

ISABELLA COUNTY
PLANNING COMMISSION

September 20, 2007

A Regular Meeting of the Isabella County Planning Commission was held on September 20, 2007 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Marilyn Fosburg, Craig Schripsema, Gale Willoughby, Richard Recker, Christine Alwood, Bob Thompson.

MEMBERS ABSENT: Jerry Neyer, Dan Hess, Vance Johnson

SUPPORT STAFF PRESENT: Michael Zalewski, Planner/Zoning Administrator
Brandy Freed, Recording Secretary

The meeting was called to order by Chairperson Thompson at 7:00 p.m.

The Pledge of Allegiance was recited by the Commission.

APPROVAL OF AGENDA

The agenda was approved as submitted.

PREVIOUS MINUTES

Minutes of the July 12, 2007 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Ms. Alwood, supported by Ms. Fosburg, to approve the minutes of the July 12, 2007 meeting as amended.

Ms. Alwood forwarded minor grammatical changes to staff.

Yes: Fosburg, Schripsema, Willoughby, Recker, Alwood, Thompson.

No: None.

Motion carried.

PUBLIC COMMENT

None heard.

TOWNSHIP CONCERNS

None heard.

LIASON REPORTS

ZBA – Mr. Schripsema reported that all three cases that came before the board in the last two months were denied. They had also discussed how overhangs of structures would be handled with regard to setbacks. It was decided that overhangs would be considered part of the structure and this is where the setback would have to be measured from. He also stated that the definition does not include anything about overhangs, and should be revisited when looking at the zoning ordinance.

Mr. Zalewski stated that a formal interpretation was conducted because a member of the public questioned the language. He also stated that it was determined that the setback would be measured from the closest point of the building, if indeed that included the overhang.

Mr. Schripsema explained that staff had put together a presentation of what variances had come before the board in the past five years.

Parks & Recreation Commission – Mr. Willoughby reported that at Coldwater Park they built a sidewalk from the bath house to the beach and it was too steep so they will be putting a landing halfway down. At Herrick Park the north fence was completed. The Pere Marquette Rail Trail walkway work is underway. The 2% request was spent on a new maintenance vehicle and new basketball courts.

Board of Commissioners - Ms. Alwood reported that on September 18, 2007 the new budget was adopted. They were working with a general fund balance of \$17 million. One road patrol position was added because of the increase in activity. A ¾ ton pickup and snow plow was approved for the Parks and Recreation Department. The inspections department is an independent fund and needs to be self funded. They have approximately an \$80,000 fund balance. Because of the housing decline they will be at approximately an \$80,000 deficit. They offered two proposals; one was an administration fee increase from \$5 to \$25, the other was using an updated valuation table. The valuation table update was approved, but the administration fee was not.

SPECIAL USE PERMIT #07-04

Mr. Thompson explained that the Commission would conduct a public hearing on a Special Use Permit request submitted by Remus Trinity Wesleyan Church to construct a 24' x 36' addition and to establish the existing Church as a conforming use in accordance with Article XIX of the Isabella County Zoning Ordinance. The property is located at 6989 W. Millbrook Road in Section 1 of Rolland Township and is zoned Agricultural Buffer (AG-3).

Mr. Marvin Clare stated that they are applying because they would like to upgrade the facility to make it user friendly and handicap accessible.

Ms. Alwood asked if the address would be changed

Mr. Clare stated that it would be changed to 6055 S. Coldwater Rd.

Ms. Alwood asked if the surrounding area was zoned agricultural.

Mr. Zalewski stated that Bandit Industries to the North is zoned Industrial and everything else is zoned Agricultural.

The Chair opened the public hearing at 7:18.

Hearing none the public hearing was closed at 7:18.

A motion was made by Ms. Fosburg, supported by Mr. Willoughby, to approve Special Use Permit #07-04 to construct a 24' x 36' addition and to establish existing church as a conforming use in accordance with Article XIX of the Isabella County Zoning Ordinance as the proposed request meets the 6 general requirements for special use permits in the Zoning Ordinance, with the following stipulation:

- If current sign is replaced the new one will have to conform to the present sign ordinance requirements.

Motion carried.

Yes: Fosburg, Schripsema, Willoughby, Recker, Alwood, Thompson.

No: None.

SITE PLAN REVIEW #07-05

Mr. Thompson explained that the Commission would consider taking action on a site plan submitted by Robert Didur (Country Place Mobile Home Park) for a 28'x 48' office and mobile home sales area. The property is located at 4151 E. Jordan Road in Section 26 of Isabella Township and is zoned Ag-3.

Mr. Didur stated that he has owned the park for 24 years and has out-grown the current office. They would like to move the office to the front of the park to allow for highway visibility and more recognition.

Ms. Alwood asked if the circular area for expansion were lots to be rented.

Mr. Didur stated that the lots would be used for renting.

Ms. Fosburg asked if exiting and entering the park would still be done from Jordan Rd.

Mr. Schripsema stated that the overhang looked to be closer than 50' to Mission Road.

Mr. Zalewski stated that unenclosed porches can encroach into the setback by 8'. This would meet the setback when measured from the overhang.

Mr. Schripsema asked if Mr. Didur had spoken with the Road Commission about the location of

the driveway.

Mr. Didur responded that he had not talked to the Road Commission as of yet.

Ms. Fosburg asked if the driveway was existing.

Mr. Didur explained that no, but it would still be coming off of Jordan Rd.

Mr. Schripsema stated that the proposed drive in proximity to the intersection should be discussed with the Road Commission.

Mr. Zalewski stated that the approval of this site plan could be pending approval of a driveway permit from the Road Commission.

A motion was made by Mr. Schripsema, supported by Ms. Alwood, to approve Site Plan Review #07-05, Pending approval of a driveway permit by the Road Commission.

Discussion on the sign dimensions were held.

Yes: Fosburg, Schripsema, Willoughby, Recker, Alwood, Thompson.

No: None.

Motion carried.

SPECIAL USE PERMIT #07-05

Mr. Thompson explained that the Commission would conduct a public hearing on a Special Use Permit request submitted by Marlin Fox to establish a Motor Vehicle Repair Facility in accordance with Article XIX of the Isabella County Zoning Ordinance. The property is located at 8920 N. Mission in Section 23 of Vernon Township and is zoned General Agricultural (AG-2).

Ms. Alwood stated that she had visited the site and had a brief conversation with the applicant in regards to directions to the County Building.

Mr. Tim Beebe stated that he was here on behalf of the applicant, who is applying for a special user permit to operate a large vehicle repair shop. The proposed building is one that is existing and contains an office and warehouse. There have been several businesses in the building over the years. There would have to be some minor modifications to the location. A screened dumpster would have to be added as well as screening for any vehicles that are held outside. Privacy screening will be used for both the dumpster and vehicles. There will be no new driveways or buildings. The fencing will be the only construction. The existing site is not taking any Ag area out of use, so it will not be detrimental to the area. They are not expanding what is there, it is an existing building. The building sits off the road 148' and nearly 300' from other residences. This use is similar to commercial farms in the area and this activity is common in the AG-2 region. The health department approved the property for sale. As for parking they will have to reclaim the gravel area, as it is grown over with weeds, this will be adequate because it

will be a one person business. There can be a 12 sq. ft. sign on the building. The applicant agreed that he would not be applying for a sign variance at this time.

Mr. Zalewski stated that the existing landscape currently provides a buffer. It is recommended that if this special use permit is approved a condition be put on it that the existing landscape should remain and if removed the applicant would have to come before the board with an updated landscape plan.

Ms. Alwood asked where the fencing would be

Mr. Beebe stated that the fencing would be an extension off the back of the building, 30' long and 6' high build of wood. The vehicles would be parked behind this fencing.

Ms. Alwood stated that neighbors across the street would not be able to see the fencing because it would be behind the building.

Mr. Beebe stated that the fencing is utilized to protect the view from on coming traffic.

Ms. Alwood asked if there would be a lot of ingress and egress traffic.

Mr. Beebe stated that it would be normal business operation.

Mr. Schripsema asked if they could expand on the vehicle sales portion of the business.

Mr. Beebe stated that the applicant would like to go to auctions and buy vehicles that have been in accidents, bring them back and repair them. Once they are repaired he would like to put them out on the property for sale. He also stated that this type of activity is common in the area; homeowners are allowed to put vehicles for sale in their yards.

Ms. Alwood asked if staff could recommend the number of vehicles that should be allowed.

Mr. Zalewski state that if the special use permit is granted it should be conditioned to allow one vehicle to be out for sale.

Ms. Alwood asked the applicant how he would advertise these vehicles.

Mr. Beebe stated that they would like to have 3 vehicles. If they could meet in the middle at 2 vehicles for sale, that would be sufficient.

Mr. Willoughby inquired as to where the vehicles would be placed, in relation to the building.

Mr. Beebe stated that they would be placed north of the building behind the screening.

Mr. Willoughby asked if the repair and sales portion of the business would be dealing with just the tractor portion of the semi.

Mr. Fox stated yes, it would be only the tractor. He also explained the sale of vehicles is only a

small part of this proposed business.

The Chair opened the public hearing at 7:50 p.m.

Mr. Ron Bradley of 8933 N. Mission Rd. stated that he lives directly across the road from the proposed business. He also stated that he is opposed to granting this special use permit because they bought in this area because it was nice. Other businesses like this always end up looking like a junk yard; they have cars that build up. He explained that the building was not a business, it was a home it has bedrooms, a shower and a kitchen. There are no large parking areas it has just a driveway. There are no other similar businesses of this type around the area. He stated that he has lived there for five years and never seen tractors or semis for sale.

Mr. Bradley submitted a letter and photographs for the record.

Mr. Zalewski read the letter into the record.

Mr. Recker asked if there was a commercial business to the south of Mr. Bradley.

Mr. Bradley stated that the business was a ¼ mile down, back off the road.

Mr. Richard Brooks of 9101 N. Leaton Rd. stated that their family farm was located at the intersection. Their property is located on the south and east part of the proposed location. He also explained that he agreed with Mr. Bradley, repair facilities become an eyesore. A 6' fence cannot hide a semi from view. The business that was there before was backhoe and trucking operation and the owner kept all his equipment inside. The previous owner used the other property for his horses. He asked if the property had been rezoned to Commercial.

Mr. Thompson stated that the property was zoned Ag-2.

Mr. Zalewski further explained that an auto repair facility is permitted by special use permit in this district.

Ms. Alwood asked if the previous use was permitted by receiving a special use permit.

Mr. Zalewski stated that staff looked into that, but could not find anything.

Mr. Recker asked the applicant what type of activity was performed when the piping company was there.

Mr. Brooks stated that he could not remember the activity.

Ms. Tracy Brooks of 9266 N. Mission Rd. stated that she lives ¼ mile north of the proposed site. She asked how the fluids from the business would be disposed of; she is concerned with the environmental issues. She also stated that she is not in favor of big machinery sitting around in their area. If the special use permit is granted there should be stipulations to ensure that a fence covers what needs to be covered, the fluids are taken care of properly, and the number of vehicles for sale is limited.

Mr. Fox stated that at his current work place the fencing hides all junk so it is not an eyesore and he plans to do the same. As for the fluids, the shop has a waste/oil burner; these fluids will be burned to heat the shop. The antifreeze will be stored in a barrel and recycled. There are no plans at this time to remove the fencing around the pasture.

Supervisor Jeff Bean, of Vernon Township stated that with a special use permit in the Ag-2 district the board could put together criteria for meeting or exceeding the regulations. He also asked what the future land use map calls for in that area.

Mr. Thompson stated that the Master Plan future land use map shows commercial.

Mr. Bean stated that being Ag-2 under special use will allow for higher enforcement ability than requesting a rezoning to C-1 or C-2. He also stated that Mr. Hitchcock owned the building and had trucking business. There have been commercial businesses in that building over the years.

Mr. Richard Morris of 5425 S. Mission, stated that he did not just want to get rid of the land. He has been working with Mr. Fox for 2 months. This building does not look like a home, it looks like a business. Mr. Fox is a trustworthy person; he will keep the property clean. The property is good for this type of business. The community needs more business to grow.

Mr. Bean stated that it is better to have a business going in their under a special use permit. The level of policing and enforcing the special use permit is much greater.

Mr. Schripsema asked if the applicant would be willing to put up an 8' fence for screening.

Mr. Willoughby asked if the trucks would have to be put out front.

Mr. Fox stated that he would be willing to put up the 8' fence. He further explained that he may not even be selling trucks from this location it could potentially be done online.

Ms. Alwood stated that if the stipulation is to allow for 1 or 2 vehicles for sale and he was violating his permit requirements, the neighbors would have the ability to come into the office and make a formal complaint.

Mr. Zalewski stated that if the permit stipulations are violated there are different actions that can be taken. The special use permit can be revoked or a court appearance ticket could be issued.

Ms. Karen Brooks of 1615 E. Gaylord St. stated that when the letter was first received, it appear to be for a car repair facility. It also looked as though the business would be contained in the current environment. They had thought that the pasture to the north could be come a fenced in junk yard. She also asked when the property becomes commercial in the future will that change the use of the property.

Mr. Zalewski explained that the use of the property can change at anytime. If the permit is granted tonight this will not change how the property is zoned.

Ms. Karen Brooks asked if in the future land use, will the property automatically become commercial.

Mr. Zalewski stated that a rezoning request could be made. Everyone within 300' would again be notified and a public hearing would have to be held.

Ms. Karen Brooks stated if vehicles cannot be contained inside the applicant should be limited to the number that can be outside.

Mr. Brooks asked if once precedence is set it would make it easier to become a commercial property.

Mr. Zalewski stated that the future land use map calls for the property to be commercial, so it would all depend on the request and how the area is developed.

Ms. Alwood stated that a rezoning request is normally a large grouping rather than just one parcel.

Mr. Zalewski read a letter written from Gretchen Rodammer into the record.

Ms. Beth Methner stated that Mr. Fox could be good for this property and a good neighbor. Regulations could possibly make it better than was expected. If problems occur action can be taken.

Mr. Harold Peckens stated that to the south is one of the neatest cleanest repair shops around.

Hearing no further comments the public hearing was closed at ~~9:38~~ 8:38 p.m.

A motion was made by Mr. Schripsema, supported by Mr. Recker, to approve Special Use Permit #07-05 because it is in accordance with master plan, it meets the 6 requirements for special use in the Zoning Ordinance, and it does not increase the intensity of the use that has been there in the past, with the following stipulations:

- The proposed 6' fence for screening be changed to 8' high fence
- Limit of 1 vehicle on display for sale
- Mature trees shall not be removed
- Provide an updated landscape plan if landscaping is removed
- Any signage shall meet the requirements of Article 18
- Proposed lighting shall meet the requirements of section 3.19

Yes: Fosburg, Schripsema, Willoughby, Recker, Alwood, Thompson.

No: None.

Motion carried.

The Chairman called for a 5 minute recess.

REVIEW OF UNION TOWNSHIP REZONING REQUEST

Mr. Zalewski stated that staff received this rezoning information a few days after the August meeting had been canceled. The September meeting is beyond the 30 day review period that the County has to review zoning amendments. He has spoken with Union Township and advised them that the PC would still review it at the September meeting and provide any comments at that time. Staff has reviewed the request and it is consistent with the Master Plan for Union Township, as well as consistent with the adjacent properties. Therefore staff has no concerns with the request.

The Planning Commission had no concerns with the request.

DISCUSSION REGARDING REFORMATTED SECTIONS OF ZONING ORDINANCE

Mr. Zalewski explained that originally staff was going to provide the board sections to go over, but has instead finished the entire document. At this time we are working to correct section numbers throughout the document. He asked if the commission would prefer sections at a time or the whole document.

Mr. Thompson stated that it would be his preference to get the whole document to review.

Mr. Zalewski explained that there have been no text changes. Staff has only changed the formatting. We had to add such things as legends to tables. He also stated that he had brought the most current copy of the zoning ordinance for each commissioner.

It was the consensus of the board to receive the entire reformatted document in the mail.

DISCUSSION ON THE MZEA PUBLIC HEARING NOTICE REQUIREMENTS

Mr. Zalewski explained that the public hearing notice requirements were brought up to the Board of Commissioners. They wanted the board to consider notifying all property owners when doing a rezoning. The MZEA states that you do not have to notify if the number of adjacent parcels being rezoned is 11 or more.

Discussion was held about how the number 11 was determined.

Mr. Zalewski stated that the board was made aware that rezoning an entire township or county could become costly.

Mr. Willoughby inquired as to how many times a notice is required to be published.

Mr. Zalewski stated that a notice is required to be published 1 time, no less than 15 days before the hearing.

Mr. Willoughby stated that he thinks it should be published more than once.

Mr. Thompson stated that Denver Township is in support of notifying everyone, but offered 2 alternatives:

1. Notify all the residents by postcard of the zoning change.
2. Notify the township treasurer, asking that person to notify them.

In the past the township has been asked to notify individuals if they felt it necessary.

Ms. Alwood stated that she had brought this to the Board of Commissioners. She also stated that in her time on the board they have never come across this issue. Before the MZEA there was no arbitrary number. There is a mistrust of government with regards to zoning issues. It is better to provide more notification. The Board of Commissioners stated that they should notify more than less. In mass rezoning, there has been discussion about paying for the notification. The notification of 11 parcels is too limiting.

Mr. Zalewski stated that this issue has never come up because there has never been a rezoning of this many parcels.

Mr. Thompson stated that when you go over and above what state law requires consistency is critical.

Mr. Willoughby stated that it does not seem necessary for large rezoning to notify everyone. Everyone will be notified when it is published in the paper more than once and in more than one paper.

Ms. Alwood stated that the nine townships should be polled to see what they would recommend.

Ms. Fosburg stated that the State and the MZEA have spoken and made a professional decision, which should be honored.

Mr. Recker stated that he would like to poll the townships also. He also stated that this issue should be put aside until the townships could provide some input.

Mr. Bean suggested that staff check with the prosecutor to see what is involved when being different than the state. He also explained that he sees the potential of a court case in this situation because no matter the number that is chosen, there is always going to be the next parcel that didn't get a notice.

Ms. Alwood stated that the best form of notification for her is to get a letter in the mail.

Mr. Willoughby stated that there needs to be more time to notify, 30 days is not soon enough.

Mr. Zalewski explained that before the MZEA was amended, two notifications were required. When the MZEA was amended they decide to go with one notification no greater than 15 days before the meeting.

Mr. Peckens stated that in his township around the lakes you would be swamped if you notified everyone, but in other open areas, you would get no response at all.

Ms. Evans stated she was from Denver Township. She also stated that they believe that everyone should be notified as their letter stated.

Mr. Thompson stated that in the letter from Denver Township, they said it would be acceptable to notify the township and have them notify the constituents. He also stated that this is how they have approached the 2 cases that the board has had. If this is how it is going to be done it should be put in the Zoning Ordinance instead of doing it on a case by case basis.

Mr. Zalewski stated that the township supervisor gets a public hearing notice. If we go above and beyond what the state requires it needs to be in the Zoning Ordinance, needs to be straight across the board. The master plan and zoning maps are all public information and online.

Mr. Willoughby stated that around lakes you would have to notify everyone because there are a lot of absentee property owners, these people would probably not get the local paper and see these notices.

Mr. Thompson stated that staff could formulate a letter from the Planning Commission to the 9 townships explaining the discussion and concerns of the board and get there responses.

Mr. Zalewski stated that staff would put the letter together and email it to each board member for review.

ENFORCEMENT MECHANISM SUBCOMMITTEE UPDATE

Mr. Zalewski explained that the planning commission received a letter in June from Denver Township regarding enforcement of the Zoning Ordinance possibly going to the civil infractions method. They suggested that the County do a 1 year trial period because Isabella County is dealing with minimal complaints and is not in the position to monitor either method. The 1 year trial period would help to create a better plan that will best suit the County's needs. He also stated that the County receives between 40-80 complaints per year. Currently the Zoning Ordinance is enforced by criminal misdemeanors. This topic folds in with the seminar that is being held on September 26, 2007. Staff learned that the attorney that was coming in for this seminar had backed out because of a conflict of interest. Our civil council out of Lansing will be stepping in to facilitate the discussion.

Mr. Thompson stated that the big issue is to make sure everyone has a clear understanding of the differences between the two processes.

Mr. Zalewski stated that it is important to respond to the Denver Township letter addressing their concerns and to acknowledge that their letter was received.

Mr. Thompson stated that this would be well advised.

It was the consensus of the board to send a letter to Denver Township.

Mr. Peckens stated that they have been dealing with violations that have been on the books for 7-8 years.

Mr. Zalewski explained that he had issued an appearance ticket over a year ago on one; the judge has postponed this case. The other case is in the hands of the court. He also explained that there will always be extreme cases, because that is the nature of zoning enforcement.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

None heard.

PLANNING COMMISSIONER'S COMMENTS

None heard.

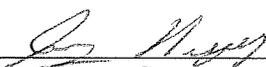
ADJOURNMENT

A motion was made by Ms. Fosburg, supported by Mr. Recker, to adjourn at 9:30.

Yes: ~~Johnson~~, Fosburg, Schripsema, Willoughby, Thompson, ~~Neyer~~, ~~Johnson~~, Recker
Alwood.

No: None.

Motion carried.



Jerry Neyer, Secretary

Brandy Freed, Recording Secretary