

**EATON COUNTY
PLANNING COMMISSION
April 11, 2023**

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, Michael Hosey, Bruce Porter, Tim Cattron, Frank Holmes, Scott Hansen, Ben Tirrell, and Lisa Lawitzke.

Absent: Zachary Dillinger

Staff Present: Claudine Williams and Brandy Miller

Agenda Approval: A motion was made by **Commissioner Hosey** to approve the agenda for the April 11, 2023 meeting. **Commissioner Tirrell** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Hosey** to approve the March 7, 2023 minutes as printed. **Commissioner Cattron** supported. Motion carried.

Public Comments: None

Public Hearings of Conditional Use Permit and District Change Amendment Applications:

CU-11-06-31: Request by Barbara Moore for a Change of Conditions to an existing Conditional Use Permit which allows the operation of an Agricultural Business (horse boarding facility) per Section 14.1 of the Zoning Ordinance at 3375 S. Royston Road, Section 31, Eaton Rapids Township. Specifically, the request is to allow for the construction of a personal use garage addition on to the existing horse arena.

Staff Report: Ms. Williams read the staff report into record. She informed the Planning Commission, the Eaton County Board of Appeals approved Ms. Moore's variance request at their meeting earlier this evening.

Applicant Statement: Ms. Allison Williams stated she represents Ms. Barbara Moore. She said she is a family friend and boards her horse with Ms. Moore. Additionally, Ms. Allison Williams stated she works for the construction company contracted to build the garage. She said the personal use garage will not affect the use of the property and asked for it to be approved.

Commissioner Cattron asked Ms. Allison Williams if she has any concerns about the Eaton County Road Commission's comments in reference to a commercial driveway. She stated they had no problem applying for the permit with the Road Commission and upgrading the driveway.

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: 7:11 p.m.

Commissioner Tirrell stated he believes the commercial driveway permit requirement is border line but this is not a farm so it does make sense. He stated the parking is excessive and questioned if any was needed. Ms. Claudine Williams stated the Planning Commission could assign parking requirements for the use and pointed out people are still coming to the property for riding lessons. **Commissioner Tirrell** stated the Zoning Ordinance Committee should review the parking requirements. Ms. Williams stated she will add it to the list.

Commissioner Hosey moved to approve a **CU-11-06-31** a request by **Barbara Moore** for a Change of Conditions to an existing Conditional Use Permit which allows the operation of an Agricultural Business (horse boarding facility) per Section 14.1 of the Zoning Ordinance at 3375 S. Royston Road, Section 31, Eaton Rapids Township. Specifically, the request is to allow for the construction of a personal use garage addition on to the existing horse arena, with 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, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Barbara Moore for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Lawitzke supported.

A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-12-09-14: Request by Douglas Reaves, Russell Thorn and Clay Carstensen for a Change of Conditions to an existing Conditional Use Permit to operate a Golf Course and Construction Contractors Establishment and Storage of Heavy Equipment business (R&D Landscaping) per Sections 14.11 and 14.29 of the Zoning Ordinance at 194 S. Michigan Road, Section 14, Eaton Rapids Township. Specifically, the request is to construct an additional building.

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

Commissioner Ross asked if the Planning Commission has ever limited a non-conforming use and if an application for this type of use has ever been denied. Ms. Williams stated the Planning Commission denied Mr. Garn's Conditional Use Permit Application for the same use a few years ago. Ms. Miller stated she believes that was due to the number of employees.

Applicant Statement: Mr. Russell Thorn, stated the staff report was accurate; they are requesting to construct an additional building for training, storage and restrooms. He stated having the restrooms in the proposed building will keep the employees separate from the golf course and allow for more sanitary conditions. Mr. Thorn stated the proposed location for the building is in an existing parking lot area. He said it will look identical to the building they already have and the location of the drainfield has already been approved.

Commissioner Hosey asked if he would comply if the Planning Commission were to require more buffering. Mr. Thorn stated he would do whatever was required. He said there is a parking lot, and a strip of grass in the area, and it is two to three-hundred feet to the nearest property line from the where the building will be. Ms. Williams asked Mr. Thorn if the porta potties would be removed from the property if the building is approved. Mr. Thorn said yes.

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: 7:26 p.m.

Commissioner Cattron stated he is concerned that the business keeps growing year by year and noted it would be nice to know the entire plan all at once. **Commissioner Ross** stated the Planning Commission may want to consider a DCA to rezone the property to commercial rather than keep it Limited Agricultural.

Buffering was discussed. It was the consensus the current buffering was adequate.

Commissioner Tirrell stated this is a good customer that is playing by the rules and comes in when they need something.

Commissioner Porter stated there is no layout for the parking on the site at all. If they continue to add on, it should be clear where the parking is going to be and where the isles are. He stated he drives by the property all the time and sees the employees and R&D vehicles parked; it seems there was room between the buildings for parking. **Commissioner Porter** stated additionally there are no dimensions for the buildings located on the site plan, and noted it is time to start seeing a layout of how the property is going to work. He stated they should not be allowed to do anything more without coming up with a layout for the property with buildings and parking. Mr. Thorn stated they are no plans to expand further on this site. He said they are aware it is pretty full and added they cannot do anything more without going into the golf course area. Mr. Thorn explained golfers park by the clubhouse and employees park by the pole barns. He stated he believes the parking area is big enough. **Commissioner Porter** stated if more is done with the property, there needs to be a detailed plan. **Commissioner Ross** reminded everyone this is commissioner deliberation, public comment was already heard.

Commissioner Tirrell stated per the site plan check sheet, staff allowed the applicant to not include the detailed parking area, so the site plan should be good. Ms. Williams stated there is a parking plan in the file and noted there are no parking changes from its original approval. She added she confirmed this with aerial photos and said the spaces actually appear to be ten feet wide instead of the required nine feet.

Commissioner Tirrell moved to approve **CU-12-09-14** a request by **Douglas Reaves, Russell Thorn** and **Clay Carstensen** for a Change of Conditions to an existing Conditional Use Permit to operate a Golf Course and Construction Contractors Establishment and Storage of Heavy Equipment business (R&D Landscaping) per Sections 14.11 and 14.29 of the Zoning Ordinance at 194 S. Michigan Road, Section 14, Eaton Rapids Township. Specifically, the request is to construct an additional building, with 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, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Douglas Reaves, Russell Thorn and Clay Carstensen for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Porter supported.

A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-4-23-1: Request by Gino Castello 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 of land located off from W. Butterfield Highway identified as parcel 140-031-200-040-01, Section 31, Walton Township.

Staff Report: Ms. Williams read the staff report, and site plan review comments from the Eaton Conservation District into record. Ms. Williams also read staff's response to the Eaton Conservation District into record.

Applicant Statement: Mr. Gino Castello, owner of Xact Excavating, stated he would like to construct a 64' x 40' pole barn to work on his equipment and use for storage. He stated he currently operates off from T Drive, but was fortunate to purchase property from his grandparents who have owned the property for a century. He said he would like to bring a quality business to the area.

Commissioner Tirrell stated per the site plan there are plans for material storage for emergency work and asked how it would be stored. Mr. Castello stated he will use 2' x 6' block walls. **Commissioner Tirrell** asked if the materials will exceed the height of the walls. Mr. Castello said no.

Commissioner Tirrell asked if staff required the existing trees to be located on the site plan. Mr. Castello stated most of the property is a tick brush, but there is a large group of pine trees near the road.

Commissioner Hosey asked Mr. Castello if he has any issues with installing a commercial driveway. Mr. Castello said no and noted he has been working with the Eaton County Road Commission. He said they have also discussed installing curb and gutter, and asphalt.

Commissioner Cattron asked about the wetland comments made by the Eaton Conservation District. Mr. Castello stated he received the email from Rachel at the Conservation District and has met with Ruthanne and John from the Eaton County Drain Commissioner's Office. He said John has observed the area and stated the Drain Office has no concerns. Mr. Castello said he did respond back to Rachel and was going to talk with the Conservation District. He added John showed him where the wetland was located and told him to use his judgement on the silt fence.

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: 7:54 p.m.

Commissioner Holmes said this would increase business for the county and for the City of Olivet. He stated Mr. Castello has a good reputation and does good work; he seems to be willing to work with the Conservation District. **Commissioner Holmes** stated he is in favor of the application.

Commissioner Hosey moved to approve **CU-4-23-1** a request by **Gino Castello** 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 of land located off from W. Butterfield Highway identified as parcel 140-031-200-040-01, Section 31, Walton Township, with the following conditions:

1. A commercial driveway shall be installed/constructed as required by the Eaton County Road Commission.
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 Gino Castello for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Tirrell supported.

A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-4-23-2: Request by Colleen Oswill for a Conditional Use Permit to operate an Educational Institution (group day care facility for up to 12 children) per Section 14.10 of the Zoning Ordinance at 2708 E. Butterfield Highway, Section 33, Brookfield Township.

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

Applicant Statement: Ms. Colleen Oswill stated she will add an eight foot by fifty foot fence around the play area. She said she was not aware she needed a fence to go from six children to twelve when she originally applied. She added she currently has eight children on her wait list and noted two larger daycare centers in the area have recently closed.

Commissioner Hosey asked Ms. Oswill if she has been working with the Barry-Eaton District Health Department. Ms. Oswill said yes. She explained she has an engineered drainfield which has already been pumped once since opening the daycare.

Commissioner Porter asked Ms. Oswill what the surface area is from the south side of the barn to the parking lot. Ms. Oswill stated it will be gravel; she added she hopes to receive a grant from the State of Michigan to pay for it.

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: 8:08 p.m.

Commissioner Cattron stated he would be comfortable approving the application as long staff verifies and/or ensures the fence is installed.

Commissioner Tirrell moved to approve **CU-4-23-1** a request by **Colleen Oswill** for a Conditional Use Permit to operate an Educational Institution (group day care facility for up to 12

children) per Section 14.10 of the Zoning Ordinance at 2708 E. Butterfield Highway, Section 33, Brookfield Township, with the following conditions:

1. A new site plan shall be submitted showing the location of the proposed fence.
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 Colleen Oswill for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Holmes supported.

A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

DCA-4-23-1: Request by Paul Elieff, owner of 125 STJOE LLC, for a District Change Amendment to change the zoning of property located at 1540 Island Highway, from Industrial (I) to Limited Agricultural (LA). The property is located in Section 17, Eaton Township.

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

Commissioner Porter asked if the Barry-Eaton District Health Department approved the site for a future septic. Ms. Williams stated the Barry-Eaton District Health Department commented on the site plan review that they did not have any concerns.

Applicant Statement: Mr. Paul Elieff stated he had a perk test done on the property and it perks in two spots. Mr. Elieff stated he owns a roofing company and would like to build a home and retire on this property; it will be well taken care of and managed.

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: 8:22 p.m.

Commissioner Ross asked if the future land use is Industrial. Ms. Miller stated the future land use for the property is Secondary Agricultural. Ms. Williams stated the property is currently zoned Industrial. **Commissioner Ross** asked if this parcel is next to the property that was annexed into the city for a manufactured home community. Ms. Williams said property was never annexed, but yes, it is in the same area.

Commissioner Lawitzke stated if the property contained emergent wetlands, she would rather it be zoned Limited Agricultural rather than Industrial.

Ms. Williams stated items A-G are required to be answered if a motion is made; they are located on page five of the staff report.

Commissioner Tirrell noted this is similar to other cases with dual zoning classifications.

Commissioner Tirrell moved to approve **DCA-4-23-1** a request by **Paul Elieff** for a District Change Amendment to change the zoning of property located at 1540 Island Highway, from Industrial (I) to Limited Agricultural (LA). The property is located in Section 17, Eaton Township. They find that the request meets Zoning Ordinance Section 13.6.1 as follows:

- A. Identifiable conditions related to the application have changed to justify the proposed amendment.
- B. Error was made in the original Ordinance which justified the proposed amendment; when the dual zoning classifications were removed, the property should have been rezoned to Limited Agricultural.
- C. There are no possible effects which may result from the approval of the petition; the approval is logical.
- D. There is no impact from the approval of this amendment; the property is primarily wetland which will be protected more by approving Limited Agricultural zoning.
- E. There is no adverse effect.
- F. Complies with the Eaton County Master.
- G. The property cannot be put to a reasonable economic use zoned as Industrial and with the predominate wetlands on the property.

Commissioner Hosey supported.

A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

Farm Land Preservation (PA 116): None

Other Business: Ms. Williams reminded the Planning Commission of training on April 20, 2023, 5:30 p.m. to 9:00 p.m. at the 551 Building in the lower level. She said the training is available to all local units of government within the county.

Ms. Williams stated the special meeting scheduled for April 25th has been cancelled as Mr. Jason Ball from Rowe is not available.

Communications: Ms. Williams informed the Planning Commission two communications were received from Clinton County and the City of Lansing in reference to their intent to plan and/or update their Master Plans.

Reports: Ms. Miller gave the Planning Commission an update on CU-6-21-2, Rudy Byler for operation of an Educational Institution. Ms. Miller stated the new well has been installed as required and pending approved water samples, Eaton County should be able to complete the required final inspections shortly.

Ms. Williams stated the Zoning Ordinance Committee did not meet in March. The next meeting is scheduled for April 18th to further discuss the potential wind ordinance.

Ms. Williams gave an update on potential changes to the Board Room equipment and how meetings will be broadcast and recorded in the future.

Public Comment: None

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

The meeting adjourned at 8:34 p.m.