

**EATON COUNTY
PLANNING COMMISSION
November 2, 2021**

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, Barbara Rogers, Jim Mott, Zachary Dillinger, Tim Cattron, Bruce Porter, Ben Tirrell, Lisa Lawitzke, and Mike Hosey

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Hosey** to approve the agenda as written for the November 2, 2021 meeting. **Commissioner Rogers** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Lawitzke** to approve the October 5, 2021 meeting minutes as with an amendment to page 2, changing rescued to recuse. **Commissioner Hosey** supported. Motion carried.

Public Comments: None

Public Hearings of Conditional Use Permit:

DCA-11-21-4: Request by Eaton Community Palliative Care, Inc. to amend the Eaton County Land Development Code (Zoning Ordinance). The proposed amendment is to Article 7 Land Development Districts, Section 7.5A. Local Business District (C-1), Subsection 7.5A.3 Uses Permitted by Site Plan Approval. The request is to include Hospital and Long Term Care Facilities.

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

Commissioner Cattron stated the proposed use is listed under a use by right in the staff report. Ms. Williams stated that is a mistake, it should be listed under a use by Site Plan Review.

Applicant Statement: Ms. Margaret Kyser stated she believes all of the information has been sent to Community Development. She asked if there are any questions. Ms. Kyser stated she would like to move forward and comply with the county; that is her goal.

Commissioner Ross asked about the compliance of the business. Ms. Williams stated this application is to discuss a text amendment; it does not have a bearing on the compliance of the property.

Ms. Kyser stated this is a two-part request. She explained they recently lost their lease for the furniture store they operated in town. She said the furniture store, thrift shop and Christmas

store make up a third of their operating costs. Ms. Kyser stated they would like to operate the furniture store from their property on Cochran; that is the reason for the two-part request.

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

Speakers in favor: Mr. Jeremy Whittum stated he is here in a two-part capacity. He stated he is the Eaton County Commissioner for Brookfield, Hamlin and Eaton Rapids Townships; he has heard no objections from the townships. He stated he received a few phone calls asking if this was going to be a large business. Mr. Whittum stated he is also here as a member of the Palliative Care Board. He stated this change would ensure the Palliative Care Board will not be back before the Planning Commission. He said he understands finances are not a determining factor for this request, but Palliative Care Board would like the flexibility to operate the furniture store, thrift store, and Christmas store from the property for this reason. Mr. Whittum asked the Planning Commission to approve the text amendment and offered to answer any questions.

Commissioner Hosey asked Mr. Whittum for an idea of any potential issues. Mr. Whittum stated this will not be a Walmart, but there will be used items for sale. He stated they have a Conditional Use Permit to operate the thrift store and a hodgepodge of Conditional Use Permits. They would like to get things correct and this would do that. **Commissioner Ross** stated Palliative Care has been before the Planning Commission several times; and the Planning Commission has made it clear from the beginning, they did not want more retail there. Mr. Whittum stated this change should prevent the Palliative Care Board from coming back; they will have more flexibility if the zoning changes are approved. **Commissioner Ross** stated they heard from many neighbors in the past that did not want any expansion there. Mr. Whittum stated that is no longer an option.

Mr. Larry McNair, 2500 S. Cochran Road, stated he lives across the street. He said there were not several neighbors not in favor; he was one of the only neighbors that attended every meeting supporting their applications. Mr. McNair stated the property was used as a landscaping business previously, next door was a restaurant and motel, and up the road was a drive-in; this has been a commercial area. He stated most traffic problems are due to distracted drivers. Mr. McNair stated he spoke with some of the neighbors; their only concern was the potential for a hospital. He stated Cochran is a main road going in and out of Charlotte. He noted even with all the current I-69 construction, he has not seen any accidents. He stated he does not believe sales on the property will be a problem; the barns were constructed, the board allowed for the sales out of the hip roof barn, which is now gone, and the property has been improved. Mr. McNair stated he would like them here rather than people going to Lansing as we all need to find a way to support our local businesses. He stated he has lived there for forty-one years, he has seen the traffic, but does not have an issue with it.

Speakers opposed: none

Public hearing closed: 7:19 p.m.

Commissioner Ross reminded the Planning Commission each District Change Amendment Application needs to be heard separately. Ms. Williams stated the current application is the text amendment.

Commissioner Tirrell stated he does not believe the requested use is inconstant with the other uses that are allowed. He believes there have been changes in the community and an unforeseen growth and need for this service in future.

Commissioner Ross stated he agrees with Commissioner Tirrell, this is not unrealistic to allow in the proposed area of the Ordinance and seems like a similar use to others that are allowed.

Commissioner Tirrell moved to approve **DCA-11-21-4** a request by Eaton Community Palliative Care, Inc. to amend the Eaton County Land Development Code (Zoning Ordinance). The proposed amendment is to Article 7 Land Development Districts, Section 7.5A. Local Business District (C-1), Subsection 7.5A.3 Uses Permitted by Site Plan Approval. The request is to include Hospital and Long Term Care Facilities:

- A. Identifiable conditions related to the application have changed which justify the proposed amendment; observed change in the community and a need for these facilities.
- B. Error was made in the original Ordinance which justified the proposed amendment; Change in growth and community need for these facilities.
- C. The possible effect, which may result from the approval of the petition, is receiving more applications, there is a need for these facilities.
- D. There is no impact from the approval of this amendment.

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

DCA-11-21-5: Request by Eaton Community Palliative Care, Inc. for a District Change Amendment to change the zoning of properties located 2615 and 2675 S. Cochran Road and a 1.55 acre portion of a vacant parcel located off from S. Cochran Road identified as parcel 110-030-300-030-11, from Limited Agricultural (LA) to Local Business (C-1). The properties are located in Section 30, Eaton Township.

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

Commissioner Cattron stated the way he read the definition for Secondary Agriculture a new zoning district should have been created. Ms. Williams stated it was meant to be a transitional area. She said the Planning Commission could choose to update the Master Plan or amend the Zoning Ordinance.

Applicant Statement: Ms. Margaret Kyser stated she would like to make it clear, what they are hoping to do will not change the agricultural setting around them. She stated they have fields behind them, they maintain the property. Ms. Kyser stated it is necessary to have the furniture store, but they no longer have a place to store or sell items; The furniture store and thrift store are how they provide their services. She said they have not changed the rural setting in anyway and added they operate a small local business. Ms. Kyser stated they would like to include being able to sell the furniture that is donated; they only sell donated items. She stated they are asking the Planning Commission to change the zoning of their properties to Local Business C-1.

Commissioner Mott asked how many people are they able to take care of. Ms. Kyser stated each home can house up to six people. **Commissioner Mott** asked how much the furniture store brings in. Ms. Kyser stated during normal years with the thrift store and Christmas store revenue is \$300,000.00. She stated their clients and their families donate items as a way to thank them for their services. **Commissioner Mott** asked Ms. Kyser if they would be able to continue to operate if they did not have the furniture store. Ms. Kyser said no, they would be out of business.

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: 7:47 p.m.

Commissioner Ross stated Planning Commission members need to separate the good the applicant does from the location of the property. He stated he does not believe anyone has a problem with the palliative care; we have been trying to work with them. He stated they have ignored the Christmas shop that should not even be on the property; we have told them they could not expand, but they built the building anyway. **Commissioner Ross** stated Palliative Care has gone beyond their approval; they could have constructed one of the barns on a commercial site. He stated no one questions if this is a great idea; however, the Planning Commission has been pushed every step of the way with this property.

Commissioner Catron stated the whole strip is commercial or residential, there is not much agricultural. He stated they are only allowed two-thousand square foot; the new barn is twenty-three thousand square foot.

Commissioner Tirrell stated secondary agricultural is a transition area. Ms. Williams stated secondary agricultural is located mostly around the cities and villages.

Commissioner Mott asked Ms. Williams about the zoning of the properties in the area. Ms. Williams stated the properties are zoned Agricultural and Low-Density Residential. She stated perhaps the properties near the interchange and closer to the City of Charlotte should have been commercial. **Commissioner Tirrell** stated he looked at the map; the reality is that properties closer to the road are more likely to be commercial. **Commissioner Ross** stated the Planning Commission relied on the townships when updating the Master Plan. Ms. Williams stated staff and Planning Commission members went to the townships with preliminary maps for their input.

Commissioner Mott stated Eaton Township's vote on the application was two to two; he asked Mr. Whittum if he know why. Mr. Whittum said no.

Commissioner Dillinger stated the secondary agricultural was created but the zoning district does not exist which allows for flexibility. **Commission Ross** stated he does not believe there is an issue with spot zoning. Ms. Williams stated the property is in close proximity to the highway and other commercial property. Ms. Williams reminded the Planning Commission when rendering a decision, there has to be an error because it should have been commercial or there is no error and should remain agricultural. **Commissioner Mott** asked Ms. Williams if she sees any issues with the surrounding area if the Planning Commission approves this request. Ms. Williams said no, but they may see more applications for the area. **Commissioner Catron** asked Ms. Williams to explain why they may see more applications. Ms. Williams stated some of the vacant property owners might also request to rezone to commercial. **Commissioner Catron** stated the area from the freeway to the city is going to transition eventually. Ms. Williams passed around the current zoning maps for the property and future land use maps.

Commissioner Ross stated the Planning Commission has not heard from the Eaton County Road Commission. Ms. Williams stated it is a MDOT road.

Commissioner Mott stated he has not heard any negative, other than other parcels may request to be rezoned. **Commissioner Tirrell** stated the area has potential. He said he thinks the Planning Commission saw this area as a transitional area when the Master Plan was done. **Commissioner Cattron** stated the Conservation District is charged with protecting farm land, but they have no concerns; they would have mentioned it if they thought there was going to be an impact.

Commissioner Ross stated he is not trying to talk anyone out of their decision, but believes the Planning Commission also needs to look at the other uses allowed in the Local Business Zoning District. **Commissioner Lawitzke** stated in comparing the uses allowed in the Agricultural and Local business Zoning Districts, she feels the uses allowed in each are comparable. **Commissioner Tirrell** agreed with Commissioner Lawitzke. **Commissioner Ross** stated he does not disagree, however it is something the Planning Commission needed to discuss. **Commissioner Dillinger** stated if this application is approved, two years from now a Dollar General could buy the property and build a store here. **Commissioner Cattron** stated they would need to go through Site Plan Review. Ms. Hatt stated general retail sales is a use by right in the Local Business Zoning District.

Commissioner Hosey asked if this is a business or community service, this is a needed service. **Commissioner Cattron** asked if this should be considered a community service facility. Ms. Williams stated palliative care is defined in Hospital and Long Term Care Facilities.

Commissioner Tirrell moved to approve **DCA-11-21-5** a request by Eaton Community Palliative Care, Inc. for a District Change Amendment to change the zoning of properties located 2615 and 2675 S. Cochran Road and a 1.55 acre portion of a vacant parcel located off from S. Cochran Road identified as parcel 110-030-300-030-11, from Limited Agricultural (LA) to Local Business (C-1). The properties are located in Section 30, Eaton Township. They find that the request meets the Commercial Rezoning Performance Standards as listed in Section 13.4.7 of the Zoning Ordinance and Section 13.6.1 as follows:

- A. Identifiable conditions related to the application have changed which justify the proposed amendment, transition of sub-region as identified in the Master Plan.
- B. Error was made in the original Ordinance which justified the proposed amendment; area along this corridor should have been master planned for commercial.
- C. The possible effect, which may result from the approval of the petition, is receiving more applications for rezoning.
- D. There is no impact from the approval of this amendment.
- E. There is no adverse effect.
- F. Complies with the Master Plan as Secondary Agriculture is a transitional area.
- G. The property could not be put to a reasonable economic use in the Limited Agricultural Zoning District as it is not viable for agriculture use.

Commissioner Mott supported.

Discussion was held reference to Section 13.4.7A. The Planning Commission agreed this criteria has been met.

A roll call was taken with eight (8) voting aye and one (1) voting nay. Motion carried.

Other Business: None

Reports: Ms. Williams stated the Zoning Ordinance Committee met on October 27th. She said they have created a District Change Amendment Application for the Planning Commission to review at their December 7th meeting. Ms. Williams reported they continue to work wind language and will starting on marihuana language soon.

Ms. Williams stated the Zoning Board of Appeals did not meet this evening due to lack of business. She stated they will be meeting in December.

Public Comment: None

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

The meeting adjourned at 8:23 p.m.