

**EATON COUNTY
PLANNING COMMISSION
March 5, 2024**

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: Scott Hansen, Ben Tirrell, Lisa Lawitzke, Ray Whitaker, Ed Kemp, Tim Cattron, Frank Holmes, Zachary Dillinger, and Brian Ross

Staff Present: Brandy Miller, Tammy Alger, and Chris Garrison.

Agenda Approval: A motion was made by **Commissioner Tirrell** to approve the agenda for the December 5, 2023 meeting. **Commissioner Dillenger** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Lawitzke** to approve the November 7, 2023 minutes as printed. **Commissioner Tirrell** supported. Motion carried.

Public Comments: Mr. Michael McHaney, 8520 Narrow Lake Rd, stated the traffic at the corner of Coats Road and Narrow Lake Road drives too fast, especially around the corner. He stated he has contacted both the Eaton County Sheriff's Office and the State of Michigan Police and neither branch will post patrols in the area. Mr. McHaney stated the proposed Narrow Lake bar will create more unsafe driving.

Public comment closed: 7:06 p.m.

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

CU-3-24-1: Request by Terry Smyth for a Conditional Use Permit to allow for construction of a new two-story building for the operation of a convenience store, gas station, and bar/restaurant per the following sections of the Zoning Ordinance: 5.5.7 G General Retail Sale, 5.3.18 R Restaurants and 14.19 Motor Fuel Service Station at 8587 Narrow Lake Rd, Section 28, Brookfield Township.

Staff Report: Ms. Miller read the staff report, the Drain Commissioner comment, the BEDHD comments, the Charlotte Fire Department comment, and the Brookfield Township comment into record. Ms. Miller read one written response from the public into record.

Commissioner Cattron stated for clarification that there is a CUP application due only to the proposed sale of gas. Ms. Miller stated that is correct.

Applicant Statement: Patrick Henderson, speaking on behalf of Terry Smyth, stated noise and traffic concerns have been taken into consideration but are not within their control to correct. Mr. Henderson stated they are actively working with the Barry Eaton District Health Department regarding the storm water design and sewer design. Mr. Henderson stated construction will begin this year if approved.

Commissioner Holmes asked if the floor plan is set. Mr. Henderson stated the floor plan is currently fluid, but the square footage will remain the same. **Commissioner Hansen** asked if there is handicap access to the second floor. Mr. Henderson stated there will be an elevator.

Commissioner Cattron asked what height the fence is. Mr. Henderson stated the fence will be a solid vinyl six foot tall. Ms. Miller stated the fence height is six foot four inches. **Commissioner Cattron** asked if the fence would be a sufficient barrier. Mr. Henderson stated it would be as there is only woods on the other side. **Commissioner Cattron** asked where the proposed application stands with the Barry Eaton District Health Department. Mr. Henderson stated the Barry Eaton District Health Department wants the well to be isolated so that it is safe from the public. Mr. Henderson stated they can move the retention pond if necessary, but the architect is waiting for more information from the Environmental Engineers regarding standing water. He stated the plan is to run it off into Narrow Lake.

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

Speakers in favor: None

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

Speakers opposed: Mr. Michael McHaney, 8520 Narrow Lake Rd, stated that his sister who has neighboring property would like a fence to stop intoxicated patrons from trespassing. Mr. McHaney stated morning is the most hazardous traffic time. He stated 6 out of 10 cars in one morning were speeding around the corner and in the wrong lane. Mr. McHaney stated he is just concerned with the safety of the residents and the patrons.

Mr. Curtis McHenry, 3002 Luella Lane, stated he is also concerned with the potential increase of traffic and traffic speeding, and an increase of undesirable activity such as gambling and drug use as happened when the prior Narrow Lake Ballroom was in operation. He stated the additional traffic could impede necessary routes for emergency services. Mr. McHenry asked that signage for no standing, stopping, or parking on the road be added, as well as a private road sign for Luella Lane. **Commissioner Tirrell** asked if Luella Lane is an actual private road. Mr. McHenry stated the residential side of the road is private. **Commissioner Holmes** asked who maintains Luella Ln. Mr. McHenry said the private individuals maintain the road. Mr. McHenry requested that snow remains on the property or be removed all together.

Public hearing closed: 7:43 p.m.

Commissioner Tirrell asked staff if Luella Lane is a private road. Ms. Miller stated that it is a private road and the easement is thirty-five feet wide.

Commissioner Dillinger asked if the Eaton County Road Commission had commented on the application. Ms. Miller stated they did not, which indicates they have no concerns with the application.

Commissioner Tirrell asked if the omission of the fence around the parking is consistent with what the Planning Commission would normally approve. Ms. Miller stated it is consistent, but the Planning Commission could request a ten-foot fence. Ms. Miller stated the Board of Appeals did approve the fencing location and height as presented on the site plan. She stated the Board of Appeals did not require the fence to go along Luella Lane.

Commissioner Cattron stated he is concerned about the site plan and the Barry Eaton District Health Department Comments which state the retention basin cannot go where indicated on the site plan. He stated the site plan will have to be revised and the Planning Commission might want to table their decision until the new site plan is received.

Commissioner Hansen asked if there will be 38 spaces for parking. Ms. Miller stated that is correct, and the 38 spaces do include handicap spaces. **Commissioner Hansen** asked if the 38 spaces is an increase to what is existing. Ms. Miller stated that it is. **Commissioner Hansen** stated he is concerned about the water runoff. Ms. Miller stated the Barry Eaton District Health Department would have to approve the water run off and retention basin prior to any building permits being issued from the Construction Codes & Planning and Zoning Department.

Ms. Miller stated that the signs that were requested are similar to those requested signs for the Country Mill, and the Planning Commission did require the Country Mill to install signs. Ms. Miller stated requiring signage from the applicant may alleviate some of the public concern.

Commissioner Ross stated that he is not concerned with the site plan as the Barry Eaton District Health Department will need to approve all of it first. He stated he is ok with tabling the discussion, but would prefer a decisive vote.

Commissioner Cattron stated the proposed site plan needs to include a north arrow. **Commissioner Cattron** asked if the fence cannot be extended as it was approved by the Board of Appeals. Ms. Miller stated that is correct. Ms. Miller stated the Planning Commission could require a curb on the parking area that is asphalted. She stated it may deter people from using Luella Ln as access to the parking lot. Ms. Miller stated there is enough room on the southeast portion of the parking area for a maneuvering lane.

Commissioner Tirrell asked if the Planning Commission does not have authority to ask for more fencing as the Board of Appeals has approved what was presented. Ms. Miller stated that is correct. Ms. Miller stated that along with the curb, the Planning Commission may also request the signs. She stated the private road sign would be the responsibility of the private road association, not the Narrow Lake Store.

Commissioner Ross asked if an individual could put signs on a private road. Ms. Miller stated if residents wanted to put up signs, they would have to put them up in their own yards, not the right of way. She stated the Eaton County Road Commission would need to grant permission for any signs in the right of way.

Commissioner Holmes stated the signs are on Narrow Lake Road now. He asked if additional signs could be included on Luella Ln.

Commissioner Hansen stated his concern is the Barry Eaton District Health Department approvals regarding the water basin and the run off from the pavement. He asked if there would be a storm drain and requested more information regarding those items.

Commissioner Ross asked if the Planning Commission would be ok approving the application with additional requirements?

Commissioner Whitaker asked if the private road sign would be the Private Road Associations responsibility. Ms. Miller stated if the sign is on business property then the business may place the signs, otherwise the private road signs must be placed by the Private Road Association.

Commissioner Hansen asked if there is a stop sign coming off of Luella Ln. **Commissioner Whitaker** asked if a stop sign could be enforced. Ms. Miller stated a stop sign would be the responsibility of the Private Road Association.

Commissioner Tirrell asked what the practical difficulty was for the Board of Appeals. **Commissioner Cattron** stated it was just location of the building and the shape of the property and the space available.

Commissioner Cattron moved to approve CU-3-24-1, a request by Terry Smyth for a Conditional Use Permit to allow for construction of a new two-story building for the operation of a convenience store, gas station, and bar/restaurant per the following sections of the Zoning Ordinance: 5.5.7 G General Retail Sale, 5.3.18 R Restaurants and 14.19 Motor Fuel Service Station at 8587 Narrow Lake Rd, Section 28, Brookfield Township, with the following conditions:

1. A new site plan in compliance with the Barry Eaton District Health Department and Eaton County Drain Commissioners office shall be submitted to the Eaton County Construction Codes & Planning and Zoning Department for review and approval.
2. Curb is required to be installed on the southwest property line adjacent to Luella Lane. Type of curb shall be approved by the Eaton County Drain Commissioners Office.
3. Signs indicating "no parking, standing, or loading" shall be installed on the southwest property lines adjacent to Luella Lane.
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. The conditional Use Permit is granted to Terry Smyth for the above-described use only. It is not transferable per the Zoning Ordinance.

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

DCA-3-24-1: Request by Eaton County Planning Commission to amend the Eaton County Land Development Code (Zoning Ordinance). Amendments are proposed to the entire document to update/correct the department name and Development Official and public act corrections.

Staff Report: Ms. Miller read the staff report and the Conservation District comment into record.

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: 8:07 p.m.

Commissioner Tirrell moved to approve DCA-3-24-1 a request by Eaton County Planning Commission to amend the Eaton County Land Development Code (Zoning Ordinance). Amendments are proposed to the entire document to update/correct the department name and Development Official and public act corrections. 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 Dillinger supported the motion. A roll call vote was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

DCA-3-24-2: Request by Eaton County Planning Commission to amend the Eaton County Land Development Code (Zoning Ordinance). Amendments are proposed to the following: Article 5 Definitions (amend Sections 5.3.16 P), Article 7 Land Development Districts (amend Sections 7.4A.2, 7.4A.3 and 7.4A.4), Article 12 Non-Conformities (amend Sections 12.2.2 A and 12.2.5) and article 14 Specific Provisions and Requirements (amend Section 14.25 Surface Mine and 14.27 Communication Towers and Antennas).

Staff Report: Ms. Miller read the staff report and the Conservation District comment into record. Ms.

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

Speakers in favor: None

Speakers opposed: Mr. Don Chase, Bellevue Township Supervisor, stated his township would not want to see duplex allowed in Low Density Residential areas due to parking and congestion. Mr. Chase stated he would like to see additional language included to protect both entities.

Public hearing closed: 8:15 p.m.

Commissioner Tirrell stated the DCA is restricting duplexes to Low Density Residential areas. **Commissioner Ross** stated there are not many areas in the county zoned Low Density Residential. Ms. Miller said that is correct.

Commissioner Tirrell moved to approve DCA-3-24-2 a request by Eaton County Planning Commission to amend the Eaton County Land Development Code (Zoning Ordinance). Amendments are proposed to the following: Article 5 Definitions (amend Sections 5.3.16 P), Article 7 Land Development Districts (amend Sections 7.4A.2, 7.4A.3 and 7.4A.4), Article 12 Non-Conformities (amend Sections 12.2.2 A and 12.2.5) and article 14 Specific Provisions and Requirements (amend Section 14.25 Surface Mine and 14.27 Communication Towers and Antennas). 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 Lawitzke supported the motion. A roll call vote was taken with nine (9) voting aye and none (0) voting nay. Motion carried.

Farmland Preservation (PA 116) Applications: None

Other Business: Ms. Miller stated she and Mr. Garrison will be attending the Eaton Township meeting on March 7, 2024 and the Carmel Township meeting on March 21, 2024. Ms. Miller stated there is a public hearing of the Master Plan on April 23, 2024 at 6:00 p.m.

Reports: Ms. Miller stated there is no Public Works and Planning Packet as it was waiting decisions from today's meeting. Ms. Miller stated this is a Zoning Ordinance Committee meeting on March 19, 2024 at 4:00 p.m. Ms. Miller stated the Zoning Ordinance Committee agenda now has a living agenda and will be fluid. Ms. Miller stated the Board of Appeals did meet this evening to hear interpretations of Marijuana Facilities, which was approved.

Public Comment: Mr. Drew Marks stated a CUP was granted to a resident to have three trailers on the property and that he is confused on how the CUP was approved. Mr. Marks stated he believes the CUP should have been granted as a variance instead. He stated he does not believe a CUP was the appropriate course of action.

Public hearing closed: 8:26 p.m.

Upcoming cases: Ms. Miller stated there is one upcoming case to hear a Conditional Use Permit by Eaton Rapids Township regarding a legal non-conforming township hall on April 2, 2024.

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

The meeting adjourned at 8:27 p.m.