

Chairperson
Roni Christmas
Vice-Chairperson
Patti Jo 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
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St. Johns, Michigan 48879-1571
(989) 224-5180

MEETING MINUTES SEPTEMBER 9, 2021

CALL TO ORDER	The Clinton County Planning Commission met on Thursday, September 9, 2021 at 6:30 p.m. with Chairperson Christmas calling the meeting to order.
ROLL CALL	Adam Stacey Frank Trierweiler Mark Simon Michael O'Bryant Willis Heisey Patti Schafer Roni Christmas
STAFF PRESENT	Doug Riley, Director Jessica Plesko, Planning & Permit Technician Joel Haviland, Building Official/Zoning/SESC Administrator
VISITORS	Aaron Stenger, 2288 N. Ovid Road Derek Cooper, 1752 W. Walker Road Frank Spadafore, Spadafore Group LLC Julie Cooper, 1752 W. Walker Road Kurt Keahulik, DC Engineering Sue Davis, 2600 Newport Terry Davis, 2600 Newport
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. <u>PLANNING COMMISSION ACTION:</u> Frank Trierweiler moved, supported by Patti Schafer to approve the agenda as presented. Motion carried.
APPROVAL OF PLANNING COMMISSION MEETING MINUTES	<u>PLANNING COMMISSION ACTION:</u> Patti Schafer moved, supported by Mark Simon to approve the August 12, 2021 Planning Commission 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	None
PUBLIC COMMENTS	Chairperson Christmas called for public comments. There were no public comments.
OLD BUSINESS	None

NEW BUSINESS

*PC-30-21 MA
(OR 167-21)*

- Chairperson Christmas welcomed Michael O’Bryant to the Planning Commission.
 - Asked Michael to introduce himself to the Commissioners.
- Michael O’Bryant introduced himself to the Commissioners as a Clinton County Regional Educational Service Agency (RESA) Board Member.

- Chairperson Christmas called on Doug Riley, Director for report.
- Doug Riley:
 - Reviewed ***PC-30-21 MA (OR 167-21) – 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).
- Derek Cooper commented that the future drainage system will affect his (adjacent) property.
- Chairperson Christmas informed Mr. Cooper that there will be a public hearing on this case, explaining that would be an appropriate time for him to make comment.
- Doug Riley continued with his review.
- Patti Schafer asked Doug Riley to confirm that the Planning Commission is only reviewing the rezoning at this time, not a potential use.
- Doug Riley confirmed.
- Mark Simon commented, upon his review, he found it difficult to foresee the subject parcel becoming residential.
- Doug Riley agreed that it would be unlikely due to the parcel’s limited road frontage and new costly infrastructure/challenges such as road construction.
- Chairperson Christmas asked Doug Riley if the City of St. Johns would be able to enter into a 425 Agreement (Conditional Land Use Transfer (PA 425)) for a different use if the parcel were rezoned?
- Doug Riley confirmed that there would be an opportunity for a 425 Agreement – specifically, regarding public sewer and water connection; if warranted/needed.
- 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: Patti Schafer moved, supported by Mark Simon 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.]

- Frank Spadafore (Spadafore Group LLC) stated Doug Riley represented his case well and had nothing more to add.
- Derek Cooper explained that one of his neighbors told him that he was moving and had to sell “low” because of the trees being removed from a prior commercial project in the area.
 - Claimed that the wildlife in the area is depleting.
 - He believes this project will further affect the wildlife.
 - Is concerned about drainage and how it may affect his property.
 - Commented that although it’s unlikely the parcel would be used for residential purposes, it could be used as farmland.
 - Stated that he was never noticed for the prior commercial project.
- Julie Cooper explained that she and her husband moved from a city to the country and does not want to live next to storage units.
 - Stated that she has chickens, ducks and a 2,500 square foot barn and runs a farm.

- Claimed that she was pursuing a loan to purchase the subject parcel to expand her farm.
 - She is concerned about her property value decreasing.
 - Derek Cooper apologized to the Planning Commission for interrupting Doug Riley's review earlier.
 - He was unaware of the meeting format.
 - Julie Cooper asked the Planning Commission if they would like to live next to storage units?
 - Frank Spadafore explained that he is hard of hearing and only caught parts of Mr. and Mrs. Cooper's comments.
 - Addressed the concerns of the drainage plan, stating that he is proposing to install a swail and drain west – not to their property.
 - Commented that he does not think the neighbor Mr. Cooper was referencing earlier was forced to sell his property "low".
 - Derek Cooper argued against Mr. Spadafore's comment about the neighbor's property sale.
 - Chairperson Christmas instructed anyone wishing to speak during the public hearing to address the Commission.
 - Derek Cooper insisted that the subject parcel's drainage will affect his property.
 - Remarked that his hard work to maintain his property will be ruined by the imposition of storage units.
 - Chairperson Christmas explained to the room that if the Planning Commission is inclined to recommend approval on this rezoning and the Board of County Commissioners approve it, the applicant would have to come back before the Planning Commission to obtain a Special Land Use Permit – which would entail a review of the business proposal specifically.
 - Citing, the experts with the Clinton County Road Commission and Clinton County Drain Commission will be part of this review to ensure proper execution.
 - Doug Riley addressed Mr. Cooper's statement regarding not being noticed for the prior commercial project:
 - The parcel for the commercial project in question is within the City of St. Johns' zoning jurisdiction; therefore, it was their responsibility to notice adjacent property owners within 300 feet of the subject property per State law.
 - However, Mr. and Mrs. Cooper's property is 495 feet from the property in question – consequently, they were not required to be noticed.
 - Noted, if any other matter that requires noticing occurs on the subject property (of this rezoning request) Mr. and Mrs. Cooper will be noticed – as they were for this meeting.
 - Julie Cooper thanked Doug Riley for this clarification.
 - She was unaware of the jurisdictional differences and noticing 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:** Mark Simon 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.]
- Adam Stacey stated that in his abrupt research of the prior commercial project, the municipal boundaries are easily discernable.

- Patti Schafer stated that the current review is the rezoning only.
PLANNING COMMISSION ACTION: Patti Schafer moved, supported by Mark Simon to recommend approval of *PC-30-21 MA (OR 167-21)*, *Spadafore Group LLC*, to the Board of Commissioners to amend the Zoning Map from R-1 (Residential Single Family) to C-2 (General Commercial) for the property located in Section 4 of Bingham Township as legally described in the petition based on the following reasoning:
 - Reasoning: (1) 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 7-0, all in favor, none opposed.]
- Patti Schafer commented, citing the seven (7) findings of fact, that her motion to recommend approval was solely based off the rezoning – not the intended future use.

PC-31-21 SP

- Doug Riley, Director:
 - Reviewed ***PC-31-21 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).
 - The applicant is requesting a landscaping waiver.
- Adam Stacey questioned when the landscaping requirement is triggered?
- Doug Riley responded that the requirement is based on the level of site plan amendment; when the amendment requires approval from the Planning Commission, the landscaping requirement is in effect.
- Adam Stacey asked if that is determined by an expansion over 20%.
 - A minor site plan amendment would not require a hearing or landscaping?
- Doug Riley confirmed.
- Adam Stacey asked how the 20% is calculated?
- Doug Riley answered that the total footprint of all structures and impervious surfaces are included.
- Adam Stacey inquired about the possibility of applicants evading the landscaping requirement by doing several expansions at 20% each time.
- Doug Riley stated that he has reviewed cases like that before but generally, the intentions are clear.
 - If intentions are unclear, he can require the applicants to go before the Planning Commission for Site Plan Review.
 - Completed presenting the Staff Report.
- Mark Simon inquired if the Mid-Michigan District Health Department (MMDHD) is requiring the applicant to do well and septic improvements?
- Doug Riley indicated that the applicant may be able to speak to that, adding the applicant's site plan illustrates how extensive the existing septic system is.
- Patti Schafer asked Doug Riley to clarify, if the Commission were inclined to grant a landscaping waiver, the proposed berm would be included as well as the third condition of approval?
- Doug Riley confirmed.
- Chairperson Christmas asked for any comments from the Commission.
 - Hearing none, Chairperson Christmas called for any comments from the applicant.
- Kurt Krahulik, DC Engineering stated that he was the developer of the site plan layout but was not involved in the building, well or septic details.

- Indicated that he is working with the Drain Commission to resolve the drainage issue – with the existing detention basin being shallow (6 inches).
 - Draining an area that shallow at an appropriate rate has been a challenge to configure.
- Patti Schafer questioned if the intent of the building exterior is to continue with the same aesthetic?
- Willis Heisey further questioned the drainage issue, asking if there are any viable ideas?
- Kurt Kraulik referred to the site plan and indicated that a detention basin will be installed that will hold the water and soak it in.
 - The north property line is very low and drains into the neighbor's pond – this will be continued.
 - The detention basin will be installed to offset the increased impervious areas.
 - Overall, following the existing drainage plan.
- Willis Heisey asked for information regarding flow rates.
- Kurt Kraulik answered that he is still working on the plan with the Drain Commission but hopes to have the issues resolved in a couple of days.
- Sue Davis introduced herself as the representative of Brian Lux (due to COVID concerns).
 - The siding on the addition will match the existing structure in color.
 - One of the main reasons for the improvement is to define a well-understood entrance.
- Terry Davis, owner of the St. Johns Animal Clinic, asked for clarification on the questions regarding lighting?
- Doug Riley explained the lighting requirements as detailed in the Ordinance.
- Terry Davis indicated that his architect has all of those details, but he has plans to replace all of the exterior lighting with LED lights.
 - Lights will not be projected into neighboring properties; however, they need to be projected a decent distance for safety while walking animals.
- Doug Riley stated that there are allowances for pole-mounted lighting that could be utilized to meet their needs.
- Sue Davis clarified that they haven't heard anything from the MMDHD.
 - Thanked Doug Riley for noting how large their septic system is for the square footage and usage.
- Terry Davis commented that they will still operate off their existing well.
- Chairperson Christmas asked for any comments from the public.
 - Hearing none, Chairperson Christmas called for the Commission's discussion.
- Doug Riley reminded the Planning Commission that they are the final authority body on this case (being a Site Plan Review) as indicated in the Ordinance.
- Chairperson Christmas addressed the Planning Commission about the requested landscaping waiver.
- Willis Heisey clarified – the applicant is requesting 6 shrubs and 6 trees where 66 shrubs and 9 trees is the requirement.
 - Expressed support for the requested waiver, citing the clientele (i.e. male dogs) may make it difficult for the shrubs to survive.

PLANNING COMMISSION ACTION: Willis Heisey moved, supported by Frank Trierweiler to approve *PC-31-21 SP, St. Johns Animal Clinic*, application for site plan approval to renovate and expand the existing

business in Section 34 of Bingham Township based on the following reasoning and subject to the following conditions:

- Reasoning: (1) The standards set forth under Sections 715 (Site Plan Requirements) 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 provide information (lighting and sanitation details) as required under Item 3 of the staff report as part of the building permit application. (2) The applicant shall comply with the rules and permitting requirements of the Clinton County Drain Commissioner and Mid-Michigan District Health Department prior to building permitting for the project. 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. (3) Allow waiver of the required landscape to accept the landscape as presented.

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

*PC-32-21 MA
(OR 168-21)*

- Doug Riley, Director:
 - Reviewed ***PC-32-21 MA (OR 168-21) – 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).
 - Stated that he advised the applicant to contact Consumers Energy in advance in regards to the easement width for the overhead powerline.
 - The applicant said that Consumers Energy informed her that the line is within a 15-foot easement – which should be sufficient clearance for a future home.
- Adam Stacey commented that he feels this case is common sense.
 - This rezone wouldn't change anything, and the farmland would still be preserved.
- Doug Riley agreed and stated that the drain serves as a natural boundary.
- Mark Simon asked the depth of the subject property, with concerns regarding Consumers Energy's determination/input?
- Doug Riley answered that the depth is 312 feet.
- Mark Simon offered his opinion that the depth shouldn't cause any issues for home placement.
- Doug Riley explained that the Community Development Office also checks for floodplain designations in their review – due to the Intercounty Drain.
 - In this case, there is no floodplain present to cause concern.
- 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: 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 7-0, all in favor, none opposed.]

- Chairperson Christmas asked for any comments from the public.
- Aaron Stenger, speaking on behalf of the property owner: Betty Strenger, gave a brief overview of the property and his intentions to build a new home.

- 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: 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 7-0, all in favor, none opposed.]

PLANNING COMMISSION ACTION: Adam Stacey moved, supported by Patti Schafer to recommend approval of petition *PC-32-21 MA (OR 168-21), Strenger*, to the Board of County Commissioners to amend the Zoning Map from A-2 (General Agriculture) to RR (Rural Residential) for the property located in Section 1 of Ovid 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 7-0, all in favor, none opposed.]

OTHER BUSINESS
*ELECTION OF
SECRETARY*

Chairperson Christmas:

- Opened the nominations for the election of Secretary.

PLANNING COMMISSION ACTION: Chairperson Christmas moved, supported by Willis Heisey to select Willis Heisey as the Secretary of the Clinton County Planning Commission for the remainder of the 2021 calendar year. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]

COMMUNITY
DEVELOPMENT
DIRECTOR'S REPORT

Doug Riley, Director provided a brief update:

- The two cases that the Planning Commission recommended for approval to the Board of County Commissioners in August were approved.
- The meeting scheduled for October 14th currently has three cases on the agenda.
- Adam Stacey inquired about the status of the 5-year renewal requirement for cellular towers?
- Doug Riley answered that the 5-year renewal is no longer required.
 - The consultant from Giffels Webster, Jill Bahm, intends to have the draft reformatted Zoning Ordinance done and ready for presentation for the October 14th Planning Commission meeting as well.
- Adam Stacey commented that the Board of County Commissioners is eager for the Zoning Ordinance reformatting – but not quite as excited as Doug Riley and himself.
- Doug Riley stated that he has been working on the internal office review of the draft as of late.
 - Another part of the consultant's process is the Zoning Ordinance "health audit" – which will be discussed upon receiving the information.
 - Staff is still meeting with the individual General Law Townships.
 - Expecting to be putting all the pieces of the 5-year Comprehensive Plan Update project together this fall.
 - Welcomed Michael O'Bryant to the Planning Commission.

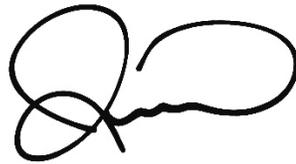
PLANNING
COMMISSIONER
COMMENTS

- Chairperson Christmas called for Commissioners' comments.
- Michael O'Bryant thanked Staff and the Planning Commission for their warm welcome.

- Commented that he felt this meeting was very informative and interesting.
- Adam Stacey asked for clarification on the remaining process for the 5-year Comprehensive Plan Update?
- Doug Riley responded: finish meeting with the townships, refine the draft, present draft to Planning Commission for recommendation of approval to the Board of County Commissioners, approval by the Board of County Commissioners, distribute the draft for official comment (as originally noticed) and lastly, final adoption by public hearing.

ADJOURNMENT

PLANNING COMMISSION ACTION: With no further business to come before the Board, Mark Simon moved, supported by Frank Trierweiler to adjourn the meeting at 7:52 p.m. Voting on the motion by roll call vote, motion carried unanimously. [Vote of 7-0, all in favor, none opposed.]



Jessica Plesko, Planning & Permit Technician

NOTE: These minutes were approved by the Planning Commission Meeting on October 14, 2021.