

ISABELLA COUNTY
PLANNING COMMISSION

April 10, 2008

A Regular Meeting of the Isabella County Planning Commission was held on April 10, 2008 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Bob Thompson, Christine Alwood, Richard Recker, Roger Trudell, Vance Johnson, Craig Schripsema, Gale Willoughby.

MEMBERS ABSENT: Jerry Neyer, Marilyn Fosburg, John Benaske.

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

The meeting was called to order by Chairperson Thompson at 7:05 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. Willoughby, supported by Mr. Recker, to approve the agenda.

Yes: Schripsema, Willoughby, Thompson, Alwood, Recker, Trudell, Johnson.

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the March 13, 2008 regular meeting were circulated to the Commission prior to the meeting for their review.

Ms. Alwood suggested that staff look into condensing the minutes.

A motion was made by Mr. Recker, supported by Ms. Alwood, to approve the minutes of the March 13, 2008 meeting as submitted.

Yes: Thompson, Alwood, Recker.

No: None.

Abstain: Schripsema, Willoughby, Trudell, Johnson

Motion carried.

LIASON REPORTS

ZBA – Mr. Schripsema reported that there was no meeting last month.

Parks & Recreation Commission – Mr. Willoughby reported that Meridian Park received their gatehouse permit, Herrick Park is soliciting logging bids, and the Pere Marquette Rails to Trails will have a ribbon cutting at the June 4, 2008 meeting. There were about 30 people who attended the Emerald Ash Borer conference. An Earth Day event will be held at Island Park on April 26. There is a new pesticide, Tree Age, which has a 99% success rate of killing the Emerald Ash Borer, but it has to be injected into each tree.

Board of Commissioners – Ms. Alwood reported that Mt. Pleasant schools is making a purchase of the old Commission on Aging building for \$480,000.00 from Isabella County. The retreat for the Board of Commissioners and department heads is scheduled for April 26, 2008.

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

John Graham, Gilmore Township, no concerns at this time.

Harold Peckens, Gilmore Township, no concerns at this time.

Jackie Curtis, Denver Township, no concerns at this time.

PUBLIC COMMENT

Mr. Steve Davidson, who is on the sesquicentennial committee, presented a rifle that will be raffled off during the sesquicentennial celebrations.

Commissioner George Green stated that the joint meeting between the Board of Commissioners, Planning Commission, and the Zoning Board of Appeals should happen more, at least twice a year.

Mr. Brian Wood, 5053 Corvallis Dr., stated, in reference to Union Township rezoning request, the township board didn't take into consideration what the public wanted. An office service district does not fit in this area. He also stated that he would request that the Planning Commission recommend to the township board that this rezoning is not a good idea.

Mr. Joel Rockafellow, 5055 Corvallis Dr., stated that it is plain what is going on with the rezoning request submitted by Union Township. He also stated that the board should review the information and recommend that this activity shouldn't happen; an office service district should not back up to a residential area.

Ms. Susan Massey, 5056 Corvallis Dr., stated that she would concur with what others have stated about the Union Township rezoning request, this will have an impact on their neighborhood.

Mr. Nick Lumbert, 5064 Corvallis Dr., stated that he had the same feelings about the rezoning request.

Ms. Anne Lumbert, 5064 Corvallis Dr., stated that at Union Township's February and March meetings the board was in favor of the public and was denied. The action that was taken at the following meeting was not what was on the agenda and it was approved. She also stated that due process was not followed.

SPECIAL USE PERMIT #08-01

Mr. Thompson stated that the Commission will consider taking action on a Special Use Permit request submitted by Terry Masse for a salvage business (auto auction) in accordance with Article 12 of the Isabella County Zoning Ordinance. The property is located at 10532 North Mission Road in Section 11 of Vernon Township. Parcel # 15-011-10-003-01.

Mr. Hackett, attorney for Mr. Terry Masse, stated that in 2003 the previous owner received a special use permit to run an auto auction; which has since been revoked. Mr. Terry Masse has exercised his right to take over the auto auction. The photos that were submitted do not include the area that has been black topped to the north of the building or the landscaping at the south end of the entrance. The proposal that is being made is to allow this business to operate an auto auction at the sight again, it will be under new management, and it will be clean. This business is expected to employ 50 – 60 people, with about a dozen of these employees being full time. It is intended that all terms and conditions of the special use permit will be complied with.

Mr. Masse stated that he will be leasing the business to Ms. Weisel and will make the business an asset to the community.

Mr. Hackett explained that there was an issue with the fence previously; it will be completed in compliance with the zoning ordinance.

Mr. Trudell inquired as to whether it is a public auction or a dealer auction.

Mr. Hackett stated that this is a dealer auction; they have regular customers, and because it is a dealer auction it will limit the number of people who can be on the premise.

Mr. Trudell inquired if the dealers have to be licensed to go to the auction. He also asked if the existing sign was in compliance with the ordinance.

Mr. Hackett stated that the existing sign is back about 250' from the road. There is a 6' x 12' sign that is on the building. If at all possible the applicant would like to be able to leave the fencing that is already constructed on the property; it is not 100' from the right of way.

Mr. Zalewski stated that the Planning Commission does not have the authority to do this; the applicant would have to apply for a variance and appear before the Zoning Board of Appeals.

The public hearing was opened at 7:42 p.m.

Commissioner George Green stated that he spoke to the Planning Commission about this a month ago. It is a catastrophe when another business is lost in Michigan. It will be beneficial to

have this business up and running again for both the community and the employees. The special use permit will have to be closely monitored if it is granted.

Ms. Jackie Weisel, of Gaylord, stated that if the special use permit is granted, all the rules and regulations will be complied with.

Mr. Dick Zenier, 11358 S. Cornwell, stated that this business previously employed many people.

Mr. Don Keelholtz of Farwell, stated that he worked for the previous owner at the auto auction, he also showed Mr. Masse the property before it opened. Other businesses in the area have probably felt a decline in sales over the past few months.

Mr. Joel Rockafellow stated that Ms. Weisel is an outstanding person that he has never heard anything bad about. The auto auction is a concentrated business and it is in a very good location.

The public hearing was closed at 7:57

Mr. Zalewski explained that as the board is aware, the special use permit for this business was revoked at the December 2007 meeting. The property is under new ownership and the business will be under new management. Staff has reviewed the application and would recommend the following conditions for any permit approval:

- The parking of any and all vehicles, including customer and employee vehicles, must be on site in the enclosed fenced area. As well, all loading and unloading of vehicles must take place on site in the enclosed fenced area in such a manner as not to interfere with traffic entering and exiting the site. No exceptions, there were problems with this in the past.
- The property owner must submit copy of health department approval.
- The property owner must meet the sign requirements of Section 5.12 of the Isabella County Zoning Ordinance. Owner must submit size and location of any signs to staff for approval. When a sign is changed, it has to meet the requirements of the Zoning Ordinance or go before the Zoning Board of Appeals with a variance.
- The dumpster, if any, must be located behind the building to the East in the enclosed fenced area.
- Evergreen trees at least 6' in height and no more than 10' on center planted from the driveway continuing to the North property line. The trees must be properly planted and maintained. The existing trees south of the entrance to remain and be properly maintained.
- A solid 8' wood fence to encompass the entire development be constructed, meeting the requirements of Section 3.22 (N). The fence is to be constructed 100' from the front property line and along the outer edge of the paved parking area including the paved driveway on the east and south side of building.

Mr. Hackett asked for clarification about what area would have to be fenced. Also is it required that the fence be wood or could it be a metal fence.

Mr. Zalewski explained that the area of the property around the auction sight. The area that is not currently being utilized would not have to be fenced at this time. He also explained that the fence would have to be of the type that the Planning Commission recommends.

Mr. Hackett stated that the applicant would request that he be allowed to use a metal fence.

Ms. Alwood asked if the Ordinance requires that the fence to go all the way around the property; for instance on the east side facing the highway.

Mr. Zalewski read a portion of Article 12 from the Isabella County Zoning Ordinance regarding fencing.

Ms. Alwood stated that the property is being fenced so you can't see it from other properties. Why is there a need for a fence on the East side of the property because it is facing the highway?

Mr. Zalewski stated that the Zoning Ordinance requires there to be a fence there. The previous owner requested variance from the 8' fence requirement, but it was denied.

Mr. Johnson stated that if the board were to take action based on the recommendations of staff, the applicant would have to go back to the ZBA for the issue on the eastern fence.

Mr. Zalewski stated that if the applicant wanted to go for a variance from the 8' fence requirement, they could do so.

Mr. Hackett stated that owner should be allowed 60 – 90 days to complete the fencing requirement. In that time period they would be able to make application to the Zoning Board of Appeals.

Ms. Alwood stated that if they were pursuing the exception of the fence on the east side could the board require the fence to be completed on the north, south, and west sides prior to opening for business.

Mr. Zalewski stated that the best way to handle it would be to approve it with the 8' fence, with the provision that the north, south, and west sides have fencing completed prior to opening for business. Then allow them the opportunity to apply for a variance from the 8' fence requirement to the ZBA for the east side of the property. If the variance is denied the applicant would have to immediately install the fence.

A motion was made by Mr. Johnson, supported by Mr. Recker to approve special use permit #08-01 based on the following conditions:

- The parking of any and all vehicles, including customer and employee vehicles, must be on site in the enclosed fenced area. As well, all loading and unloading of vehicles must take place on site in the enclosed fenced area in such a manner as not to

interfere with traffic entering and exiting the site. No exceptions.

- The property owner must submit copy of health department approval.
- The property owner must meet the sign requirements of Section 5.12 of the Isabella County Zoning Ordinance. Owner must submit size and location of any signs to staff for approval.
- The dumpster, if any, must be located behind the building to the East in the enclosed fenced area.
- Two staggered rows (spaces 10' apart) of evergreen trees (at least two different species) at least 6' in height 20' on center planted from the driveway continuing to the north property line. The trees must be properly planted and maintained.
- A solid 8' metal fence, at pavement grade to be constructed around the entire site. Fence must be at least 100' from front property line. Fence on the north, south, and west side must be constructed prior to the start of business. The property owner has 30 days to apply for a variance from the fence requirement on the east side of property. If the owner does not apply for a variance in that timeframe, the fence must be constructed immediately. If the variance is denied, the fence must be constructed immediately.

Mr. Zalewski clarified that the special use permit would not become valid until 21 days after its approval.

Mr. Hackett stated that he had assumed that the 21 days was from the time of application being submitted. He also stated that it is very important that this business get up and running; it was suggested that the 21 days be waived for this case.

Mr. Zalewski stated that the board does not have the power to waive the 21 day appeal period as per section 12.02 (C)(2)(E) of the Isabella County Zoning Ordinance.

Mr. Hackett requested that they be able to open as soon as possible. He also stated that the applicant would be in compliance with each of the terms and conditions of the special use permit if it is granted, prior to operation.

Mr. Zalewski stated that during the 21 day appeal period the applicant can still work on getting everything in line to open as soon as that 21 day period has expired.

Commissioner Willoughby: Yes
Commissioner Recker: Yes
Commissioner Trudell: Yes
Commissioner Schripsema: Yes
Commissioner Alwood: Yes
Commissioner Johnson: Yes
Commissioner Thompson: Yes

Motion carried.

SPECIAL USE PERMIT #08-02

Mr. Thompson stated that the Commission will consider taking action on a Special Use Permit request submitted by Debra Blain for a Group Day Care Home in accordance with Article 12 of the Isabella County Zoning Ordinance. The property is located at 2185 E. Battle Road in Section 28 of Vernon Township. Parcel # 15-028-30-004-03.

Ms. Debra Blain, 2185 E Battle Rd., stated that she has been in daycare since 1999 and has a degree in nursing as well as public safety. She also explained that she has never had any write-ups or been investigated by the state. There will be no signs on the premises to advertise the daycare.

Ms. Alwood asked if the daycare was 1500' from another licensed group child care home, an adult foster care small group or large group home, a facility offering substance abuse treatment and rehabilitation service, or a community correction center, resident home, halfway house or other similar facility.

Mr. Willoughby asked if there was adequate off street parking.

Ms. Blain explained that there are 2 parking spaces in front of the garage, 2 additional parking spaces on another parking pad and there is parking available along the sides of the driveway.

The public hearing was opened at 8:46 p.m.

Commissioner Green stated that he welcomes another new business to the area.

The public hearing was closed at 8:47 p.m.

A motion was made by Mr. Trudell, supported by Mr. Willoughby to approve special use permit #08-02 as submitted.

Yes: Schripsema, Willoughby, Thompson, Alwood, Recker, Trudell, Johnson.
No: None.

Motion carried.

REVIEW OF UNION TOWNSHIP REZONING REQUEST

Mr. Zalewski explained that at last months meeting, the Planning Commission reviewed three rezoning requests in Union Township. One of those requests was denied. That applicant submitted another rezoning application. As noted in the memo from the Township, the new request was for a 350' x 600' area to be rezoned to Office Service. The future land use map for the township has the area along Isabella Road designated as business. However, the map is general and does not have exact measurements. The Township Planning Commission felt the 600' still extended too far into the parcel. After discussion, the applicant changed the request to 400' deep. The Planning Commission recommended approval of the request at 400' deep. Staff does not have any major concerns with the request. Some of the neighbors concerns included putting a commercial district next to a residential district, there is no buffer, it goes to far back, and it goes against the plan.

Ms. Alwood asked how far back the plan specified.

Mr. Zalewski stated that the plan does not specifically state how far back, it is only a general guide. He also explained that the Union Township Planning Commission thought that 400' was within the general guide. The purpose of the office service district according to the plan is to be used as a buffer between commercial and residential districts.

Ms. Alwood stated that the office service district is less intensive.

Mr. Thompson stated that the Master Plan is not exact, it is only a guideline.

It was the consensus of the board to forward these comments to Union Township.

REVIEW PROPOSED LANGUAGE FOR ZONING AMENDMENTS

In this packet, there is the language for the three proposed zoning amendments. The first one is regarding Manufactured Homes. This proposed amendment will remove all references to mobile homes and replace with manufactured homes. The second one is regarding the ZBA membership. The Michigan Zoning Enabling Act was recently changed to state that County ZBA members must be selected from the electors residing in the County but outside of any city or village. The MZEA previously stated that they were required to reside within the zoning jurisdiction of the County. This amendment will update the ordinance accordingly. The last proposed amendment simply changes the terms Group and Family day care homes to Group and Family child care homes. The MZEA was recently amended to change these terms. Again, this amendment will make the ordinance consistent with the MZEA.

It was the consensus of the board to set the public hearings for all three amendments on May 8, 2008 at 7:00 p.m. in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan

SUBCOMMITTEE UPDATES

Communication subcommittee –

Mr. Schripsema stated that the next meeting will be held on April 17, 2008 before the MDOT meeting.

Ms. Alwood stated that the board should have a Planning Commission summit to share ideas; invite anyone who has a Planning Commission in the County to get together for an open dialog meeting.

Groundwater subcommittee –

Ms. Alwood stated there was talk about drawing maps of where the floodplains are located

Mr. Thompson stated that there was also talk about the study that was done on the west side of the county on central water/sewer systems.

Ms. Alwood stated that the subcommittee looked at aquifer maps for city wells

Mr. Thompson stated that there were suggestions of drawing in those who have sewer/water systems.

The next meeting is scheduled for April 22, 2008 at 5:30 p.m.

PUBLIC COMMENT

Mr. Green stated that it is sad to hear that the people in Lansing keep changing the requirements for the Zoning Board of Appeals membership.

STAFF COMMENTS

Mr. Zalewski stated that a representative from MDOT will be meeting with the Commission next Thursday, April 17, 2008 at 6:00 p.m. in room 145 of the Isabella County Building.

PLANNING COMMISSIONER'S COMMENTS

Mr. Thompson stated that this is the time in the meeting where commission members should bring up any concerns that they might have with the zoning ordinance language.

ADJOURNMENT

A motion was made by Ms. Alwood, supported by Mr. Recker to adjourn at 9:21 p.m.

Yes: Schripsema, Willoughby, Thompson, Alwood, Recker, Trudell, Johnson.

No: None.

Motion carried.

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Brandy Freed, Recording Secretary