

**EATON COUNTY
PLANNING COMMISSION
June 4, 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 Catron, Zachary Dillinger, Frank Holmes, 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 June 4, 2024 meeting. **Commissioner Whitaker** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Lawitzke** to approve the April 2, 2024 minutes with corrections. **Commissioner Lawitzke** reviewed the errors she found. **Commissioner Tirrell** supported. Motion carried.

Public Comments: None

Public comment closed: 7:02 p.m.

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

CU-10-21-8: Request by Laura and Brian Jackson for a Change of Conditions to an existing Conditional Use Permit which allows for the operations of Agricultural Business (large animal boarding) per Section 14.1 of the Zoning Ordinance at 2495 Kemler Road, Section 28, Eaton Rapids Township. The specific request is to construct an accessory building for personal use only.

Staff Report: Ms. Miller read the staff report and site plan review responses from the Eaton County Drain Commission and the Eaton County Road Commission into record.

Applicant Statement: The applicant had nothing to add but was open to questions.

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: 7:08 p.m.

Commissioner Tirrell moved to approve CU-10-21-8 a request by Laura and Brian Jackson for a Change of Conditions to an existing Conditional Use Permit which allows for the operations of Agricultural Business (large animal boarding) per Section 14.1 of the Zoning Ordinance at 2495 Kemler Road, Section 28, Eaton Rapids Township. The specific request is to construct an accessory building for personal use only, 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 Laura and Brian Jackson for the above-described use only. It is not transferable per the Zoning Ordinance.

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

CU-8-96-9: Request by Centennial Acres, Inc. for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a golf course and country club per Section 14.11 of the Zoning Ordinance at 12485 & 12388 Dow Road, Section 7 of Roxand Township, Section 12 of Sunfield Township. The requested change is to allow for a change in the previously approved land division of the properties.

Staff Report: Ms. Miller read the staff report and the Site Plan Review response from Eaton County Road Commission into record.

Applicant Statement: Mr. John Fisher, Chairman of the Board of Directors of Centennial Acres Inc., stated all necessary steps were taken for this application.

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: 7:14 p.m.

Commissioner Whitaker moved to approve CU-8-96-9 a request by Centennial Acres, Inc. for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of a golf course and country club per Section 14.11 of the Zoning Ordinance at 12485 & 12388 Dow Road, Section 7 of Roxand Township, Section 12 of Sunfield Township. The requested change is to allow for a change in the previously approved land division of the properties, 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 Centennial Acres, Inc. 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.

CU-5-24-3: Request by C&S Farms of Eaton Rapids (Mike Childers) for a Conditional Use Permit to operate a Surface Mine per Article 14.25 of the Ordinance at 112 N. Michigan Road, Section 12, Eaton Rapids Township.

Staff Report: Ms. Miller read the staff report and Site Plan Review responses from the Eaton County Road Commission, MDOT, Eaton Rapids Township, and the Eaton Conservation District into record.

Applicant Statement: Mr. Greg Whittle, civil engineer with VK Civil, stated they were currently working to obtain permits with the Eaton County Drain Commission and MDOT. He stated he would answer any questions for the Planning Commission.

Commissioner Whitaker asked if there would be wheel washing. Mr. Whittle stated there would be an asphalt apron and millings that would knock off dirt and similar debris that might cling to the truck tires. He stated the Eaton County Drain Commission is currently working with them regarding that matter. **Commissioner Hansen** asked when the last time any agricultural crops were grown on the property. A member of the public stated crops are currently being grown.

Commissioner Cattron asked if there was any boring done to see what is under the soil, or the possibility of a future lake. Mr. Whittle stated in terms of ground water, there is another mine to the south of the mine in question, and they plan on staying above the bottom elevation of the lot to the south. He stated there is no ground water on the lot to the south, so he does not believe there will be any ground water on this new mine. **Commissioner Cattron** asked if any top soil was being put aside for berms as he did not see them in the drawings. Mr. Whittle referenced sheet 300 and sheet 201 in the packet that was provided. He stated the largest berm would be along the north side of the property and on the other sides of the property they would be starting at the existing ground surface and mining down. Mr. Whittle stated on the north east side the ground would have to be raised to create the berm, and then grading back down to existing at the north end of the property. **Commissioner Cattron** asked if all the top soil would be set aside and reused. Mr. Whittle stated that was correct.

Commissioner Hansen asked if the property would return to agricultural use once the mining operation was done. Mr. Whittle stated that was currently undetermined, but the current plan is to spread the top soil and re-seed.

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

Speakers in favor: None

Speakers in opposition: A member of the public stated he was concerned about the ingress and egress to the property. He stated there is a blind spot on M-99 where it crosses over to his property, as well as speeding from drivers on M-99. He stated he is also concerned that the mine might be too close to the subdivision.

Public hearing closed: 7:35 p.m.

Commissioner Dillinger asked if the material on the wheels being brought out from the mine is more of a concern for MDOT. **Commissioner Whitaker** stated that is correct.

Commissioner Tirrell asked if there was signage required. Ms. Miller stated certain signage is required for safety parameters at the beginning of the mine, but must be approved by MDOT as well. **Commissioner Cattron** stated MDOT requires a commercial entrance, is the driveway long enough for a truck to get through. Ms. Miller stated MDOT has not received the plans yet, but she

had a conversation with Larry Thelen of MDOT and they do not anticipate any concerns with the existing driveway or its safety.

Commissioner Whitaker moved to approve CU-5-24-3 a request by C&S Farms of Eaton Rapids (Mike Childers) for a Conditional Use Permit to operate a Surface Mine per Article 14.25 of the Ordinance at 112 N. Michigan Road, Section 12, Eaton Rapids Township, 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 C&S Farms of Eaton Rapids (Mike Childers) for the above-described use only. It is not transferable per the Zoning Ordinance.

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

DCA-5-24-3: 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 Subsection 5.3.1 A), Article 10 Off-Street Parking and Loading (amend Subsection 10.4), and Article 14 Specific Provisions and Requirements (amend Subsection 14.1 Agricultural Business and 14.13 Home Business).

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

Commissioner Lawitzke asked if temporary signs for elections are going to need permits. Ms. Miller stated temporary election signs are exempt from needing building permits, they are considered temporary signs per the Zoning Ordinance.

Commissioner Dillinger moved to approve DCA-5-24-3 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 Subsection 5.3.1 A), Article 10 Off-Street Parking and Loading (amend Subsection 10.4), and Article 14 Specific Provisions and Requirements (amend Subsection 14.1 Agricultural Business and 14.13 Home Business):

- A. Identifiable conditions related to the application have changed which justify the proposed amendment. There is criteria in the ordinance that is in conflict with other state laws.
- B. Error was not made in the original Ordinance which justified the proposed amendment.
- 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.

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

DCA-6-24-4: 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 Subsection 5.3.19 S), and Article 11 Advertising Structures, Signs and Name Plates.

Staff Report: Ms. Miller read the staff report and Site Plan Review response from the Eaton Conservation District 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: 7:42 p.m.

Commissioner Tirrell stated the proposed change provides clarity and makes the Zoning Ordinance more understandable.

Commissioner Tirrell moved to approve DCA-6-24-4 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 Subsection 5.3.19 S), and Article 11 Advertising Structures, Signs and Name Plates:

- A. Identifiable conditions related to the application have changed which justify the proposed amendment. The 2015 Supreme Court decision requires this change.
- B. There is unenforceable criteria in the Ordinance; specifically, Article 5 Definitions (amend Subsection 5.3.19 S), and Article 11 Advertising Structures, Signs and Name Plates.
- 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.

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

Other Business: Ms. Miller stated the master plan was approved by the Board of Commissioners at their May meeting. She stated the property that had been in question will remain as General Business and not be changed to Industrial. Ms. Miller stated she is working with the GIS Administrator to get the maps updated.

Reports: Ms. Miller stated there are two department reports included for the department of Construction Codes & Planning and Zoning.

Ms. Miller stated the Zoning Ordinance Committee is going to continue meeting monthly and will continue with the living agenda. She stated they discussed a change of conditions to conditional use permits. The change proposed was for personal use structures on a property with a CUP business to not have to go before the Planning Commission, but Zoning Ordinance Committee decided that any changes to a site plan for a property where a business is operated does still need to come before the Planning Commission.

Ms. Miller stated the Board of Appeals did meet this evening to discuss a land division, which was approved.

Public Hearing Closed: 7:53 p.m.

Upcoming Cases: Ms. Miller stated there were no upcoming cases for the month of July.

The meeting adjourned at 7:54 p.m.