

ISABELLA COUNTY  
PLANNING COMMISSION

October 11, 2007

A Regular Meeting of the Isabella County Planning Commission was held on October 11, 2007 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Dan Hess, Marilyn Fosburg, Craig Schripsema (7:01 p.m.), Bob Thompson, Jerry Neyer, Gale Willoughby, Richard Recker, Christine Alwood (7:05 p.m.), Vance Johnson.

MEMBERS ABSENT: None.

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 Chair requested if there were any additions or deletions to the agenda.

A motion was made by Mr. Hess, supported by Mr. Willoughby, to approve the agenda as submitted.

Yes: Hess, Fosburg, Schripsema, Willoughby, Thompson, Neyer, Recker, Johnson.

No: None.

Motion approved.

PREVIOUS MINUTES

Minutes of the September 20, 2007 regular meeting were circulated to the Commission prior to the meeting for their review.

Mr. Thompson explained that Ms. Alwood forwarded grammatical changes to staff.

Ms. Fosburg stated that, on page 5, SUP#07-05, it states that the applicant is buying vehicles, it should state large vehicles or farm machinery.

Mr. Thompson stated that it would have to be changed throughout to large vehicle if changing it here, but it is not necessary.

A motion was made by Mr. Hess, supported by Mr. Recker, to approve the minutes of the September 20, 2007 meeting as amended.

Yes: Hess, Fosburg, Schripsema, Willoughby, Thompson, Neyer, Recker, Johnson.  
No: None.

Motion approved.

#### PUBLIC COMMENT

None heard.

Ms. Alwood arrived at 7:05 p.m.

#### TOWNSHIP CONCERNS

None heard.

#### LIASON REPORTS

ZBA – Mr. Schripsema reported that there has been no ZBA meeting since the previous Planning Commission meeting.

Parks & Recreation Commission – Mr. Willoughby reported that this months meeting had been cancelled.

Board of Commissioners – Ms. Alwood reported that there is a Board of Commissioners meeting next Tuesday. She also reported that they adopted the budget at the end of September. There will be some changes in the budget this upcoming meeting.

#### SITE PLAN REVIEW #07-06

Mr. Thompson stated that the Commission will consider taking action on a site plan submitted by Glenn Smith (Pioneer Oil Tools) for a 30' x 125' addition to an existing building for additional storage space. The property is located at 5179 W. Weidman Road in Section 19 of Nottawa Township and is zoned C-I. Parcel # 11-019-20-001-08.

Mr. Zalewski explained that the proposed addition is to an existing building that was approved by the PC in May 2005. The proposed addition meets the requirements of the ordinance. As well the existing parking is adequate for the proposed addition. Staff has no concerns with the request. He also stated that Mr. Smith recently installed the landscaping that was required by the original Site Plan Review.

A motion was made by Mr. Hess, supported by Mr. Neyer, to Approve Site Plan Review #07-06 as submitted.

Ms. Fosburg stated that the new dumpster on the West side of the building should be screened.

Mr. Smith stated that both are screened exactly the same.

Yes: Hess, Fosburg, Schripsema, Willoughby, Thompson, Neyer, Recker, Alwood, Johnson.  
No: None.

Motion approved.

#### ZONING AMENDMENT #07-09

Mr. Thompson stated that the Commission will conduct a public hearing to consider rezoning a piece of property that is presently zoned General Commercial (C-1), Low Density Residential (R-1) and Medium Density Residential (R-2) so that the entire property is zoned R-2. The request was made by Nottawa Township and the property is the Township Park located at 2815 W. Beal City Road in Section 27 of Nottawa Township. Parcel # 11-027-10-003-01.

Mr. Zalewski stated that the Nottawa Township Park has requested to construct an accessory building at the Township Park located in Beal City. Upon applying for the building, our office advised them that park is a non conforming use as the park does not have a special use permit for the park. The Township has applied for the special use permit to make the park a conforming use and to allow them to construct the accessory building. In discussing the project, it was learned that different sections of the property are zoned differently. Parts of the park are zoned C-1, R-1 and R-2. Public parks are not permitted in the C-1 district. In order to 'clean' things up, the Township applied for the entire park to be zoned R-2. Public parks are permitted with a special use permit as a public and institutional use in the R-2 District. Staff has reviewed the request and has no concerns with the request. The proposal is consistent with the Master Plan. The R-2 district is compatible with the surrounding uses. Adjacent uses are residential and presently zoned R-2 or R-1. The bank property is zoned commercial, however the bank itself is not a 'high impact' commercial type use and the R-2 district would be compatible with that particular use. As well the property is capable of handling the uses permitted in the R-2 district, especially the public park as the property has been a park for several years.

Ms. Alwood asked what the Master Plan showed for that area.

Mr. Zalewski stated that the entire area shows low density residential with some commercial at the intersection.

Public hearing opened at 7:15 p.m.

Mr. Pete Lorenz of Lorenz Survey and Engineering stated that he had helped the township prepare the drawings that were submitted.

Mr. Thompson clarified that there are two issues, one for a special use permit for the building and one for a rezoning.

Mr. Lorenz stated that the drawings address both the special use permit and the rezoning. He also explained that the township chose the R-2 district because it was a better choice for the entire parcel, across the street and the adjacent property to the west are zoned R-2. Also the R-2 district allows for more uses.

Ms. Alwood asked if the bank had donated the C-1 parcel.

Mr. Lorenz stated yes, the bank had at one time owned it and the property was all C-1. It was comprised of 3 parcels, the Centennial Community, the Bank, and the Schafer property.

The public hearing was closed at 7:18 p.m.

A motion was made by Ms. Alwood, supported by Mr. Hess, to recommend to the Board of Commissioners approval of Zoning Amendment #07-09, to rezone the property that is currently zoned General Commercial (C-1), Low Density Residential (R-1), and Medium Density Residential (R-2) so that the entire property be zoned R-2 based on the facts that:

- It is consistent with the Master Plan
- Compatible with the surrounding uses
- Capable of handling any and all uses in the new zoning district

Yes: Hess, Fosburg, Schripsema, Willoughby, Thompson, Neyer, Recker, Alwood, Johnson.  
No: None.

Motion approved.

#### SPECIAL USE PERMIT #07-06

Mr. Thompson stated that the Commission will conduct a public hearing on a Special Use Permit request submitted by Nottawa Township to construct a 24' x 24' storage building and to establish the existing park as a conforming use in accordance with Article XIX of the Isabella County Zoning Ordinance. The property is located at 2815 W. Beal City Road in Section 27 of Nottawa Township. Parcel # 11-027-10-003-01.

Public Hearing opened at 7:20 p.m.

None heard.

The public hearing was closed at 7:20 p.m.

Ms. Alwood stated that if this is a special use permit based on the parcel that is being rezoned to a R-2 district, it needs to go before the Board of Commissioners, and asked when will it be on their agenda.

Mr. Zalewski stated that it will go before the Board of Commissioners more than likely their first meeting in November. Where the applicant is building is R-1 and a public park is permitted with special use permit there. If the commercial district did not get rezoned, the special use permit would still be valid, except in the C-1 district. This area could still be used as a park, it would just continue to be a nonconforming use.

Ms. Alwood asked if the motions should state contingent on rezoning.

Mr. Zalewski explained that it would not be necessary.

A motion was made by Mr. Schripsema, supported by Mr. Hess, to Approve SUP #07-06 as submitted.

Yes: Hess, Fosburg, Schripsema, Willoughby, Thompson, Neyer, Recker, Alwood, Johnson.  
No: None.

Motion approved.

#### DISCUSSION REGARDING CRIMINAL MISDEMEANOR/CIVIL INFRACTIONS FORUM

Mr. Thompson stated that after the Criminal Misdemeanor/Civil Infractions Forum on September 26, 2007 staff sent a letter to the townships regarding their feelings of criminal misdemeanors and civil infractions.

Mr. Zalewski stated that the letter was sent out to the attendees of this forum. The letter asked if there were any unanswered questions and if the county should continue to enforce using the criminal misdemeanor or should we further explore the civil infraction method.

Mr. John Pedjac of Denver Township stated that his township was in support of going to civil infractions.

Mr. Jim Willoughby of Lincoln Township stated that their board would like to see it continue being enforced using the criminal misdemeanor process.

Mr. Graham of Gilmore Township stated that they are in favor going to civil infraction. He also stated that they appreciate what subcommittee has done, letting the townships be a part of it, even though there were only 2 townships involved. Mr. Graham also explained that the prosecuting attorney does not have time to deal with these types of misdemeanors. One concern he has had since the beginning is where the revenue will be coming from. He also asked if it would cost the County more money to enforce civil infractions. He explained that civil infractions generate money where as criminal misdemeanors does not.

Mr. Pedjac stated that if the Planning Commission needs someone to stand with them in support, they would be willing to send a representative.

Mr. Graham stated that Gilmore Township would do the same.

Ms. Carol Green of Nottawa Township stated that she had attended this forum and brought the information back to there board and they had no comments about it. She stated that in her opinion she would like to decriminalize the process and would be in favor of civil infractions.

Mr. Thompson stated that the Planning Commission and staff would work to establish a reasonable fee schedule.

Mr. Hess stated that the ticket that was presented during the open forum would be the way to go; it would help staff to have that resource.

Mr. Thompson stated that it seems this would be an expedited system to get people to comply. He also stated that the Board of Commissioners would have to adopt a general civil infractions ordinance and from there the Planning Commission would decide if they would use civil infractions to enforce the zoning ordinance.

Mr. Willoughby stated that this information is misleading because it sounds as if any zoning violation will turn into a criminal misdemeanor. If you get a zoning violation right now you get a warning, if you do not comply you will go to court. If civil infractions were implemented it's the same the violator will get a warning, but then if they don't they will get a fine.

Mr. Thompson stated that with criminal misdemeanors the prosecuting attorney might drop the case because he is too busy, and then there is no enforcement.

Mr. Willoughby stated that the last time that it was gone through, it was a 2 to 7 vote. The rural people of the County do not trust the board to pass laws that are necessary in the 9 most rural townships.

Ms. Alwood clarified that Mr. Willoughby was referring to when votes were being taken on the new proposed zoning ordinance. There were several 5 to 4 votes leaning one way or another, this is a separate conversation because that zoning ordinance was not adopted.

Mr. Willoughby stated that his main concern was if it was appropriate for the 9 most rural townships.

Mr. Johnson explained that they could get a lot of grief for having a zoning ordinance that is written with urban character and then trying to enforce it in a rural setting. The zoning ordinance needs to be sensitive to the desires of the townships. He also stated that he was concerned because people had been referring to the civil infractions enforcement as a money generator. Mr. Johnson explained that this process should be evaluated after a year to see if it is working.

Mr. Thompson stated that there was a lot of anger on the part of Lincoln Township about taking any, some, or all of their suggestions. There needs to be more awareness of all interests. He also stated that before many townships took little interest in the process.

Mr. Zalewski stated that the Planning Commission does not adopt these rules, the Board of Commissioners do. The townships can speak out if they do not like them. If this board does not like something in the ordinance, the ordinance itself needs changed, not the way that it is enforced. He also explained that at no point will the civil infractions method become a money maker, because there simply are not enough tickets issued. He further stated that it is better for the constituents to decriminalize these zoning violations

Mr. Pedjac stated that in the City of Clare they use civil infractions to speed up the process. When they switched they did not have an increase in tickets. They simply used this process to decriminalize their zoning violations and speed up the process. He also explained that many

people do not realize the difference between criminal misdemeanors and civil infractions.

Mr. Schripsema stated that they could make it a step process, if the violation is not getting resolved with a civil infraction, it could become criminal.

Mr. Hess stated that right now people can get away with a violation, using civil infractions they would be able to impose a fine.

Mr. Graham stated that if you do not clean up, because this would be a district court judge, you would be in contempt of court.

Mr. Thompson stated that it has taken the Planning Commission a year and a half to get information out, because it was not understood before. The process now would have to be the Board of Commissioners adopt a general civil infractions ordinance. Then it would have to be decided whether to use it at the zoning level. He also asked if a letter was sent to all townships regarding the open forum.

Mr. Zalewski explained that the letter was only sent to those who attended the open forum.

Mr. Thompson suggested that staff put the umbrella ordinance and the fee schedule in their packets for next months meeting and they will discuss it then.

Ms. Alwood stated that if it is on next months agenda, they should invite the Board of Commissioners members so they can express any concerns that they have.

#### REVIEW OF THE DRAFT REFORMATTED ZONING ORDINANCE

Mr. Zalewski stated that no regulatory changes have been made to the document. There have been changes due to the reformatting process only. Staff put the existing ordinance in the same format as the proposed ordinance to make it more user-friendly. When this reformatted zoning ordinance is adopted it will have to go through a public hearing and then the Board of Commissioners will have to adopt it.

Ms. Fosburg stated that on page 103 the C-I and PUD are together and should be in separate sections to flow better. On page 117 many of the lakes are left out, but it is the same as the current zoning ordinance.

Mr. Thompson stated that if it is in the current ordinance like this it should not be changed.

Ms. Fosburg asked if the public hearing would be held on just the reformatting of the zoning ordinance.

Mr. Zalewski stated that it will go to public hearing with the reformatting changes only.

Mr. Neyer asked how prepared can we be when going to public hearing. People are going to say that changes have been made, can we prove that there have not been any made?

Mr. Zalewski stated that track changes were used throughout the document so we will be able to show people that it was only reformatted and no text changes were made.

Mr. Schripsema stated that the cover sheet should be changed to reflect amendments made through 2007.

Mr. Neyer stated that at a glance the document was more user-friendly because it was easier to find information.

Mr. Thompson stated that he would rather wait another month before taking any action. He also asked if this body would be holding a public hearing or just be recommending it to the Board of Commissioners.

Mr. Zalewski explained that the Planning Commission would be holding the public hearing. He also suggested that after next months meeting a note should be sent to the townships about the reformatting and let them have a chance to respond. We would also be putting it on the web for the townships to look at.

Mr. Neyer stated that the reformatted ordinance should be put on the web now and next month townships should officially be notified.

Mr. Zalewski stated that the draft is not complete. This would not show the users that the document is user-friendly. Next month after any changes are made the public hearing can be set and the document can be sent out, the document should be finalized first.

#### PUBLIC COMMENT

None heard.

#### STAFF COMMENTS

Mr. Zalewski stated that about a year ago there was a variance request from a 2003 special use permit fence requirement, around a salvage yard area. The applicant never completed the fence. He applied for a variance for a 0' height requirement on the fence, but the ZBA denied his request. The applicant sued the ZBA and the judge upheld the ZBA decision. In the decision, there were specific references to the Planning Commission motion to approve the special use permit. This case demonstrates the importance of the Planning Commission being thorough when granting special use permits.

#### PLANNING COMMISSIONER'S COMMENTS

Mr. Neyer stated that he apologized for being absent at the last meeting.

Ms. Alwood stated that the County Sesquicentennial will be in 2009. Subcommittees are being formed and they would like to see the townships involved.

ADJOURNMENT

A motion was made by Mr. Hess, supported by Mr. Neyer, to adjourn at 8:27 p.m.

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

No: None.

Motion carried.

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Jerry Neyer, Secretary

Brandy Freed, Recording Secretary