

**EATON COUNTY
PLANNING COMMISSION
February 1, 2022**

Call to Order: Ms. Claudine Williams called the meeting to order at 7:00 p.m.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, Michael Hosey, Bruce Porter, Barbara Rogers, Jim Mott, Zachary Dillinger, Ben Tirrell, and Lisa Lawitzke. Tim Catron joined the meeting at 7:03 p.m.

Staff Present: Claudine Williams and Brandy Miller

Agenda Approval: A motion was made by **Commissioner Rogers** to approve the agenda for the February 1, 2022 meeting. **Commissioner Hosey** supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

Nominations and Elections of Board Chairperson, Vice Chairperson and Secretary:

Ms. Williams asked for nominations for Chairperson. **Commissioner Rogers** nominated Commissioner Ross. **Commissioner Hosey** seconded. **Commissioner Rogers** moved nominations be closed and a unanimous ballot cast for Commissioner Ross. **Commissioner Hosey** seconded. Motion carried.

Commissioner Ross assumed the responsibility of presiding over the meeting.

Commissioner Ross asked for nominations for Vice-Chair. **Commissioner Hosey** nominated Commissioner Tirrell. **Commissioner Rogers** seconded. **Commissioner Hosey** moved nominations be closed and a unanimous ballot case for Commissioner Tirrell. **Commissioner Rogers** seconded. Motion carried.

Commissioner Ross asked for nominations for Secretary. **Commissioner Rogers** nominated Commissioner Hosey. **Commissioner Dillinger** seconded. **Commissioner Rogers** moved nominations be closed and a unanimous ballot cast for Commissioner Hosey. **Commissioner Dillinger** supported. Motion carried.

Commissioner Rogers moved to close elections. **Commissioner Hosey** seconded. Motion carried.

Minutes Approval: **Commissioner Lawitzke** stated page two of the minutes last paragraph, second to last line, center fuse should be centrifuge. A motion was made by **Commissioner Hosey** to approve the December 7, 2021 minutes with the proposed amendment. **Commissioner Rogers** supported. Motion carried.

Public Comments: None. Closed at 7:17 p.m.

Public Hearings of Conditional Use Permit Applications:

CU-2-22-1: Request by Todd and Neisha Trowbridge for a Conditional Use Permit to operate a Home Business (hair salon) per Section 14.13 of the Zoning Ordinance at 1950 Gidner Road, Section 3, Eaton Township.

Staff Report: Ms. Williams read the staff report, and site plan review comments from the Eaton County Road Commission into record.

Commissioner Ross stated the Planning Commission cannot approve a home business without a home on the property; he asked if the seven-hundred, twenty square foot space shown on the plan is a home. Ms. Williams said yes. She stated the Planning Commission might wish to require final occupancy for the home prior to the operation of the business.

Applicant Statement: Mr. Todd Trowbridge stated they currently live in a home across the road from the property that they will be selling. He said they plan to move into the pole barn and break ground on a new home in April. He stated they will reside in the pole barn before the salon is operational.

Commissioner Mott asked Mr. Trowbridge if they will live in the pole barn while the home is constructed. Mr. Trowbridge said yes. **Commissioner Mott** asked Mr. Trowbridge if they have occupancy for the pole barn. Mr. Trowbridge said no, but he has all of his permits; they are currently working on plumbing and electrical.

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

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 7:13 p.m.

Commissioner Ross stated he would like the applicants to have final occupancy for the home before they operate the business.

Commissioner Hosey moved to approve **CU-2-22-1** a request by **Todd and Neisha Trowbridge** for a Conditional Use Permit to operate a Home Business (hair salon) per Section 14.13 of the Zoning Ordinance at 1950 Gidner Road, Section 3, Carmel Township, with the following conditions:

1. A Certificate of Occupancy shall be obtained for the home located in the building prior to operation of the business.
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, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
3. This Conditional Use Permit is granted to Todd and Neisha Trowbridge for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Rogers supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

CU-2-22-2: Request by Reinhart Robert Cook for a Conditional Use Permit to operate a Surface Mine per Section 14.25 of the Zoning Ordinance at 8645 Kelly Highway (parcel number 050-003-100-020-04), Section 3, Vermontville Township.

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

Applicant Statement: Mr. Reinhart Robert Cook offered to answer any questions. **Commissioner Hosey** asked Mr. Cook if he plans to give an updated site plan as requested. Mr. Cook asked what needs to be updated on the site plan. **Commissioner Hosey** said signs and parking. Mr. Cook stated he has signs being made currently; they may need to be remade. **Commissioner Hosey** asked Mr. Cook if they are any issues complying with the requirements of the Eaton County Road Commission or Eaton County Drain Commissioner's Office. Mr. Cook said no, he has been working with both departments for years. Mr. Cook gave a brief explanation of the process for his Soil Erosion Sedimentation Control Permit. He stated he would also work with Blair Ballou at the Eaton County Road Commission to obtain the Haul Route Permit.

Commissioner Dillinger stated another item needing addressed on the site plan is the proposed berm material. Mr. Cook stated the berms will likely be constructed on the stripped top soil; they will not be as tall or steep as most because the open areas are still used for his pastures.

Commissioner Cattron asked Mr. Cook if he has plans for dust control. Mr. Cook said he will water and do whatever is needed to control dust, but the property is mainly surrounded by farmland that he owns. Mr. Cook gave a brief history of the property and the surface mine.

Commissioner Cattron stated he would like to see a cross section of how the berm will be constructed. Mr. Cook asked what the Planning Commission would like for a berm. **Commissioner Cattron** stated the height of the berm should be enough to protect the neighboring properties. Mr. Cook stated he will do whatever the Planning Commission deems appropriate. **Commissioner Mott** stated the property is mostly woods. Mr. Cook stated he also needs to work with Blair Ballou of the Eaton County Road Commission on the berm requirements for the traffic coming in and leaving the property. Discussion was held.

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

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 7:33 p.m.

Commissioner Hosey stated a surface mine has operated from this property for a number of years without complaints or issues. **Commissioner Ross** stated he would like the requirements of the Eaton County Drain Commissioner's Office and Eaton County Road Commission complied with. He also stated there should be berm specifications on the site plan. **Commissioner Cattron** stated he would like to see a berm of at least six foot in height with a cross section shown on the site plan. **Commissioner Dillinger** asked if the site plan needs to come back to the Planning Commission for review and approval or may staff take care of it. He also stated parking and signage should be included, he feels staff can handle the review and approval of the updated site plan.

Commissioner Tirrell moved to approve **CU-2-22-2** a request by **Reinhart Robert Cook** for a Conditional Use Permit to operate a Surface Mine per Section 14.25 of the Zoning Ordinance at 8645 Kelly Highway (Parcel Number 050-003-100-020-04, Section 3, Vermontville Township, with the following conditions:

1. A plan for the proposed berm shall be submitted to the Community Development Department for approval. The plan shall show the cross section of the proposed berm.

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, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.

Commissioner Hosey supported.

A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

CU-2-22-3: Request by Levi Polihouki for a Conditional Use Permit to operate a Construction Contractors Establishment and Storage of Heavy Equipment (excavation business) per Section 14.29 of the Zoning Ordinance from a vacant parcel located off S. Michigan Road (parcel number 120-026-100-076-12), Section 26, Eaton Rapids Township.

Staff Report: Ms. Williams read the staff report, and site plan review comments from Eaton Rapids Township and Commissioner Rogers into record.

Applicant Statement: Mr. Levi Polihoki stated they will store their equipment at the lower profile. Mr. Polihoki said he plans to use the top soil as a berm and have a fence with trees along the back side. **Commissioner Hosey** asked Mr. Polihoki what type of fence he plans to have. Mr. Polihoki stated he planned on a chain link fence with black fabric so he can fix and replace as needed.

Commissioner Cattron asked Mr. Polihoki his thoughts about the proposed concrete fence. Mr. Polihoki stated the proposed concrete fence would be difficult; it would require footings and be required to be twenty feet from the property line. **Commissioner Rogers** stated the property is located downhill from a subdivision; she does not think the construction equipment should be visible. She said she could live with the fence with black fabric, berm and trees, but does not want the homeowners to have to wait twenty years for the trees to grow to block the view of the equipment. Mr. Polihoki stated he would like a fence for property security reasons. He added he has already spoken with one of the neighbors; the neighbor was happy because they did not want to have a fast food business on the property. He said he is always willing to talk to the neighbors and be as accommodating as he can.

Commissioner Mott asked if EGLE commented on the wetland. Mr. Polihoki said he just received a response last week indicating the area was not a state controlled wetland.

Commissioner Hosey asked about a four (4) foot berm with a six (6) foot fence on top. Mr. Polihoki said if he has enough topsoil he would be willing to do that, but it may only be a three (3) foot berm. **Commissioner Rogers** asked if that would be enough screening for the subdivision and does not feel a vote should occur until they know.

Commissioner Dillinger noted the current parking on the site plan is not compliant. Mr. Polihoki said he will adjust the site plan and will be compliant. **Commission Dillinger** also noted a building size discrepancy and bufferyard requirement. Mr. Polihoki said he is requesting a building 36' x 36' and he has no problem with installing a berm and trees as required. **Commission Dillinger** asked about hours of operation. Mr. Polihoki said employees would be on site to warm up equipment about 6:40 a.m. and will not be back on site until 6:00 p.m. He noted they may be there on off hours to provide emergency assistance, but there will be no public and it will not be that often.

Commissioner Cattron asked if they will be storing fuel on site. Mr. Polihoki said yes, they will have one 500 gallon tank for on road equipment and one 500 gallon tank for off road equipment. He said they are spill proof tanks and authorized by the company they purchase from. **Commissioner Cattron** asked if the fire department has any concerns about the fuel storage. Mr. Polihoki stated not that he is aware of.

Ms. Williams asked about the parking area in front of the building and if the Planning Commission was going to require a berm for the parking.

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

Speakers in favor: Mr. Lynn Ball, 4673 Eaton River Trail, stated he is the builder and developer of the subdivision located behind this property. He stated prior to selling the property to Mr. Polihoki, he spoke with the property owners of the subdivision. He said none of them had any issues with it and liked the idea of his business better than a fast food restaurant. Mr. Ball stated if the Planning Commission were to go look at the elevation that Commissioner Rogers addressed, you can also see Michigan Plumbing, Erland Storage, and trailers at PK RV. He said this is no different than those businesses and added there are no neighbors here this evening in opposing to the request. Mr. Ball stated he has never seen a concrete wall around a commercial property.

Mr. Scott Wilson, Eaton Rapids Township Supervisor, stated the Eaton Rapids Township Board voted in favor of the application with buffering requirements. He stated the township board discussed what Mr. Polihoki proposed, the berm, fence and trees and they exceed the townships expectations. Mr. Wilson stated he agrees with Mr. Ball in regards to the elevation of the property and other businesses in the area. He stated the as long of the fuel barrels meet the requirements of the Fire Department, there should not be any issues.

Speakers opposed: None

Public hearing closed: 8:03 p.m.

Commissioner Mott asked if the building needs to be updated on the site plan. **Commissioner Dillinger** said he would like to see the building and parking updated on the site plan with any signage included. **Commissioner Ross** agreed, the site plan should be updated. **Commissioner Cattron** stated the site plan should also include the berm, fencing and trees; the specifications of each item should be listed on the site plan as well. He stated he would like to see evergreens planted. Ms. Miller discussed the possibly of arborvitae as they are fast growing and offer more screening.

Discussion in reference to buffering was held. Ms. Williams read a portion of Zoning Ordinance, Article 17 Bufferyards into record.

Commissioner Cattron moved to approve **CU-2-22-3** a request by **Levi Polihouki** for a Conditional Use Permit to operate a Construction Contractors Establishment and Storage of Heavy Equipment (excavation business) per Section 14.29 of the Zoning Ordinance from a vacant parcel located off S. Michigan Road (parcel number 120-026-100-076-12), Section 26, Eaton Rapids Township, with the following conditions:

1. An updated site plan with the correct building size, parking requirements, signage, berm a minimum of four feet in height, six foot chain link fence with black opaque fabric, and evergreens shall be submitted to the Community Development Department for approval.
2. Only the required evergreens are to be used as screening from the front of the building to the MDOT Right-of-Way or as approved by MDOT.
3. Hours of operation are limited to 6:00 a.m. to 7:00 p.m. with twenty-four hour emergency hours as needed.
4. 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, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
5. This Conditional Use Permit is granted to Levi Polihoki for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Rogers supported.

Discussion:

Commissioner Rogers asked if the fence would have the black fabric. **Commissioner Ross** said yes, we need to be specific. Discussion was held regarding requiring a four foot berm, six foot fence with opaque screening. **Commissioner Tirrell** stated he would not recommend anything more than that. **Commissioner Catron** stated he visited the site, you can see Michigan Plumbing and PK RV from the subdivision. **Commissioner Rogers** stated those businesses were there prior to the development.

A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Commissioner Tirrell stated he would like the Zoning Ordinance Committee to review the Zoning Ordinance landscaping requirements for commercial property.

CU-2-22-4: Request by Nicholas and Alison Barc for a Conditional Use Permit to operate a Commercial Recreation Facility (event venue/winery) as defined in Section 5.3.3 C of the Zoning Ordinance and an Agricultural Business (u-pick orchard/winery) per Section 14.1 of the Zoning Ordinance at 19 E. Five Point Highway, Section 31, Eaton Township.

Staff Report: Ms. Williams read the staff report, and a site plan review comment from Barry-Eaton District Health Department into record.

Commissioner Porter asked what happened to the requirement of showing the parking spaces on the site plan. Ms. Williams explained the parking requirements and parking space information was listed on the side of the site plan. She stated the Planning Commission could require a separate parking plan if they wish. **Commissioner Tirrell** stated the checklist is helpful; it is explicit as to what has been required to be included. **Commissioner Porter** stated he has no objections if it is compliant.

Applicant Statement: Ms. Alison Barc stated they would like to open an agritourism business, with most of the focus on the buildings and winery. She said they currently have apples and peaches planted on the property and will be planting more/different trees in the future. Ms. Barc stated they are working with a wine maker that is already established and knows all of the rules and laws.

Commissioner Lawitzke asked Ms. Barc if she has any plans to put a tent up to hold events prior to the construction of the building. Ms. Barc said no; the event venue requires permanent restrooms, which will be located in the winery building.

Commissioner Mott asked Ms. Barc about the width of her proposed driveway as requested by the Charlotte Fire Department. Ms. Barc stated she has spoken with the fire department, the driveway needs to be at least twenty feet wide. **Commissioner Mott** asked Ms. Barc if she plans to have a sign for the business. Ms. Barc stated she is still trying to decide on a location for the sign.

Commissioner Hosey asked if music would start on 9:00 a.m. on Saturday. Ms. Barc said no, 9:00 a.m. is when event vendor can begin dropping things off and setup. She stated the music is for receptions, which are usually after 4:00 p.m.; she stated they may have other music during the day. **Commissioner Hosey** stated no music will be playing at 9:00 a.m. Ms. Barc said no.

Commissioner Cattron asked Ms. Barc if she knows where the drain tiles are located on the property so she does not put concrete over them. Ms. Barc said yes, they are not located where they are proposing to build.

Commissioner Tirrell asked Ms. Barc if she has plans for a u-pick pumpkin patch or Christmas trees in the back of the property. Ms. Barc said yes. **Commissioner Tirrell** asked Ms. Barc if she has thought of how she is going to keep people from leaving her property and going on to her neighbors property. Mr. Nick Barc stated they will eventually need to install something due to the deer and to delineate the property line.

Commissioner Dillinger asked Ms. Barc if she is willing to submit copies of any licenses to the Community Development Department. Ms. Barc said yes.

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

Speakers in favor: Mr. Mike May, 357 E. Five Point Highway, stated his property borders Mr. and Mrs. Barc's property for a half a mile. He stated he does not have a problem with the proposed business. **Commissioner Tirrell** asked Mr. May if there are clear boundaries between his property and Mr. and Mrs. Barc's property. Mr. May stated there is a fence, but it is dilapidated.

Speakers opposed: None

Public hearing closed: 8:57 p.m.

Commissioner Tirrell stated he is concerned about people wandering from Mr. and Mrs. Barc's property onto neighboring properties. **Commissioner Cattron** stated a scaled parking plan should be required. **Commissioner Lawitzke** stated she would like to have the scaled parking plan as well; she would like to know the proposed parking area clears the MDOT Right-of-Way.

Commissioner Cattron stated he believes this is a fine use of the property. **Commissioner Ross** pointed out that Ms. Jeana Rhors names is on page two of the staff report and requested staff fix in the future.

Commissioner Hosey asked if the Building Official's comments have been reviewed. Ms. Williams stated Ms. Barc is working with an architect.

Commissioner Mott moved to approve **CU-2-22-4** a request by **Nicholas and Alison Barc** for a Conditional Use Permit to operate a Commercial Recreation Facility (event venue/winery) as defined in Section 5.3.3 C of the Zoning Ordinance and an Agricultural Business (u-pick orchard/winery) per Section 14.1 of the Zoning Ordinance at 19 E. Five Point Highway, Section 31, Eaton Township, with the following conditions:

1. A scaled parking plan shall be submitted to the Community Development Department for review. The plan shall include the buildings, parking, driveways, well, septic, drainfield and road right-of-ways.
2. Requirements of all other local, state and federal agencies must be met, including but not limited to: City of Charlotte Fire Department, Michigan Liquor Control Commission, Michigan Department of Agriculture and Rural Development, Michigan Department of Transportation, Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
3. This Conditional Use Permit is granted to Nicholas and Alison Barc for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Hosey supported.

Discussion: Ms. Williams asked if liquor licenses were required to be submitted to the Community Development Department. **Commissioner Ross** said yes, that should be required. He also stated he would like something in the motion allowing staff to approve minor changes to the site plan as needed per other agencies requirements.

Commissioner Mott amended his motion to include:

4. All licenses shall be submitted to the Community Development Department annually
5. Staff may approve minor changes to the site plan if the changes meet Zoning Ordinance requirements and are required by other agencies.

Commissioner Hosey supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Farm Land Preservation (PA 116): Ms. Williams informed the Planning Commission they received a PA 116 Application for a property in Oneida Township, which is not located within Eaton County's zoning jurisdiction. Ms. Williams offered to give a report on the application. **Commissioner Ross** stated he did not think it was necessary.

Other Business: CU-10-17-18: request by Bellevue Stone Products and Mr. Reinhart Robert Cook to transfer a Conditional Use Permit to a new Surface Mine Operator per Section 14.25.8.

Ms. Williams read the memo sent to the Planning Commission in their meeting packet regarding the request into record.

Commissioner Hosey move to approve the transfer of ownership of CU-10-17-18 from Bellevue Stone Products to Mr. Reinhart Robert Cook; the cash bond to be filed with the Eaton County Treasurer may be one-half the required amount per Zoning Ordinance Subsection 14.25.7 Financial Guarantees.

Commissioner Cattron supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Ms. Williams informed the Planning Commission they received communication from Barry County regarding intent to conduct an update to their Master Plan.

Ms. Williams commented on Eaton County's Master Plan. She stated Eaton County participates in the State of Michigan Purchase of Development Rights (PDR) Program; Per the MDARD, to apply for the PDR Program, Eaton County's Master Plan is required to be updated every ten years. Ms. Williams said State Act regulating the Master Plan only requires a review every five years. She asked the Planning Commission if they would like to update the Master Plan so the County can be eligible for PDR funding. **Commissioner Ross** stated he recalls the Planning Commission's last discussion was that they were going to have to update it at some point.

Commissioner Tirrell moved to recommend beginning the process to update the Eaton County Master Plan. **Commission Hosey** supported. A roll call was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Reports: Ms. Williams stated the Zoning Board of Appeals would hold a special meeting on February 2, 2022 at 6:00 p.m. She explained an appeal of the Planning Commission's Decision was filed in regards to CU-12-21-11, MMHP, LLC. **Commissioner Ross** asked about the possibility of cancelling the meeting due to weather. Ms. Williams said that would be a decision of the Chairman of the Board of Commissioners and the Eaton County Controller. **Commissioner Ross** asked if the meeting were cancelled, when would it be rescheduled for. Ms. Williams stated it could be rescheduled for the regular March 1, 2022 Board of Appeals Meeting, but a decision has not been made.

Public Comment: None

Upcoming Cases: Ms. Williams said there are currently no applications to be heard at the March 1, 2022 Planning Commission Meeting; however, she stated the Board of Appeals has the option to remand CU-12-21-11 back to the Planning Commission for further consideration, if this happens there would be a March Planning Commission Meeting.

Ms. Williams announced Commissioner Ross would be looking to appoint members to the Site Plan Review Committee, Zoning Ordinance Committee, and Administrative Committee at the next meeting. Ms. Williams explained each committee and asked that anyone interested contact Commission Ross or herself.

A motion was made by **Commissioner Hosey** to adjourn the meeting. **Commissioner Dillinger** supported. Motion carried.

The meeting adjourned at 9:17 p.m.