

Chairperson
Roni Christmas
Vice-Chairperson
Patti Schafer
Secretary
Willis Heisey
Members
Adam Stacey (BOC Rep.)
Jan Motz
Michael O'Bryant



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

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Clinton County Planning Commission

MEETING MINUTES SEPTEMBER 8, 2022

CALL TO ORDER The Clinton County Planning Commission met on Thursday, September 8, 2022 at 6:30 p.m. with Chairperson Christmas calling the meeting to order.

ROLL CALL Adam Stacey
Jan Motz
Michael O'Bryant
Patti Schafer
Roni Christmas
Willis Heisey

STAFF PRESENT Doug Riley, Director
Jessica Plesko, Planning & Permit Technician

VISITORS Alan Hoppes, 13398 S. Grange Road
Ann Searles, 4600 N. Airport Road
Michelle Hoppes, 13398 S. Grange Road
Pamela Baese, 4639 E. Ridge Road
Robert LaBelle, 380 N. Old Woodward
Shaun Schneider, 7097 S. St. Clair 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: Adam Stacey moved, supported by Willy Heisey to approve the agenda as presented. Motion carried.

APPROVAL OF PLANNING COMMISSION MEETING MINUTES **PLANNING COMMISSION ACTION:** Adam Stacey moved, supported by Patti Schafer to approve the July 14, 2022 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

- (A) PA-116
 - Jessica Bolt presented the ***Notice of Farmland & Open Space Application (PA-116) for Kurt Wolf, Section 9, Ovid Township.***
- (B) EATON COUNTY
 - Doug Riley presented ***Eaton County's Master Plan Update Notice.***
- (C) MERIDIAN TWP
 - Doug Riley presented ***Meridian Charter Township's Master Plan Update Notice.***

(D) DALLAS TWP

- Doug Riley **presented Dallas Township’s Solar Energy Zoning Ordinance Amendment** for the Planning Commission’s review and comment.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Jan Motz to receive Communication items A, B, C, and D and place on file. 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-24-22 SLU

- Chairperson Christmas announced Jan Motz, as the underlying landowner, is recusing herself as having a conflict of interest regarding the subject case.
- *Jan Motz excused herself from the room for this case.*
- Doug Riley, Director reviewed **PC-24-22 SLU – Application for a Special Land Use Permit** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
- Chairperson Christmas asked for any comments from the PC.
- Adam Stacey summarized: the applicants want to build a home now that the extraction is wrapping up.
 - In this scenario, the owners are perfectly aware of the condition/potential of the site.
 - Asked Doug Riley what he would recommend to a third-party applicant who wants to purchase a lot to build a home from the extraction company (in regards to an active mining site)?
 - Does the County require them to sign-off on anything in acknowledgement?
- Doug Riley stated that there are no specific requirements in place currently – just the standard “buyers beware”.
 - Perhaps it could be good to have an acknowledgement agreement (or similar) in place.
 - In instances of a third-party developer purchasing a mining site, the developer would have to get the property rezoned in order to create individual lots for homes.
 - In that case, the third-party would have a more in-depth review.
- Adam Stacey asked for confirmation that this review is not in consideration of rezoning the subject property.
- Doug Riley confirmed that this review is only to allow the applicants/owners to build their own home on the subject site.
 - In order to sell individual lots, the applicants would need to rezone the property – which is a longer process than petitioning for an SLU permit.
 - The applicants expressed that they wanted to build their home quicker than it would take to complete the rezoning process.
 - This route also allows the applicants to mine the site in the future if they wanted to since the zoning will stay MR (Mineral Resource Extraction District).
- Chairperson Christmas asked for any additional comments from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Adam Stacey moved, supported by Patti Schafer to open the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

- Chairperson Christmas called on the applicant.
- Shaun Schneider, Cicero, Inc. indicated that he is working on permitting; specifically, regarding the floodplain.
- Willis Heisey asked Mr. Schneider to elaborate.
- Shaun Schneider explained that part of the property is about 2 feet too low.
 - This necessitates some additional permitting – which is what he is currently working on.
 - Once the floodplain permitting is complete (and the SLU permit is approved) he will be able to move forward with building permitting.
- 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: Adam Stacey moved, supported by Patti Schafer to close the public hearing. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

- Patti Schafer asked Doug Riley if the requirement to obtain floodplain permitting is included in the first recommended condition of approval?
- Doug Riley confirmed that it is and elaborated that it is required by law.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Willis Heisey to recommend approval to the Board of Commissioners of *PC-24-22 SLU, Flat Iron Property*, to construct a single-family residential home on property which is zoned MR (Mineral Resource Extraction District) in Section 30 of Greenbush Township based on the following reasoning and conditions:

- Reasoning: **(1)** The standards set forth under Section 6.2.F (Basis of Determination) as detailed in the staff report have been or can be met subject to the condition set forth below.
- Condition: **(1)** The applicant/owner shall submit the standard building (permit) and site plan package (including final well and septic permitting from the Health Department) to the Community Development Department prior beginning home construction on the property.

Voting on the motion by roll call vote, motion carried unanimously. [Vote of 5-0, all in favor, none opposed.]

*PC-25-22 MA
(OR 181-22)*

- Doug Riley, Director reviewed ***PC-25-22 MA (OR 181-22) – Application for Zone Map Amendment (Rezoning)*** as detailed in the Staff Report (which includes the Zone Map Amendment (Rezoning) criteria to be reviewed by the PC).
- Chairperson Christmas asked for any comments from the PC.
- Adam Stacey posed the question, assuming the subject site is sold to a third-party (outside of the current owner's family), what kind of buffering should they expect?
- Doug Riley indicated that there are specific setback requirements for active mining operations as well as berming and screening requirements when adjacent to a residence.
- Adam Stacey commented that berming could likely sit right on the property line and, essentially, create a fort.
- Doug Riley clarified that are specific mining operation setbacks as well as processing equipment setbacks.

- Believes the setback distance is 300 feet – minimum.
****CLARIFICATION: Required minimum distance is 500 feet to a residence.****
- Chairperson Christmas asked for any additional comments from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Adam Stacey moved, supported by Patti Schafer 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.
- Ann Searles indicated that Doug Riley represented her case well and had nothing to add, besides she believes there is already a berm behind the home on the subject property.
- 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: Jan Motz moved, supported by Patti Schafer 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: Patti Schafer moved, supported by Jan Motz to recommend approval of petition *PC-25-22 MA (OR 181-22)*, *Searles*, to the Board of County Commissioners to amend the Zoning Map from MR (Mineral Resource Extraction District) to RR (Rural Residential) for the property located in Section 30 of Greenbush 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 6-0, all in favor, none opposed.]

PC-26-22 SP

- Doug Riley, Director reviewed ***PC-26-22 SP – Application for Site Plan Approval*** as detailed in the Staff Report (which includes the Site Plan Approval criteria to be reviewed by the PC).
- Chairperson Christmas asked for any comments from the PC.
- Adam Stacey asked Doug Riley if this application is “backwards”?
 - Should the Multiple Residential Drive (MRD) be approved prior to land division?
 - They are only splitting the property once?
- Doug Riley confirmed that this request should be completed in this order.
 - Also confirmed that the property is only proposed to be split once at this time.
- Adam Stacey paid compliment to the design of the request avoiding creation of a “flag lot”.
- Doug Riley agreed.
 - It is also a good use of a non-conforming property and encourages development in a constructive way.
- Chairperson Christmas inquired if the cul-de-sac could be used as road frontage to create more parcels in the future?
- Doug Riley responded: yes.
 - However, the Ordinance states that MRDs are only allowed to serve up to 4 homes.

- If the road is to ever serve more than 4 homes, it must be approved by the Clinton County Road Commission (CCRC) and upgraded to a public road.
- Adam Stacey asked if a cul-de-sac is an MRD requirement?
- Doug Riley confirmed that it is.
 - *Indicated where the cul-de-sac is proposed to be located.*
- Jan Motz inquired if a cul-de-sac satisfies the MRD turn-around requirement?
- Doug Riley answered, yes.
- *The PC also discussed the proposed parcel (split) and potential future splits/homes.*
- Chairperson Christmas asked for any additional comments from the PC.
 - Hearing none, Chairperson Christmas called on the applicant.
- Michelle Hoppes indicated that Doug Riley represented her case well – including the details as she understood them upon purchasing the property – and had nothing to add.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Willis Heisey to approve *PC-26-22 SP, Hoppes*, application for site plan approval for the construction of an MRD in Section 16 of Eagle Township based on the following reasoning and subject to the following conditions:

- Reasoning: **(1)** The standards set forth under Sections 6.1 (Site Plan Review) and Section 5.15 (MRD standards) have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** Prior to final land division approval of the proposed parcel, the applicant shall record the executed maintenance agreement as required under Section 5.15 of the Zoning Ordinance. **(2)** Any installed street lighting for the MRD shall be in accordance with Section 5.6 of the Zoning Ordinance and shall be shielded/directed downward in order to avoid any negative impacts on adjacent properties or streets.

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

PC-27-22 SLU

- Doug Riley, Director reviewed **PC-27-22 SLU – Application for a Special Land Use Permit** as detailed in the Staff Report (which includes the Special Land Use Permit criteria to be reviewed by the PC).
- Chairperson Christmas asked for any comments from the PC.
- Adam Stacey commented that he agrees with Doug Riley’s decision to omit a condition of approval for screening for this application.
 - Noted, he usually likes to see landscaping/buffering and wants to keep requiring it in cases where it makes sense.
 - In this situation, it does not make sense to require landscaping with the site being exceptionally far from any residences.
- Chairperson Christmas asked for any additional comments from the PC.
 - Hearing none, Chairperson Christmas called for a motion to open the public hearing.

PLANNING COMMISSION ACTION: Adam Stacey moved, supported by Patti Schafer 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.
- Robert LaBelle, attorney representing Verizon Wireless complimented Doug Riley on the thoroughness of his staff report.
 - Commented that Verizon Wireless does not mind being required to do landscaping.

- In this situation, they did not include any in the proposal because the site is in such a rural location/setting.
 - Addressed the bond requirement as “normal”.
 - Explained how this cell tower would essentially serve to alleviate/assist other cell towers in the area.
 - Elaborated on how Verizon Wireless maintains their sites and equipment.
 - Educated on the process for identifying “dead zones”.
- 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: Adam Stacey moved, supported by Patti Schafer 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.]

- Patti Schafer asked Doug Riley what the required follow-up (inspection) time is for cell tower sites?
- Doug Riley indicated that the required time is annually.
 - However, the realistic frequency is 2-3 years.
 - The basis for the inspection is to check security fencing, landscaping, etc.
 - Complimented Verizon Wireless on how well they maintain their sites.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Jan Motz to recommend approval to the Board of Commissioners of *PC-27-22 SLU/SP, Verizon Wireless*, to construct a new 199-foot tall monopole wireless communication facility on property as legally described in Section 7 of Duplain Township, based on the following reasoning and conditions:

- Reasoning: **(1)** The standards set forth under Section 6.1 (Site Plan Review), Section 4.33 (Wireless Communication Facilities) and Section 6.2.F (Basis of Determination) as detailed in the staff report have been or can be met subject to the conditions set forth below.
- Conditions: **(1)** The applicant shall comply with the rules and requirements of the CCDC and CCRC in terms of drainage and access. Any substantive change to the site plan or proposal as a result of these requirements, as determined by the Community Development Department, shall be resubmitted to the Planning Commission for review and approval. **(2)** Compliance shall be maintained with the Clinton County Zoning Ordinance, including the specific provisions of Section 4.33 (Wireless Communication Facilities), which are applicable to the petitioned use. **(3)** A surety bond in the amount of \$25,000 shall be provided prior to the issuance of a construction permit for the facility. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

OTHER BUSINESS
PC APPOINTMENTS / REPRESENTATIVES

- Doug Riley explained, due to illness, Mark Simon resigned from the Planning Commission in August.
 - Mark also served on the County Zoning Board of Appeals; (as the official Planning Commission liaison as required by Statute).
 - Roni Christmas agreed to serve in that capacity and has already been appointed to the Zoning Board of Appeals by the Board of County Commissioners.
 - Mark also served on the County’s Solid Waste Council (as the Planning Commission representative).

- Therefore, the Board of County Commissioners would like the Planning Commission to discuss who may be willing to serve on that Council.
 - With Roni now being on the Zoning Board of Appeals, perhaps another (new) Planning Commission representative to Parks and Greenspace would be logically considered as well.
 - Following the Planning Commission's September meeting/recommendation, the Board of County Commissioners would then proceed with official appointments.
- Chairperson Christmas opened the nominations for the election of a representative for the Solid Waste Council.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Adam Stacey to recommend Willis Heisey as the Planning Commission's appointment to the Solid Waste Council for the remainder of Mark Simon's 3-year term (term expires 9/8/24). Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]

- Chairperson Christmas opened the nominations for the election of a representative for the Parks and Greenspace Commission.

PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Adam Stacey to recommend Jan Motz as the Planning Commission's appointment to the Parks and Greenspace Commission (no term expiration date). 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:
 - Introductory brief about the newly created Clinton County "Broadband Taskforce" in which Patti Schafer and himself have been appointed to.
 - The Board of County Commissioners approved the cases that the PC forwarded to them in July.
 - The Gregory Hunt, LLC project has been postponed due to the current economic climate.
 - The St. Johns Animal Clinic is complete and turned out to be a model site.
 - Called them personally to pay them a compliment.
 - There will be an October meeting.
 - One case currently.
 - Will also be discussing potential Zoning Ordinance amendments.
 - Has received a recent inquiry on another potential solar farm.
- *The PC briefly discussed the evolution of solar energy equipment.*

PLANNING
COMMISSIONER
COMMENTS

None

ADJOURNMENT

PLANNING COMMISSION ACTION: With no further business to come before the Commission, Jan Motz moved, supported by Michael O'Bryant to adjourn the meeting at 7:48 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 6-0, all in favor, none opposed.]



Jessica Bolt, Planning & Permit Technician

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