

**EATON COUNTY
PLANNING COMMISSION
July 5, 2022**

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, Barbara Rogers, Jim Mott, Zachary Dillinger, Ben Tirrell, Lisa Lawitzke and Tim Catron

Staff Present: Claudine Williams and Brandy Miller

Agenda Approval: A motion was made by **Commissioner Hosey** to approve the agenda for the July 5, 2022 meeting. **Commissioner Rogers** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Mott** to approve the June 7, 2022 minutes as printed. **Commissioner Lawitzke** supported. Motion carried.

Public Comments: None

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

CU-2-22-3: Request by Levi Polihouki for a Change of Conditions to an existing 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 to alter the already approved landscaping/buffering plans.

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

Applicant Statement: Mr. Levi Polihouki stated he decided to purchase additional property, from Mr. Lynn Ball, to square up his property. He stated after the survey was done, he noticed he owns a lot of the existing trees. Mr. Polihouki stated he is going to hold off on the actual construction of the building for a year, but will do everything required on the property to be compliant.

Commissioner Dillinger stated the site plan shows the parking area needs to be compliant; he asked Mr. Polihouki if he is able to make the parking area compliant. Mr. Polihouki said yes, but he only has four employees that will be onsite during the day; he stated most of his fifteen employees are on the job site during the day. He stated he will have eight parking spaces in the front and more located in the back; he has no problem putting in the parking spaces.

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

Speakers in favor: Mr. Craig Rominger, 2530 Ruth Elizabeth Lane, asked if Mr. Polihouki purchased the property to the west of his house. Mr. Polihouki explained the location of the additional property he purchased from Mr. Ball.

Speakers opposed: None

Public hearing closed: 7:14 p.m.

Commissioner Rogers asked what screening material will be used on the northeast property line. **Planning Commission discussion was held** in reference to the site plan and the berm and buffering. **Commissioner Cattron** stated he is concerns about not having vegetation on the east property line due to the comments for some of the neighbors that they do not want to see a fence.

Commissioner Dillinger stated two of the three neighbors giving comments, are okay with the berm without the fence; the adjoining property is Limited Agricultural, which is why the Planning Commission allowed for a fence and berm without the trees. He stated the comments from the neighbors is, they would like to have the berm without the fence; the berm is mostly constructed. **Commissioner Cattron** said one of the neighboring property owners stated he does not want inorganic material to be used as a buffer, he would prefer a natural barrier. **Commissioner Tirrell** asked if the fence is already located on the property. **Commissioner Ross** said no. **Commissioner Mott** stated he does not have a problem with the proposed plan as the neighbors did not have any concerns previously. **Commissioner Ross** stated the question now is do the neighbors want a fence or natural buffer. **Commissioner Cattron** stated squaring up the property makes sense, however, he is concerned about the east line not having evergreens. **Commissioner Ross** asked Mr. Polihouki if he plans to put evergreens on the east property line. Mr. Polihouki said yes, arborvitae or evergreens and no fence. He said he would have to meet with a landscaper to develop a final plan. **Commissioner Rogers** stated she would like something that does not shed leaves so there will be screening twelve months out of the year. **Commissioner Ross** asked if staff would be comfortable reviewing and approving the buffer/landscape plan. Ms. Williams said yes.

Commissioner Tirrell moved to approve **Change of Conditions for CU-2-22-3** a request by **Levi Polihouki** for a Change of Conditions to an existing 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 to alter the already approved landscaping/buffering plans:

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 **Levi Polihouki** for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Mott supported.

Discussion: The Planning Commission held a brief discussion regarding submitting an updated site plan showing the approved landscaping and additional parking area. **Commissioner Dillinger** stated the application states there will be seven (7) employees, but

Mr. Polihouki stated there will only be four (4) employees on-site; he stated he does not believe additional parking is need.

Commissioner Tirrell amended his motion to add the following requirement:

3. An updated site plan showing the approved landscaping/buffering shall be submitted to the Community Development Department for approval.

Commissioner Mott supported.

A roll call was taken with eight (8) voting aye, none (0) voting nay, and one (1) abstain. Motion carried.

CU-7-13-8: Request by Allison Barc for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of an Agricultural Business (production and sales of agricultural products) to change the ownership of the business and continue the operation of the farm store, and to additionally operate an onsite bakery, prepare and sell takeout meals, and to prepare and fulfill small catering orders per Section 14.1 of the Ordinance at 1959 W. Kalamo Highway, Section 26, Carmel Township.

Commissioner Tirrell requested to be rescued because the application involves property he previously owned. **Commissioner Dillinger** moved to rescue Commissioner Tirrell from hearing application CU-7-13-8. **Commissioner Rogers** supported. Motion carried.

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. Alison Barc stated they are looking to keep the Olde School House the same and expand it some to sell their own fruit as well. Ms. Barc stated they are asking for the use of the commercial kitchen, and additional hours to offer breakfast. She stated they would also like to utilize some of the outdoor space for business purposes for retail plants and lawn art things like that. **Commissioner Cattron** asked Ms. Barc if she would be okay with cutting back to the original approval if MDARD and BEDHD did not approve the increased use. Ms. Barc said most likely not. **Commissioner Cattron** asked if the use of the kitchen is important. Ms. Barc said yes. **Commissioner Mott** asked Ms. Barc if she has been in contact with MDARD. Ms. Barc stated she is not currently the property owner, but believes the current owners are in compliance with MDARD requirements. **Commissioner Mott** stated the use of the kitchen may be an issue. Ms. Barc stated something got lost in transition between MDARD and BEDHD. She said her understanding from the current property owner is something got lost in translation somewhere, but that MDARD did approve everything they just did not notify the BEDHD.

Commissioner Dillinger asked Ms. Barc about the banner signs along Battle Creek Highway. Ms. Barc confirmed they are located on the property, but are not permanent. **Commissioner Dillinger** asked Ms. Barc if removing the banner signs would be an issue. Ms. Barc said no.

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

Speakers in favor: Ms. Laura Goostrey stated she is the current owner of the property. She said she just received the BEDHD's Site Plan Review response this afternoon. Ms. Goostrey stated the BEDHD showed up onsite at the business on Friday without an appointment. She

said they asked how often the septic tank was pumped. She said she did not have her records with her, but did verify and left a message with the BEDHD after 5:00 p.m. on Friday. Ms. Goostrey said her records showed it was pumped three times a year for two years and four times a year for two years. She stated they do not drink the water at the store, they sell bottled water. She said she is not sure what happened with Matt, but she will speak with him about his response to the Planning Commission. **Commissioner Hosey** asked if the kitchen used a lot of water. Ms. Goostrey stated they are a bakery, they make breads and cookies; the use of the water is limited to clean up and washing dishes. She said if she gets the tank pumped four times a year that would be 10,000 gallons. **Commissioner Hosey** asked about the new proposed hours. Ms. Goostrey stated she is not proposing the hours, Ms. Barc is. Ms. Goostrey stated she is open Monday through Friday 10:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 5:00 p.m.

Mr. Ron Goostrey stated when they purchased the property it was their intent to operate as the previous owner had; they were baking and making lunches. He stated what they purchased should carry forward to Ms. Barc, she wants to do the same thing they are, only bring it up a notch. **Commissioner Mott** asked about the use of the kitchen. Mr. Goostrey stated the kitchen has always been used, Pam Weaver was their inspector, but she passed away during covid; the new inspector has not been to the site yet.

Speakers opposed: None

Public hearing closed: 7:51 p.m.

Ms. Williams confirmed that Ms. Pam Weaver was the MDARD inspector who had passed away; she stated staff has had a difficult time reaching the new MDARD inspector. **Commissioner Ross** asked if approval could be granted pending the approval of MDARD and BEDHD. Ms. Williams said yes.

Commissioner Hosey moved to approve **Change of Conditions for CU-2-22-3** a request by **Allison Barc** for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of an Agricultural Business (production and sales of agricultural products) to change the ownership of the business and continue the operation of the farm store, and to additionally operate an onsite bakery, prepare and sell takeout meals, and to prepare and fulfill small catering orders per Section 14.1 of the Ordinance at 1959 W. Kalamo Highway, Section 26, Carmel Township:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Barry-Eaton District Health Department, Michigan Department of Agriculture and Rural Development, Eaton County Road Commission, 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 **Allison Barc** for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Catron supported.

Discussion: **Commissioner Rogers** asked if the applicant understands that they must be compliant with MDARD and BEDHD. Ms. Williams asked Ms. Barc if she understands the parameters of the approval. Ms. Barc said yes.

Commissioner Porter asked about the site plan and the parking area. He stated he is concerned the site plan is not accurate as it relates to the measurements are parking area. Ms. Williams and Ms. Miller explained the site plan and parking area. Ms. Miller stated she has previously inspected the site. **Commissioner Porter** stated he is concerned the parking are is incorrect. Ms. Williams stated staff would again visit the property and confirm the site plan for the parking area is correct. Ms. Miller stated she will inspect the site in couple of weeks and measure the area.

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

Commissioner Tirrell returned to the meeting.

DCA-7-22-2: Request by Garrett and Kellie Madry for a District Change Amendment to change the zoning of property located at 11260 Pine Hwy, from Low Density Residential (R-1) to Limited Agricultural (LA). The property is located in Section 30, Bellevue Township.

Staff Report: Ms. Williams read the staff report, and site plan review comments from the Bellevue Township and Vicinity Member Lisa Lawitzke into record.

Applicant Statement: Mr. Garrett Madry stated he has always had horses and cattle on this property. He would like to switch the zoning of his property back to Limited Agricultural for the actuuse of his property.

Commissioner Tirrell asked Mr. Madry if he would like to building a building. Mr. Madry stated he would like to build an indoor arena and add more stalls for boarding. **Commissioner Tirrell** asked Mr. Madry if would like to construct building in the future. Mr. Madry said yes, he is thinking of adding a riding arena and maybe boarding horses as well. Commissioner Tirrell stated zoning does not have the authority over the number of animals on a property, however, rezoning may be appropriate for his intended future use.

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

Speakers in favor: Mr. Jeff Frayer, 11655 Pine Highway, stated from what he can see the property should be zoned Limited Agricultural. He stated if a property is more than five acres and at least fifty-one percent agricultural than it should be zoned agricultural. Mr. Frayer stated his property is located at the end of the road, the tax man changed his property from agricultural to residential, the Board of Review changed it back to agricultural. He stated Mr. Madry grazes horses and cows, he has a nice clean place. Mr. Frayer asked what Limited Agricultural zoning is. Ms. Williams stated it is the only agricultural zoning we have in Eaton County. Mr. Frayer stated Mr. Madry's property should be zoned agricultural.

Speakers opposed: None

Public hearing closed: 8:11 p.m.

Ms. Williams reminded the Planning Commission to address items A-G from Section 13.6 of the Zoning Ordinance when making a motion.

Commissioner Lawitzke stated as a resident and Clerk of Bellevue Township, the Planning Commission should not let the name of the road fool them, it is only a highway because it runs

east and west. She stated Pine Highway is barely a two-track. She added this is a very agricultural area as well.

Commissioner Tirrell agrees with Commission Lawitzke. He stated the current zoning of the property does not affect how the applicant is currently using his property, but for his proposed expansion, changing the zoning will make things cleaner.

Commissioner Tirrell moved to approve **DCA-7-22-2** a request by **Garett and Kellie Madry** for a District Change Amendment to change the zoning of property located at 11260 Pine Hwy, from Low Density Residential (R-1) to Limited Agricultural (LA). The property is located in Section 30, Bellevue Township. They find that the request meets Zoning Ordinance Section 13.6.1 as follows:

- A. Identifiable conditions related to the application have changed which justify the proposed amendment. The change in zoning from dual zoned as Limited Agricultural and Low Density Residential (R-1) to Low Density Residential (R-1) created the issue.
- B. Error was not made in the original Ordinance which justified the proposed amendment; however, an error was made when the property came back under Eaton County's Zoning Jurisdiction from Bellevue Township.
- C. There are no possible effects which may result from the approval of the petition.
- D. There is no impact from the approval of this amendment.
- E. There is no adverse effect.
- F. Complies with the Eaton County Master Plan.
- G. The economic use of the property is questionable as it is currently zoned.

Commissioner Lawitzke supported.

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

Other Business: Ms. Williams said she has talked with Jason Ball from Rowe and they would like to schedule a Master Plan Kick Off Meeting for August 2nd at 5:00 p.m. before the regular Planning Commission meeting at 7:00 p.m. She said the Kick Off meeting will also include Board of Commissioners and Board of Appeals members. Ms. Williams gave a brief overview of what the meeting will consist of.

Reports: Ms. Williams stated the Zoning Ordinance Committee met in June and plan to schedule monthly meetings moving forward.

Ms. Williams stated the Board of Appeals met this evening and approved an application for an existing business to be considered a legal non-conformity.

Public Comment: None

Upcoming Cases: Ms. Williams stated there is one Change of Conditions Application to be heard at the August 2, 2022 Planning Commission Meeting.

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

The meeting adjourned at 8:18 p.m.