS
(A) PA-116

- Raphael Kasen, Planner, presented **Notice of Farmland & Open Space Application (PA-116)** for:
 - Gloria & Gary Barker – Section 24 of Greenbush Township**PLANNING COMMISSION ACTION:** Patti Schafer moved, supported by Margaret Sayles to receive Communication item A and place on file. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PUBLIC COMMENTS

- Chairperson Christmas called for public comments.
- Charlotte Wallace addressed the PC regarding a request to consider reviewing the Commercial Stable regulations of the Zoning Ordinance.
 - *Submitted written comments to be reviewed by the Planning Commission.*
- Val Vail-Shirey asked Staff what distinguishes private use of horses on the property from commercial stables?
- Raphael Kasen, Planner referred to Joel Haviland, Building Official/Zoning/SESC Administrator.
- Joel Haviland explained the difference in acreage requirements for private use versus commercial use.
- Chairperson Christmas called for any additional public comments.
 - *There were no public comments.*

OLD BUSINESS

None

NEW BUSINESS
PC-22-23 MA
(OR 192-23)

- Raphael Kasen, Planner Reviewed **PC-22-23 MA (OR 192-23) – Application for Zone Map Amendment (Rezoning)** as detailed in the Staff Report (which includes the Zone Map Amendment criteria to be reviewed by the PC).
 - Read into the record comments that were received after the PC packets were sent out – which were forwarded to the PC.
 - *Clinton County Drain Commission (CCDC): generally, no objections.*
 - *Public Comment – Michelle Curtis: requested the PC deny the application, citing several concerns regarding impacts.*
- Chairperson Christmas asked for any comments or questions from the PC.
- Peter Psarouthakis asked Mr. Kasen if there was any environmental testing done on this site?
- Raphael Kasen stated, no, not that he's aware of.
- Peter Psarouthakis asked how many wells there are in the area?

- Raphael Kasen stated that he is unaware but can try to locate that information.
- Peter Psarouthakis questioned Clinton County's requirement for a reclamation plan or bond/letter of credit?
 - How is the amount determined?
- Raphael Kasen confirmed that the County does require those items.
 - Referred to Joel Haviland, Building Official/Zoning/SESC Administrator, regarding the bond amount.
- Joel Haviland indicated that this review is only for consideration of rezoning.
 - If the PC is inclined to approve the request to rezone, the applicant will have to go through the Special Land Use (SLU) process where these types of details will be reviewed and considered.
- Jan Motz inquired about the enforcement of reclamation on these types of sites.
- Joel Haviland indicated that the subject site was previously mined without the necessary approvals – which was done prior to current administration.
 - Under the current administration, mining operations are required to be inspected annually and re-reviewed by the PC every 5 years.
 - They're also required to be bonded to guarantee reclamation – which the County could utilize, if necessary.
- *The PC discussed the Planning & Zoning Office's violation enforcement process regarding mining operations with Mr. Haviland.*
- Peter Psarouthakis commented that he feels if the PC were to approve the request to rezone, it would indicate that the PC will also approve the SLU permit.
- Raphael Kasen identified the 3 potential motions for consideration.
 - Noted, the Comprehensive Plan states that mineral resource extraction is an appropriate use in any zoning district.
- Val Vail-Shirey clarified, the issue before the PC tonight is rezoning only.
- Jan Motz asked, if the PC approved the request to rezone, what the property owner is allowed to use the land for?
- Joel Haviland indicated that there is a list of appropriate land uses identified in the MR (Mineral Resource Extraction) section of the Zoning Ordinance.
- Jan Motz questioned the intent of the property owner.
- Raphael Kasen indicated that he understands the intent to be utilization of the on-site minerals for profit, then construct a home with a pond on the site.
- Jessica Bolt, Planning & Permit Technician, noted that the applicant is present to further discuss these items.
- Chairperson Christmas inquired if the State of Michigan has legislation that makes it difficult for local municipalities to deny this type of application?
- Raphael Kasen responded that he is unsure.
- Val Vail-Shirey explained that the State is currently working on such legislation, but it has not been passed yet.
- Patti Schafer inquired when the property was zoned back to A-2 (General Agriculture)?
- Raphael Kasen indicated that he believes it would have been with the current zoning ordinance.
- Joel Haviland clarified; it does not appear that it was ever zoned MR.
- Patti Schafer asked if there are any other MR zoned properties in Essex Township?

- *Raphael Kasen consulted with Jeff Keesler, Planner.*
 - Believes there is one other property zoned MR in Essex Township.
- Chairperson Christmas asked for any additional comments or questions from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Peter Psarouthakis to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Chairperson Christmas called on the applicant.
- James Goble, Quiet Waters Transport, LLC, noted that he does intend to build a home on the subject property in the future.
 - Explained that he is understanding of, and will adhere to, the Ordinance requirements.
 - Has discussed the operations plan with the potential operator, Glenn Miller, Miller Brothers Excavating Inc.
 - Noted, he has observed that Miller Brothers Excavating, Inc. has good follow-through and operational procedures.
- Peter Psarouthakis asked how long he might intend to mine the subject property?
- James Goble indicated, depending on the economy, likely 3-7 years.
- Patti Schafer asked Mr. Golbe to clarify his intent regarding the pond.
- James Goble explained that there will be a 13-18-acre area reserved for a pond.
 - Does not intent to strip the whole property as he intends to live there in the future.
- Margaret Sayles asked, considering the property is currently zoned A-2, when was the last time the subject property was farmed?
- *The public indicated that the subject property is currently partially farmed.*
- Margaret Sayles inquired, if the property were to be rezoned to MR, if it could still be utilized for farming?
- Raphael Kasen confirmed that it could.
- Chairperson Christmas asked for any comments from the public.
- Ed Conklin, adjacent property owner, expressed opposition to this request.
 - Is concerned that this will negatively impact his quality of life.
 - May be forced to sell his home.
 - Noted that there is currently abandoned mining equipment on the subject property.
 - Asked the PC to deny this request.
- Jan Motz asked Mr. Conklin if there is any existing buffering between his property and the subject property?
- Ed Conklin indicated that there is a swale.
- Val Vail-Shirey asked Mr. Conklin how many acres he owns in the subject area?
- Ed Conklin answered, 2 acres.
- Val Vail-Shirey asked Mr. Conklin if he would like to see the subject 65-acre parcel developed into 2-acre lots with homes?
- Ed Conklin expressed that he would only like to see it stay as it is.
- *Bryan Curtis reviewed the written comment that he sent to the PC, expressing opposition to the request.*
 - Questioned Mr. Kasen's credentials and preparedness.

- Val Vail-Shirey clarified that A-2 is a zoning district and does not necessarily indicate how the property is used.
- Bryan Curtis explained that he is concerned about the existing mining equipment that was left on the property with the last operation and future enforcement if this property were to be approved to mine again.
 - Speculates that this proposed use will be more commercialized/larger than has been indicated.
- Raphael Kasen indicated that Staff could review the concerns expressed tonight regarding enforcement.
- Val Vail-Shirey expressed that she feels it's inapt to hold the current property owners liable for the issues caused by past property owners.
- Peter Psarouthakis expressed concerns that if the PC approves this request, it will mean that the PC is generally saying it could be okay to mine in the future.
- Raphael Kasen explained that if the PC were inclined to approve the request to rezone, it would potentially allow mining operations by way of SLU permit.
 - Otherwise, mining would not be permitted.
- Val Vail-Shirey clarified, by approving the request to rezone today, the PC would give them the opportunity to apply for an SLU permit to mine in the future.
- Ritch Nelson indicated that he has lived in the area for 22 years and has understood the subject property to be an abandoned gravel pit.
 - Noted, the visuals shared via presentation do not accurately represent the site.
 - Estimates there are approximately 15 acres of gravel remaining.
 - Is concerned about the impacts to the homes in the area.
- Peter Psarouthakis asked if mining is permitted by SLU?
- Raphael Kasen clarified that in his reference of the Future Land Use Map (FLUM), theoretically, any property could be rezoned to MR – however, the actual mining operations are required to be permitted by SLU under the MR zoning district.
- Patti Schafer inquired if the subject property must be zoned MR to start enforcement action to clean the existing mining equipment off the site?
- Raphael Kasen referred to Mr. Haviland.
- Joel Haviland clarified, regardless of the zoning district, if a violation exists, Staff will address the violation through the enforcement process.
 - Noted that there have not been any complaints received regarding this property.
- Katrina Pease expressed concerns regarding dewatering.
- Raphael Kasen responded that the applicant has represented there will be no dewatering.
- Chairperson Christmas asked for any additional comments from the public.
 - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Margaret Sayles to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Peter Psarouthakis indicated that he is inclined to make a motion to table this item.
- Raphael Kasen recommended the PC identify the specific information they are requesting to review if they are inclined to table this item.

- Peter Psarouthakis stated that he would like Staff to physically evaluate the property.
- Jan Motz asked for confirmation that the details of a site plan would be addressed through the SLU process?
- Raphael Kasen confirmed.
- Jan Motz asked if the PC could set time limits on mining operations?
- Raphael Kasen explained that the Ordinance requires the PC to re-review mining SLUs every 5 years.
- Val Vail-Shirey clarified, the PC would review for approval or denial of extension of the SLU permit after 5 years.
 - The PC could also modify conditions of the approval, if needed.
- Peter Psarouthakis asked what the economic impact would be to the County?
 - How much gravel is needed?
 - If the landowner simply wants a pond, do they need approvals to mine to dig a pond?
- Raphael Kasen indicated that the economic impacts would have to be determined by an economic impact study.
 - Suggested that a request for a survey to depict where minerals are available would be reasonable if the PC is concerned about existing conditions of the site.
 - Confirmed that a pond could be dug without rezoning to MR or SLU approval.
- Jan Motz asked Mr. Goble and Mr. Miller if they could elaborate on the availability of minerals on the subject property?
- Glen Miller confirmed that the property was tested for depths and locations of available minerals.
- James Goble explained that there was very minimal mining equipment left on the subject property.
- Val Vail-Shirey asked Mr. Kasen if this request meets the criteria to be rezoned from A-2 to MR?
- Raphael Kasen stated, he believes the existing conditions of the site constitutes this request “fair game” to table.
- Margaret Sayles asked, if the property were to be rezoned to MR, if it would need to be rezoned back to A-2 to build a home?
- Raphael Kasen stated that it would not.
- *Jessica Bolt viewed Section 3.1.12 (MR Mineral Resource Extraction) of the Zoning Ordinance with the PC/audience.*
 - Clarified, the difference between “permitted uses” and “SLU”.
 - A home, for example, would be permitted in the MR zoning district by SLU.
 - Whereas farming is a by-right (permitted) use.
- Joel Haviland noted, any pond over 2 acres in size does require State permitting and a higher level of review.

PLANNING COMMISSION ACTION: Val Vail-Shirey moved, supported by Margaret Sayles to recommend approval of petition PC-22-23 MA (OR 192-23), Quiet Waters Farm, LLC (James Goble), to the Board of Commissioners to amend the Zoning Map from A-2 (General Agriculture) to MR (Mineral Resource Extraction) for the property located in Section 26 of Essex Township as legally described in the petition based on the following reasoning:

- Reasoning: **(1)** The seven (7) findings of fact outlined in Section 7.21.E of the Zoning Ordinance, as detailed in the staff report, have been met.

Voting on the motion by roll call vote, AYES: Val Vail-Shirey, Margaret Sayles, Michael O'Bryant, Patti Schafer, Jan Motz, Roni Christmas; NAYS: Peter Psarouthakis, motion carried. [Vote of 6-1, six in favor, one opposed.]

PC-23-23 SLU/SP

- Raphael Kasen, Planner Reviewed **PC-23-23 SLU/SP – Application for Special Land Use Permit** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
 - Read into the record comment that was received after the PC packets were sent out – which was forwarded to the PC.
 - *Clinton County Drain Commission (CCDC): has been in communication with the applicant in regard to minor drainage items / has no objections.*
- Chairperson Christmas asked for any comments or questions from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Jan Motz to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Chairperson Christmas called on the applicant.
- David Hanson added to Mr. Kasen's report, that they sell yard sheds, storage sheds, small cabins, hunting barns, and chicken coops currently – primarily online.
 - Is requesting to display those items in the areas designated on the site plan.
 - Regarding the Mid-Michigan District Health Department's (MMDHD) comments, they approved the current well when the addition was done to the building on-site approximately 8 years ago.
 - Is not sure why there would be any concerns at this time.
- *The PC discussed the configuration and functionality of the proposed display areas and parking areas as identified on the site plan with Mr. Hanson.*
 - David Hanson clarified for the record, nothing is changing to the existing site plan except for the requested additional display areas.
- Peter Psarouthakis asked Mr. Hanson is aware of the recommended conditions of approval?
- David Hanson confirmed that he is aware of the recommended conditions.
- Raphael Kasen asked Mr. Hanson if the gates on the site plan were germane to this review or if it was part of a prior approval?
- David Hanson indicated that they were part of the previous approval.
- 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: Peter Psarouthakis moved, supported by Patti Schafer to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Margaret Sayles moved, supported by Jan Motz to recommend approval to the Board of Commissioners of PC-23-23 SLU/SP, French (Hanson), application for special land use and final site plan approval at 2153 S. US-27 in Section 22 of Bingham Township based on the following reasoning and subject to the following conditions:

- Reasoning: **(1)** The standards set forth under Sections 715 & 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)** There shall be no parking of vehicles or signage permitted within any portion of the US-27 Right-of-Way. **(2)** The site will include at least 18 parking spaces and 1 accessible parking space in accordance with the standards in Section 5.5 of the Zoning Ordinance. **(3)** The applicant shall agree to perform reasonable maintenance, repair, and enhancement of the existing storm drainage infrastructure on the site and obtain written approval from the Clinton County Drain Commissioner regarding the drainage of site before the site is in operation. **(4)** Any new site lighting shall comply with Section 5.6 of the Zoning Ordinance and the details for said lighting shall be approved/permitted by the Community Development Department prior to installation. **(5)** Any signage on the site will require a permit and compliance with Section 5.4 of the Zoning Ordinance. **(6)** The site will be subject to annual inspection by the Community Development Department (as specified in Section 6.2.J 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.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PC-24-23 MA
(OR 193-23)

- Raphael Kasen, Planner Reviewed **PC-24-23 MA (OR 193-23) – Application for Zone Map Amendment (Rezoning)** as detailed in the Staff Report (which includes the Zone Map Amendment criteria to be reviewed by the PC).
 - Read into the record comments that were received after the PC packets were sent out – which were forwarded to the PC.
 - *Clinton County Drain Commission (CCDC): although the original recommendation does not change, it should be noted that development of this property could result in additional drainage impacting the property on the west side of Hollister Road. Given the distance to county drains and natural topography, there is no readily apparent way to redirect drainage flow other than over land to the west.*
 - *Victor Township: requested the PC reject the application for lack of information included on the application.*
- Chairperson Christmas asked for any comments or questions from the PC.
- Val Vail-Shirey clarified, having attended the Victor Township Board meeting, that Victor Township’s reasoning was because there were questions on the application that were not provided an answer to.
- Raphael Kasen reviewed the application, noting it appears all questions were answered.
- Val Vail-Shirey explained that the Board felt the applicants should have elaborated on their responses in the space(s) provided.
- Chairperson Christmas asked for any additional comments or questions from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Margaret Sayles to open the public hearing. Voting on the motion by roll

call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Chairperson Christmas called on the applicant.
- Eric Smith indicated that Mr. Kasen represented his case well.
 - Is requesting to rezone the subject property in order to divide the land and sell lots as part of his retirement plan.
- Patti Schafer, referencing the MMDHD's comment, asked Mr. Smith how many land divisions he is looking to do with this property if rezoned to RR (Rural Residential)?
- Eric Smith indicated that he is not sure how many he would qualify for but understands that there are zoning regulations that would guide how many would be possible.
 - Would refer to Staff in these regards.
- Margaret Sayles commented that she feels this request matches the Future Land Use Map (FLUM) and overall character of the area.
- 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: Peter Psarouthakis moved, supported by Val Vail-Shirey to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Margaret Sayles to recommend approval of petition PC-24-23 MA (OR 193-23), Smith, 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 24 of Victor Township as legally described in the petition based on the following reasoning:

- Reasoning: **(1)** The seven (7) findings of fact outlined in Section 7.21.E of the Zoning Ordinance, as detailed in the staff report, have been met. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PC-26-23 SLU

- Raphael Kasen, Planner Reviewed ***PC-26-23 SLU – Application for Special Land Use Permit*** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
 - Read into the record comment that was received after the PC packets were sent out – which was forwarded to the PC.
 - *Clinton County Drain Commission (CCDC): generally, no objections.*
- Chairperson Christmas asked for any comments or questions from the PC.
- *The PC discussed the agency comments with Mr. Kasen regarding potential drainage impacts to the adjacent property to the north.*
- Patti Schafer asked how the property to the north is being developed?
- Joel Haviland clarified, the property to the immediate north is being developed currently as a storage facility.
- Chairperson Christmas asked for any additional comments or questions from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Margaret Sayles to open the public hearing. Voting on the motion by roll

call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Chairperson Christmas called on the applicant.
- Mike Coyne, Coyne LLC, clarified that the existing entrance and exit will be utilized.
 - There are no plans to expand or change the drive.
 - Would like to request the PC consider conditioning minimal landscaping.
 - Expressed that keeping plantings alive may be difficult based on access to water, etc.
- Peter Psarouthakis asked Mr. Coyne if he was aware of the recommended conditions of approval?
- Mike Coyne expressed that he is generally in agreement, except for the landscaping condition.
- Jan Motz, referencing the CCDC's comment, asked Mr Coyne if he had any comments regarding the required grading/drainage?
- Mike Coyne indicated that he doesn't have any specific comments other than he has the ability to complete their requirements.
- Val Vail-Shirey asked Mr. Coyne who will be utilizing the drive?
- Mike Coyne explained that the on-site traffic will be limited to company equipment.
- Patti Schafer asked Mr. Coyne to confirm if a second existing drive will be utilized?
- Mike Coyne clarified that they will only continue to utilize the existing drive off the shared access to S. BUS-127.
- 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: Peter Psarouthakis moved, supported by Jan Motz to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- *The PC discussed the recommended conditions of approval.*

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Jan Motz to recommend approval to the Board of Commissioners of PC-26-23 SLU, Coyne LLC, application for special land use and final site plan approval in Section 28 of Bingham Township based on the following reasoning and conditions:

- Reasoning: **(1)** The standards set forth under Sections 6.1 (Site Plan requirements) and Section 6.2.F (Special Land Use – General Standards/Basis of Determination) have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** A final version of the Site Plan, including the design and specifications of the CCDC recommended on-site containment system and the distance between the proposed platform and existing propane tanks, signed and sealed by the designer, must be submitted. **(2)** A grading plan must be submitted and must be approved by the Clinton County Drain Commissioner. **(3)** All site lighting shall be in accordance with Code and directed toward the interior of the site. Section 5.6 of the Zoning Ordinance requires that the lights be shielded/directed downward to avoid any adverse impacts on adjacent properties or streets. Any site lighting shall be detailed and reviewed as part of building permit review/issuance. **(4)** The project/facility shall meet all permit regulations and licensing requirements by the State Fire Marshall's Office and EGLE

as applicable prior to construction and during the life of the operation. (5) All signage, including signage on the propane tanks, will be required to comply with Section 5.7 of the Zoning Ordinance. (6) The applicant shall comply with the rules and permitting requirements of Bingham Township, the CCDC, CCRC and the MDOT. Any substantive change to the Site Plan as a result of these requirements, as determined by the Community Development Department, shall be resubmitted to the Planning Commission for their review and approval. Approval of the final grading/drainage plan by the CCDC shall be required prior to the issuance of a building permit for the project.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PC-27-23 SLU

- Raphael Kasen, Planner Reviewed **PC-27-23 SLU – Application for Special Land Use Permit** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
 - Read into the record comment that was received after the PC packets were sent out – which was forwarded to the PC.
 - *Clinton County Drain Commission (CCDC): generally, no objections.*
- Chairperson Christmas asked for any comments or questions from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Val Vail-Shirey moved, supported by Patti Schafer to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

- Chairperson Christmas called on the applicant.
- Keith Koneval added to Mr. Kasen’s report that his proposal is to provide combined office space and storage units to contractors for rent.
 - This will also include a retail area in the front of the building.
 - While it would be easier to rent one building out to a single tenant, he prefers to find and provide what is needed to the community.
 - Commented that he has invested a lot of resources into the community.
- Patti Schafer asked Mr. Koneval how he feels about Bingham Township’s comment requiring him to connect to their utilities?
- Keith Koneval expressed indifference.
- Chairperson Christmas asked for any comments from the public.
- Tom Pile stated that he understands Scott Road to be a no-thru truck road.
 - How will the truck traffic be mitigated?
 - Asked for clarification on the lighting requirements?
- Patti Schafer stated that recommended condition of approval #2 states, “all site lighting shall be in accordance with Code and directed toward the interior of the site”.
- Keith Koneval indicated that the contractors that would be utilizing the storage/office spaces would be those with smaller equipment – not heavy machinery and/or semi-trailer trucks.
- Chairperson Christmas asked for any additional comments from the public.
 - Hearing none, Chairperson Christmas called for a motion to close the public hearing.

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Jan Motz to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Jan Motz to recommend approval to the Board of Commissioners of PC-27-23 SLU, B.E.M.S. Group, LLC (Koneval), application for special land use and final site plan in Section 15 of Bingham Township based on the following reasoning and conditions:

- Reasoning: **(1)** The standards set forth under Sections 6.1 (Site Plan requirements) Section 6.2.F (Special Land Use – General Standards/Basis of Determination) have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** Written approval of the final grading/drainage plan shall be obtained from the Clinton County Drain Commissioner (CCDC) as applicable prior to the issuance of a building permit for the project. **(2)** All site lighting shall be in accordance with Code and directed toward the interior of the site. Section 5.6 of the Zoning Ordinance requires that the lights be shielded/directed downward to avoid any adverse impacts on adjacent properties or streets. Any site lighting shall be detailed and reviewed as part of building permit review/issuance. **(3)** Any future signage will be required to comply with Section 5.7 and shall require separate permitting from the Community Development Department prior to installation. **(4)** Written approval of the sewer and water provisions for the facility shall be obtained from both Bingham Township and the Mid-Michigan District Health Department (MMDHD) prior to the issuance of a building permit for the project.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

PC-28-23 SLU

- Val Vail Shirey recused herself as having a conflict of interest with the property owner and as the representative/applicant for this case.
 - Requested the PC allow her to participate in the meeting as the applicant/representative of the property owner (her father), who could not attend the meeting.

PLANNING COMMISSION ACTION: Margaret Sayles moved, supported by Patti Schafer to allow Val Vail-Shirey to participate as the applicant for the review of case PC-28-23 SLU. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Raphael Kasen, Planner Reviewed ***PC-28-23 SLU – Application for Special Land Use Permit*** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
 - Read into the record comments that were received after the PC packets were sent out – which were forwarded to the PC.
 - *Clinton County Drain Commission (CCDC): has been in communication with the applicant / has no objections.*
 - *Victor Township: requested the PC accept the application.*
- Chairperson Christmas asked for any comments or questions from the PC.
- Patti Schafer questioned if there should be a time requirement for when the Medical Hardship Housing Opportunity unit must be removed?
 - Recalled this time requirement being within 6 months of cessation of the use/need in the past.

- Raphael Kasen presumed that requirement may have been stricken from the Ordinance because it could be viewed as an arbitrary time limit.
- Patti Schafer inquired how the removal of the temporary unit would be ensured if there were no time requirement for removal?
- Raphael Kasen commented that a time limit cannot be put on an illness.
 - Referred to Joel Haviland regarding past enforcement.
- Joel Haviland stated that he believes the Ordinance does require removal of the unit within 6 months of cessation of use/need.
- Jessica Bolt clarified; it is not in the current Ordinance/may have been an oversight when the Ordinance was reformatted.
 - However, it has been a typical condition of approval of the SLU for a Medical Hardship Housing Opportunity unit.
- Peter Psarouthakis commented that he assumes this use has not caused issues in the past.
- Jessica Bolt confirmed that she is not aware of any enforcement cases regarding this type of use.
- Michael O'Bryant commented that he is glad to see the criteria requires bonding.
- Chairperson Christmas asked for any additional comments or questions from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Jan Motz 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 called on the applicant.
- Val Vail-Shirey explained that she will be representing her father (the property owner) as he could not attend the meeting tonight.
 - Has been caring for her mother and father and living with her father on the subject property.
 - Her husband has not been living with them.
 - Would like to be granted this opportunity to allow her and her husband to reside together and have their own space while still maintaining ability to care for her father.
 - Has been through the Medical Hardship Housing Opportunity process before.
 - Was required to remove the temporary unit within 6 months of cessation of use/need.
 - Had the unit removed within 4 weeks of cessation of use/need.
 - Upon Staff advisement, it was her understanding that Clinton County typically conditioned removal of the temporary unit within 6 months of cessation of use/need.
 - Would recommend and appreciate the PC conditioning a 6-month removal stipulation (upon cessation of use/need) on this SLU as it was as a point of discussion at the Victor Township Board meeting.
 - Is also familiar with the bonding requirement and willing to adhere to that as well.
- 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: Peter Psarouthakis moved, supported by Margaret Sayles 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.]

- Chairperson Christmas introduced an action request within the Staff Report:
 - The applicant's application includes a site plan that is not signed and sealed by a professional surveyor or engineer, although the Ordinance requires a professionally drawn and sealed site plan unless specifically waived by the PC.
 - The PC should take a consensus vote whether the site plan is acceptable without a professional seal.

PLANNING COMMISSION ACTION: Margaret Sayles moved, supported by Jan Motz to grant waiver of a professionally drawn and sealed site plan as required in Section 6.1.O.4 of the Ordinance. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Peter Psarouthakis moved, supported by Patti Schafer to recommend approval to the Board of Commissioners of PC-28-23 SLU, Vail-Shirey (Vail), Medical Hardship Housing Opportunity application for special land use and site plan approval to add a temporary manufactured residential structure to property as legally described in Section 34 of Victor Township based on the following reasoning and subject to the following conditions:

- Reasoning: **(1)** The standards set forth under Sections 6.1 (site plan requirements) and Section 6.2.F (Special Land Use – General Standards/Basis of Determination) have been or can be met subject to the conditions set forth below. **(2)** The standards as specifically described in Section 4.34, Medical Hardship Housing Opportunity have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** Removal of the temporary housing unit no later than six (6) months after the cessation of the medical hardship.

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

OTHER BUSINESS

None

COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

- Raphael Kasen, Planner, provided a brief update:
 - There will be a Special Planning Commission meeting August 22nd at 6:30 p.m.
- Todd Campbell, Deputy County Administrator, updated the PC in regard to the potential ordinance amendments that the PC reviewed in July.
 - Have received a proposal from Giffels Webster.
 - Will need to go before the Board of County Commissioners for review and approval for funding.
- Margaret Sayles commented on the value of hiring a consultant to keep regulations up to date.

PLANNING COMMISSIONER COMMENTS

- Jan Motz provided an update as the liaison to the Parks & Green Space Commission:
 - The County will be getting a new park on Pratt Road.
 - Expected to close in September.
 - It will be more focused around nature with walking trails, a pond, etc.

ADJOURNMENT

PLANNING COMMISSION ACTION: With no further business to come before the Commission, Val Vail-Shirey moved, supported Jan Motz to adjourn the meeting at 9:05 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]



Jessica Bolt, Planning & Permit Technician

NOTE: These minutes were approved by the Planning Commission on September 14, 2023.