

**EATON COUNTY
PLANNING COMMISSION MEETING
April 3, 2018**

Call to Order: Brian Ross, Chair of the Eaton County Planning Commission, called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, Jack Owens, Barbara Rogers, Christine Barnes, John Little, Jeana Rohrs and Tammy Halsey. **Absent:** Ben Tirrell and Tim Cattron

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Rohrs** to approve the agenda for the April 3, 2018 meeting. **Commissioner Owens** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Owens** to approve the March 6, 2018 minutes with amendments requested by Commissioner Barnes on behalf of April Stopczynski. **Commissioner Halsey** supported. Motion carried.

Public Comments: none

CU-4-18-1: Request by Gary and Virginia Gillean for a Conditional Use Permit to operate a Commercial Recreation Facility (seasonal rental of farm venue) as defined in Section 5.3.3 C. of the Ordinance at 2224 S. Canal Road, Section 27 of Eaton Rapids Township.

Staff Report: Ms. Williams read the staff report into record.

Applicant Statement: Mr. Gary and Mrs. Virginia Gillean offered to answer questions. **Commissioner Rohrs** asked if the building will have electrical service. Mrs. Gillean said yes, through Consumers Energy.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: Ms. Judith Bennett, 2213 S. Canal Road, stated she is in the middle of in favor and opposed. She stated she lives across the road; her biggest concerns are noise, trash and trespassing on her land. Ms. Bennett asked how the applicants will keep people and their trash off her land. She asked how they will control the noise from leaving their property, the number of cars, parking on Canal, and people bringing their own alcohol. Ms. Bennett asked how security will be handled with all of the recent shootings; she asked what recourse the neighbors have if there is a problem. She stated she knows she can call the police, but asked what else can be done. Ms. Bennett asked what agricultural activities will be taking place: what animals and farm crops will on site and what will they do with them. She noted the surrounding properties are agricultural and residential. She stated she does not agree with the applicant's choice of words, calling this a working farm in an agricultural setting. She stated she believes they are trying to follow their dreams and thinks they want to be good neighbors. She added they are most likely good people who will do a good job, but she has concerns. Ms. Bennett passed out a page from the 2018 Plat Book to the Planning Commissioners.

Commissioner Ross invited Mr. and Mrs. Gillean to respond to the public comment.

Mrs. Gillean stated they do intend to be good neighbors and this is their lifelong dream and they do not intend on disturbing the area. She stated she is a registered nurse; her husband is a licensed plumber. Mrs. Gillean stated they will perform sound checks often. She stated she will offer her neighbors their

personal phone numbers to call with concerns. She said parking will not be an issue. Mrs. Gillean stated she and her husband live on the property; they work there as well and plan to die there. She said there will be zero tolerance on their property and alcohol is addressed in the contract. Mrs. Gillean added she is a substance abuse nurse; customers are required to use a licensed bartender and they have the right to remove anyone from the property. She stated they currently have cows on the property; they just had a calf and have another one due in July. She stated they are hoping to have schools visit the property on Fridays. They also have chickens and sheep on the way. She said once they have machinery they will plant hay for the animals.

Commissioner Halsey asked Mrs. Gillean if they will have employees on the property. Mrs. Gillean stated they will have employees if they are needed, possibly for parking. She stated they could add parking to the contract as well. **Commissioner Halsey** stated the number of people may need to be limited. She asked Mrs. Gillean if she knows the occupancy of the building. Mrs. Gillean stated the occupancy of the building is required to be ninety-nine or less so the building does not have to be sprinkled.

Public hearing closed: 7:17 p.m.

Commissioner Rohrs asked if Eaton County Central Dispatch wants a separate address for the business. Ms. Williams stated they did not respond to the Site Plan Review, however, if one is required they will issue it when the building permit is applied for.

Commissioner Rogers asked how far the proposed barn is from the road. Ms. Williams stated there are two site plans; the proposed barn appears to be more than one-hundred feet from the center of the road.

Commissioner Ross asked if the Planning Commission should require a two year review. He stated he was recently informed about noise complaints for Northfork Estates. Ms. Hatt stated she and Mr. Phil Bombrys, Hamlin Township Supervisor, are aware of the complaints and have a corrective action plan in place. Ms. Hatt stated she and Mr. Bombrys will inspect the property and surrounding properties during the next event held at Northfork Estates. Ms. Hatt added there is a decibel level app that can be installed on a smart phone. She stated she spoke with the owners; insulating the building may also help with noise reduction. **Commissioner Halsey** stated insulation would help.

Commissioner Ross stated a new site plan should be required after they get the parking area laid out better and determine the actual occupancy of the building.

Commissioner Owens moved to approve CU-4-18-1 (Gary and Virginia Gillean) for operation of a Commercial Recreation Facility (seasonal rental of a farm venue) as defined in Section 5.3.3 C. of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. A corrected site plan showing a detailed parking area shall be submitted to the Community Development Department.
2. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Eaton County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner and Michigan Department of Environmental Quality.
3. This Conditional Use Permit is granted to Gary and Virginia Gillean for above described use only. It is not transferable per the Zoning Ordinance.

Commissioner Little supported. A roll call was taken with seven (7) voting aye and none (0) voting nay. Motion carried.

CU-4-18-2: Request by Eaton County Central Dispatch for a Conditional Use Permit to construct a Communications Tower per Article 14.27 of the Ordinance on property located at 9384 N. Clinton Trail, Section 25, Sunfield Township.

Staff Report: Ms. Williams read the staff report into record.

Commissioner Owens asked if a three-hundred foot tower requires a light. Ms. Hatt stated all towers over two-hundred feet in height require a light.

Applicant Statement: Mr. Michael Armitage, Director, Eaton County Central Dispatch, stated the staff report was accurate. **Commissioner Owens** asked Mr. Armitage how many towers are owned by Eaton County. Mr. Armitage stated they will have three freestanding towers and co-locations on a few sites.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition:

Public hearing closed: 7:30 p.m.

Commissioner Rogers moved to approve CU-4-18-2 (Eaton County Central Dispatch) for construction of a new Communications Tower per Section 14.27 of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Eaton County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner and Michigan Department of Environmental Quality.

Commissioner Owens supported. A roll call was taken with Seven (7) voting aye and none (0) voting nay. Motion carried.

CU-7-15-20: Request by Eaton County Central Dispatch for a Change of Conditions to an existing Conditional Use Permit to allow for replacement of an existing Communications Tower per Article 14.27 of the Ordinance on property located at 4205 W. Butterfield Highway, Section 32, Walton Township.

Staff Report: Ms. Williams read the staff report into record and informed the Planning Commission the Eaton County Board of Appeals denied Eaton County Central Dispatch's request to vary from the landscaping requirements of the Zoning Ordinance.

Applicant Statement: Mr. Michael Armitage, Director, Eaton County Central Dispatch, stated he will work with staff to come up with a landscape plan in compliance with the Zoning Ordinance requirements. He stated there is already landscaping present on the north and west ends of the compound. **Commissioner Halsey** asked Mr. Armitage why they are replacing the existing tower. Mr. Armitage stated the exiting tower is only one-hundred eighty feet tall; the microwave path needs to be taller and the existing tower will not support the load for the microwave dish and four antennas. He also stated the existing tower is a guide wire tower; the new tower is self supporting.

Commissioner Owens asked why the Board of Appeals denied the application. Ms. Williams stated the site is currently not buffered per Ordinance requirements. She stated the Board of Appeals denied the application because it did not meet the requirements of Items A. That there is a practical difficulty in the way of carrying out the strict letter of this Ordinance, B. That the practical difficult is due to the

unique circumstances related to the particular property and not general to other property in the district or neighborhood and C. that the problem was not created by the applicant.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition:

Public hearing closed: 7:40 p.m.

Commissioner Owens moved to approve change of conditions for CU-7-15-20 (Eaton County Central Dispatch) for replacement of a Communications Tower per Section 14.27 of the Ordinance, the permit application, site plans, all zoning requirements and the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Eaton County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner and Michigan Department of Environmental Quality.

Commissioner Halsey supported. A roll call was taken with Seven (7) voting aye and none (0) voting nay. Motion carried.

Other Business: Ms. Williams stated application DCA-3-18-2, Solar Energy was postponed from the March 6th meeting to the June 5th meeting. She stated since that time staff has taken in three Conditional Use Permit Applications to be heard in June. She asked if the Planning Commission would like to hear the applications at the regularly schedule June 5th meeting or if they would like to schedule a special meeting to hear the applications. **Commissioner Ross** asked Ms. Williams if there is a date that works for everyone. Ms. Williams stated typically, the Planning Commission schedules special meetings for the second Tuesday of the month. She stated it is her understanding only two Planning Commission members are not available to attend a June 12th meeting. **Commissioner Barnes** asked if the June 12th meeting would only be to hear additional applications. Ms. Williams said yes.

Commissioner Rohrs moved that a Special Planning Commission Meeting be held on June 12, 2018 at 7:00 p.m. to hear applications. **Commissioner Owens** supported. Motion carried.

Reports: Ms. Williams informed the Planning Commission the Board of Appeals heard and denied one application at their meeting this evening.

Ms. Williams informed the Planning Commission the Zoning Ordinance Committee met yesterday to further discuss DCA-3-18-2, Solar Energy. She stated they discussed a few options and are still working to move forward. **Commissioner Ross** stated the Zoning Ordinance Committee came up with some ideas, but they need to do some research and discuss again. **Commissioner Barnes** asked if the next Zoning Ordinance Committee Meeting will be held on April 30th at 3:00 p.m. Ms. Williams stated it will depend on if NRCS can get the requested information to them in time.

Commissioner Owens stated he believes General Motors is installing a solar facility on their property south of Mt. Hope. He stated it might be a good place to go look at a solar facility being constructed.

Upcoming Cases: Ms. Williams informed the Planning Commission there are four cases to be heard at the May 1, 2018 meeting.

Public Comment: None

A motion was made by **Commissioner Rogers** to adjourn the meeting. **Commissioner Owens** supported. The meeting adjourned at 7:45 p.m.