

ISABELLA COUNTY
PLANNING COMMISSION

March 13, 2008

A Regular Meeting of the Isabella County Planning Commission was held on March 13, 2008 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Bob Thompson, Jerry Neyer, Christine Alwood, John Benaske, Marilyn Fosburg, Richard Recker.

MEMBERS ABSENT: Roger Trudell, Vance Johnson, Craig Schripsema, Gale Willoughby.

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

The meeting was called to order by Chairperson Thompson at 7:03 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. Neyer, supported by Mr. Recker, to approve the agenda.

Yes: Benaske, Schripsema, Willoughby, Thompson, Neyer, Alwood, Fosburg.

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the February 14, 2008 regular meeting were circulated to the Commission prior to the meeting for their review.

Ms. Alwood forwarded minor grammatical changes to staff.

A motion was made by Mr. Neyer, supported by Ms. Alwood, to approve the minutes of the February 14, 2008 meeting as amended.

Yes: Benaske, Thompson, Neyer, Alwood.

Abstain: Fosburg, Recker

No: None.

Motion carried.

LIASON REPORTS

Parks & Recreation Commission – Mr. Willoughby asked Mr. Zalewski to report that the number of visits at Deerfield Park is up from previous years. As well, an Earth Day event is being planned for Saturday, April 26 at Island Park.

Board of Commissioners – Ms. Alwood reported that she had received a letter from Isabella Township stating that they had adopted a resolution in reference to the Civil Infractions issue (see attached letter from Isabella Township). She explained that the Board of Commissioners does not have any legislation on this issue pending. She also stated that the Board of Commissioner's have planned a retreat for April 26, 2008. Progress is being made on the Commission on Aging building. The inspections department has combined two inspection positions into one because the number of inspections being requested is down this year.

Mr. Thompson stated that in regards to the Isabella Township memo, the Planning Commission has only studied what the Civil Infractions process is about. He also stated that the information that was gathered was turned over to the Board of Commissioners for their dissemination.

Mr. Recker asked when the subcommittee gets the results of the study back if the Planning Commission would get them for review.

Mr. Zalewski stated that the sub committee would report back to the Board of Commissioners with what they found out from the department heads. The Board of Commissioners would then determine if they are going to adopt a general civil infractions ordinance. If they adopt a general civil infraction ordinance, the Planning Commission can then propose to amend the Zoning Ordinance to allow for enforcement through Civil Infractions.

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

John Graham, Gilmore Township, expressed his opinion of the resolution that was passed by Isabella Township. He explained that he hopes this does not happen with the other seven townships. Through the last two years there have been only two out of the nine townships involved in this process. Because these other townships are not involved and did not get the information that was offered, it will probably be another episode of the December 12th public hearing. These townships could have gotten the information, but they chose not to, now they are making a decision without having all the information. It is not fair to the board and the other townships that have come to see what is going on. There are again only two townships here, it's too bad that the other townships don't send a trustee from their board; it would be easier if they would come and be involved, and that should be taken into consideration by the Board of Commissioners.

Jackie Curtis, Denver Township, stated that she agreed with Mr. Graham, the County Planning Commission members came to the townships and explained the difference between misdemeanors and civil infractions. If the other townships don't have any interest, we can not twist their arm and make them come to these meetings.

PUBLIC COMMENT

Mr. George Green, County Commissioner, asked if the auto auction was out for good.

Mr. Zalewski explained that the Planning Commission revoked their special use permit. They are in the process of reapplying for a special use permit. In conversations with them they have ceased operation now.

Commissioner Green stated that he hopes we could keep this business in the County, it provided many jobs.

Mr. Neyer stated that the owners need to comply with the ordinance.

Mr. Zalewski stated that he has learned that the business is now under new ownership, if they are granted a special use permit and comply with the conditions of their special use permit they can continue to operate.

ZONING AMENDMENT #08-01

Mr. Thompson stated that the Planning Commission would conduct a public hearing on a proposed amendment to the Isabella County Zoning Ordinance to allow for and regulate the temporary use of accessory dwelling units for infirm or ailing family members.

The public hearing was opened at 7:22 p.m.

Commissioner Green stated that the amendment states specifically that the lot size has to be two acres, is this number something that can be changed. It seems that it would be feasible to reduce this to one acre in size.

Mr. Zalewski explained that it would be a Health Department issue, because they may require the property owner to use a different septic system for the temporary dwelling and on a one acre lot you may not be able to fit two septic systems. Two acres would also allow the person to set the dwelling there temporarily and then if they decided they wanted to leave it there permanently they would be able to split this land off and keep it there.

Ms. Alwood asked if there was any other reason to not change the size to one acre.

Mr. Zalewski stated it would increase the density of what is allowed in the agricultural district.

Mr. Recker stated that this problem is growing as we get more elderly in the community, not everyone can afford to go into a facility.

The public hearing was closed at 7:27 p.m.

Mr. Thompson stated that he has no problem changing the requirement to one acre, but it give a false impression that it is sufficient space, when the Health Department may rule that it is not.

The only potential problem would be that if they want to make the temporary dwelling permanent, there may not be sufficient space to split the land.

A motion was made by Mr. Recker, supported by Ms. Alwood to change the lot size to a minimum of 1 acre and forward Zoning Amendment #08-01 to the Board of Commissioners and recommend approval.

Yes: Benaske, Recker, Fosburg, Thompson, Neyer, Alwood.

No: None.

Motion carried.

ZONING AMENDMENT #08-02

The Planning Commission will conduct a public hearing on a proposed amendment to the Isabella County Zoning Ordinance to define and regulate Crematories.

The public hearing was opened at 8:34 p.m.

Mr. Zalewski explained that there had been a request as to where a crematory could be placed. After the issue was looked into, the Zoning Board of appeals ultimately decided that Crematories were an unlisted property use and that the Zoning Ordinance would need to be amended to include this particular use.

The public hearing was closed at 8:35 p.m.

A motion was made by Mr. Neyer, supported by Mr. Recker to forward Zoning Amendment #08-02 to the Board of Commissioners and recommend approval.

Ms. Alwood asked if 7 days was the legal amount of time.

Mr. Zalewski explained that other zoning ordinances were looked at and the majority of those used 5 days. In talking with a local funeral home, it was determined that 7 days should be sufficient amount of time in case the death certificate is delayed for whatever reason.

Ms. Alwood asked if crematories are inspected by the state.

Mr. Zalewski explained that they are highly regulated by the state.

Yes: Benaske, Recker, Fosburg, Thompson, Neyer, Alwood.

No: None.

Motion carried.

REVIEW OF DENVER TOWNSHIP FARMLAND AGREEMENTS

Mr. Zalewski explained that David and Gretchen Clarke have submitted two farmland agreement applications for property they own in Section 2 of Denver Township. The properties are zoned Ag-1 and the Master Plan has the properties designated as Agricultural Conservation. As well the properties are adjacent to another parcel that the Clarke's have previously enrolled in the PA 116 program. The applications appear to be complete and staff has no concerns with either request.

Mr. Thompson stated that the applications were complete and looked good.

It was the consensus of the Planning Commission to forward the comments to the Board of Commissioners and recommend approval of the farmland agreements.

REVIEW OF UNION TOWNSHIP REZONING REQUEST

Mr. Zalewski stated that -REZ 1334- The request is to rezone a $\frac{3}{4}$ acre parcel located on the West side of Rosewood Drive, at the corner of Rosewood Drive and Broadway from R-2A to Office Service (OS). The Township Planning Commission has recommended approval of this request. The Township Master Plan has this area designated as residential and not office service. However, the property across Rosewood Street from this parcel is presently zoned OS. The Township should consider updating their Master Plan in this area to show this change in development. If the Township and the surrounding community does not have objection to office service developing in this area, it should then be so designated.

Mr. Zalewski further explained that this type of use fits with the use across the street as well the Office service district is not necessarily a high impact type district. The township should designate this use in their master plan so that property owners and potential buyers know that Office Service could potentially develop in this area.

Mr. Recker stated that the only problem with this then is not in the request itself, but with keeping the township master plan updated.

It was a consensus of the board to forward the comments to the township.

Mr. Zalewski stated that -REZ 1346- The request is to rezone approximately 15 acres from R-2A to B-4 (General Business). At the hearing, the applicant agreed to amend his request to allow the south 330' of this property to be rezoned to OS to serve as a buffer between the B-4 and West Union Condominiums. The Township PC recommended approval of the request. The request is consistent with the Township Master Plan and staff does not have concerns with the request.

It was a consensus of the board to forward the comments to the township.

Mr. Zalewski stated that -REZ 1349- The request is to rezone a 4.48 acre parcel at 3325 S. Isabella Road located just north of Corvallis Drive from R-2A to OS. The future land use map indicates the area of this property along Isabella Road to be business. However, the Township Planning Commission decided that the request for business extended to far into the parcel and

thus was inconsistent with the Plan and surrounding uses. The Township PC therefore recommended denial of the request. Staff has no concerns with the denial of this request.

It was a consensus of the board to forward the comments to the township.

SUBCOMMITTEE APPOINTMENTS

Mr. Thompson stated that the top six concerns of the townships that they talked about at last months meeting translated to establishing 5 subcommittees. Mr. Thompson appointed members of the Commission to the various subcommittees as follows:

Groundwater subcommittee – Ms. Alwood, Mr. Neyer, Mr. Benaske
Traffic subcommittee – Mr. Willoughby, Mr. Trudell, Mr. Johnson
Agricultural Issues subcommittee – Ms. Fosburg, Mr. Neyer, Mr. Recker
Economic Growth subcommittee – Mr. Schripsema, Mr. Benaske, Mr. Trudell
Communication subcommittee – Ms. Alwood, Mr. Schripsema, Mr. Recker

Mr. Thompson stated that members of each subcommittee should get together and form a meeting date and time.

Mr. Zalewski stated that staff is creating a list of policies that each subcommittee will be in charge of reviewing.

Mr. Thompson stated that the board needs to be clear and accurate in their communications to the townships. He explained that he had been approached by the County Farm Bureau Association about the status of the civil infraction process. He also suggested that the townships who support civil infractions should draft a public statement showing their support.

Ms. Alwood stated that she was surprised a resolution was received this early as there has not been any action taken on the issue except to form a subcommittee.

Mr. Thompson stated that the townships have been told that it's going to happen now.

Mr. Zalewski stated that staff has not had received any correspondence and has not spoken with anyone from Isabella Township regarding this issue.

Ms. Fosburg requested that staff prepare a presentation on the laws & duties of the Planning Commission.

Mr. Zalewski stated that at last months meeting he conducted a presentation on the general role and responsibility of the Planning Commission members. However, Ms. Fosburg may be referring to the Bylaws of the Planning Commission.

Mr. Thompson stated that if we give the impression as an individual that we are speaking as a commissioner we better speak with a neutral approach. What is troubling is when an individual, who knows better, deliberately clouds the situation to make a point in their favor. The best offense is, when speaking as the Planning Commission, to speak accurately.

Mr. Recker stated that when he was approached about what the Planning Commission was doing with civil infractions, he directed the individuals to speak with staff.

Ms. Alwood stated when the civil infractions issue was turned over to the Board of Commissioners; there has been no movement to consider anything yet, the Board of Commissioners is awaiting a report from the subcommittee. She also explained that this is why the communication committee is important because there is a responsibility by the township and County Board to communicate.

Mr. Zalewski stated that the communication committee can be utilized to research the first goal that was set, constant communication with the townships.

Mr. Thompson stated the townships need to see all the facts before making a decision.

Mr. Neyer suggested that Mr. Hovey be invited to share his reasoning for sending a resolution.

Mr. Thompson stated that this should be made a point when going to talk with each of the townships.

Mr. Recker asked why the Board of Commissioners received the communication from Isabella Township.

Ms. Alwood stated that this is only the second time since she has been on the board that she has received a resolution from a township.

Mr. Thompson stated that if other members were to receive communication such as the resolution from Isabella Township and it is clearly something that you know do not hesitate to respond.

Ms. Fosburg stated that she would not respond with out contacting staff. It has to go through staff before you can respond to communication like that.

Mr. Thompson stated that it doesn't have to go through staff, but staff and the chair should be in close communication with it. In that light it would be good if communication is received to let staff respond to it.

Mr. Recker asked why Isabella Township would pass a resolution on this issue now.

Mr. Neyer stated that they sensed an opportunity.

Mr. Benaske asked if the townships are kept up to date with the Planning Commission's monthly meetings, do they get the minutes.

Mr. Thompson stated that the townships are kept up to date; the township board did not act on their own.

Ms. Alwood stated that this correspondence might be talked about at the Board of Commissioners meeting on Tuesday, March 18, 2008.

STAFF COMMENTS

Mr. Zalewski stated that the joint meeting of the Board of Commissioners, Zoning Board of Appeals, and the Planning Commission has been cancelled. This meeting will be rescheduled for another date.

The issue of using a sworn statement, in the case of the private road, has been taken care of; there is no need to amend the Zoning Ordinance. On the form that is in our office we are changing it to an affidavit, because an affidavit is a sworn statement, and "I solemnly swear," will be changed to "I solemnly affirm."

There will be a text amendment proposed to the Zoning Ordinance to change mobile home to manufactured home and mobile home parks to manufactured home community and adding definitions of these terms.

The Michigan Zoning Enabling Act was changed to allow County Zoning Board of Appeals members to simply reside within the County but outside of a city or village. An amendment will be proposed to make the Zoning Ordinance consistent with the Zoning Enabling Act.

The Zoning Board of Appeals has expressed concern that the language for granting a variance is confusing to the public and confusing to explain to them. They will be reviewing new language at their next meeting and may be requesting that the Planning Commission amend the Zoning Ordinance to incorporate this new language.

There was an amendment to the Michigan Zoning Enabling act that changed the term family daycare and group daycare to family child care and group child care.

As the Planning Commission gets busy, something that was in the proposed ordinance was allowing minor site plan review approval at the administrative level. This will be a future zoning amendment that will be presented to the board.

Regarding Northern Michigan Auction, an appearance ticket has been issued on two occasions for the continued operation of the business. They are now in the process of reapplying for their special use permit.

Mr. Thompson stated that it is disturbing that the public had the impression that we are the bad guys because we shut their business down. But in reality the applicant decided that they were not going to comply with the conditions of their special use permit.

Ms. Alwood asked if the board decides to issue them another special use permit can they make the applicant complete the work before the permit is issued.

Mr. Zalewski explained that when this case comes before the board all personal biases will have to be put aside. The business is under new ownership, and they have indicated it will be run

differently. The permit can be conditioned so that the applicant has to have all work completed before they conduct any business. In theory all special permits should be like that, but we like to work with all applicants.

Staff spoke with representative from MDOT and they are willing to do an informal presentation for the Planning Commission on a separate meeting date.

Mr. Thompson stated that MDOT could come the transportation subcommittee meeting and then everyone could show up to that meeting.

Mr. Zalewski stated that it is important that the entire Planning Commission be there. Members should send an email to staff with the dates that would not work in the middle to end of April. The meeting will probably be on a Tuesday, Wednesday, or Thursday.

The Michigan Planning Enabling Act passed through the Senate and was presented to the Governor; if and when it is signed it will go into effect in September. The act repeals the Township Planning Act, the County Planning Act and the Municipal Planning Act and combines them into the one Planning Enabling Act, similar to what took place with the Michigan Zoning Enabling Act. Staff will probably attend a training session on the changes and update the Planning Commission accordingly.

PLANNING COMMISSIONER'S COMMENTS

Mr. Benaske asked if staff could send a letter to each of the Planning Commission members stating who is on what committee and when the first meeting for each committee will be. He also asked if during the review of the zoning requests there should be a time for public comment.

Mr. Thompson stated that the review of the township rezoning requests is not a public hearing; the Planning Commission is just required to review and comment on the requests.

ADJOURNMENT

A motion was made by Ms. Alwood, supported by Mr. Recker, to adjourn at 8:39 p.m.

Yes: Benaske, Schripsema, Willoughby, Thompson, Neyer, Alwood.

No: None.

Motion carried.

Jerry Neyer, Secretary

Brandy Freed, Recording Secretary