

ISABELLA COUNTY
PLANNING COMMISSION

May 8, 2008

A Regular Meeting of the Isabella County Planning Commission was held on May 8, 2008 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Jerry Neyer, Marilyn Fosburg, John Benaske, Richard Recker, Roger Trudell, Vance Johnson, Gale Willoughby.

MEMBERS ABSENT: Bob Thompson, Craig Schripsema, Christine Alwood.

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

The meeting was called to order by Vice-Chairperson Recker at 7:00 p.m.

The Pledge of Allegiance was recited by the Commission.

APPROVAL OF AGENDA

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

A motion was made by Mr. Trudell, supported by Mr. Neyer, to approve the agenda.

Yes: Neyer, Fosburg, Benaske, Recker, Trudell, Johnson, Willoughby.

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the April 10, 2008 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Mr. Trudell, supported by Mr. Willoughby, to approve the minutes of the April 10, 2008 meeting as submitted.

Yes: Recker, Trudell, Johnson, Willoughby.

No: None.

Abstain: Neyer, Fosburg, Benaske

Motion carried.

LIASON REPORTS

Parks & Recreation Commission – Mr. Willoughby reported that Meridian Park received the permit for the gatehouse. At Coldwater Park new signs were installed. At Herrick Park they are taking bids for someone to thin the Red Pine trees. On Wednesday, June 4, there will be a ribbon cutting ceremony at the Pere Marquette Rail Trail and On June 7th there will be a tour of the trail. The pesticide to kill the Emerald Ash Borer is now \$30 per injection.

Board of Commissioners – Mr. Trudell reported that the Commission on Aging building is on schedule and budget and should be opening in mid July. The Health Department borrowed, from Isabella County, \$190,000 last December which they were supposed to pay back with interest of 4.5%. The Health Department has paid back the \$190,000, but has not yet paid back the 4.5% interest because they thought that the State of Michigan was supposed to pay the interest.

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

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

PUBLIC COMMENT

None heard.

ZONING AMENDMENT #08-03

Mr. Recker stated that the Planning Commission will conduct a public hearing on the proposed amendment of the Isabella County Zoning Ordinance. This amendment will remove all references to mobile homes and replace with manufactured home.

Mr. Zalewski explained that presently some sections of the zoning ordinance refer to mobile homes and others to manufactured homes. This amendment will provide consistent language throughout the entire document.

The public hearing was opened at 7:04 p.m.

None heard.

The public hearing was closed at 7:04 p.m.

A motion was made by Mr. Neyer, supported by Mr. Trudell, to recommend approval of ZA#08-03 to the Isabella County Board of Commissioners.

Yes: Neyer, Fosburg, Benaske, Recker, Trudell, Johnson, Willoughby.

No: None.

Motion carried.

ZONING AMENDMENT #08-04

Mr. Recker stated that the Planning Commission will conduct a public hearing on the proposed amendment of the Isabella County Zoning Ordinance. This amendment will change Zoning Board of Appeals appointment requirements in Section 14.01(A) of the Isabella County Zoning Ordinance. The Michigan Zoning Enabling Act was recently amended to change the ZBA membership requirements. This amendment will make the zoning ordinance consistent with the MZEA requirements.

The public hearing was opened 7:12 p.m.

Mr. Gordon Gilchrist of 8100 Forest Park Dr., stated that if the appointed person is not from the nine townships they should be from the county at large.

Mr. Neyer stated that the board is being consistent with the Michigan Zoning Enabling Act, but that doesn't mean the Board of Commissioners can't choose people from only the nine townships.

The public hearing was closed at 7:14 p.m.

A motion was made by Ms. Fosburg, supported by Mr. Willoughby to recommend approval of ZA#08-04 to the Isabella County Board of Commissioners.

Yes: Neyer, Fosburg, Benaske, Recker, Trudell, Johnson, Willoughby.

No: None.

Motion carried.

ZONING AMENDMENT #08-05

Mr. Recker explained that the Planning Commission will conduct a public hearing on the proposed amendment of the Isabella County Zoning Ordinance. This amendment will remove all references to Day Care and replace with Child Care. The MZEA was recently amended to make this change. Again, this amendment will make the terminology consistent.

The public hearing was opened at 7:15 p.m.

None heard.

The public hearing was closed at 7:15 p.m.

Mr. Benaske asked why it was being changed from Day Care to Child Care and if adult care was included in this designation.

Mr. Zalewski stated that the Michigan Zoning Enabling Act changed terminology. The reason the MZEA changed the terminology is because the Child Care Organizations Act, PA 116 of 1973 changed the terminology. This amendment is being proposed to avoid any confusion between the MZEA and the Zoning Ordinance. Adult care is a separate use in the Ordinance.

A motion was made by Ms. Fosburg supported by Mr. Trudell, to recommend approval of ZA#08-05 to the Isabella County Board of Commissioners.

Yes: Neyer, Fosburg, Benaske, Recker, Trudell, Johnson, Willoughby.
No: None.

Motion carried.

ZONING AMENDMENT #08-06

Mr. Recker explained that the Planning Commission will conduct a public hearing to consider rezoning a piece of property from Agricultural Buffer (AG-3) to General Commercial (C-1) as requested by Clyde Creque. The property is located at 2020 N. Mission Road in Section 23 of Isabella Township. Parcel # 09-023-30-003-00.

Mr. Zalewski stated that the property located at the NE corner of Beal City and Mission Roads has been used as various commercial businesses in the past several years. However, the zoning of the property was always AG-3. The previous businesses were non-conforming and were allowed to continue to operate and even change to other non conforming uses. However, those non conforming uses have been abandoned and the property has remained vacant for the last few years. Therefore the property has lost any non conforming status and only uses allowed in the AG-3 district are permitted on site. The applicant has therefore requested the property be rezoned to General Commercial (C-1). The Isabella Township Future Land Use Map has this corner designated as General Commercial. Therefore the request is consistent with the Master Plan.

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

Ms. Lilly Angiolini, agent for Mr. Creque and the purchaser stated that the prospective buyer would be opening a retail food store and possibly a coffee shop.

Mr. Benaske stated that the property is now an Ag-3 and they want to rezone it to Commercial.

Mr. Zalewski stated that the property has been zoned Ag-3, the previous use was non-conforming so when the business was abandoned it lost its non-conforming status and therefore the applicants are asking for it to be rezoned to general commercial so that they can operate a retail grocery store there. This is consistent with the Master Plan.

Mr. Trudell asked if staff received any negative correspondence.

Mr. Zalewski stated that the neighbor had concerns because they own the 40 acres surrounding the property in question. This particular piece of property is interesting because the legal description of the property starts at the edge of the right of way, it doesn't go to the center of the road. So technically the neighbor's property surrounds the property to be rezoned, but it is all county road right of way. So this is not a concern to the board for this case.

Mr. Recker stated that this property meets all the criteria that the board is to look at when

rezoning a piece of property. The request is consistent with the Master Plan. The request is considered compatible with the surrounding uses as the property, up until the last couple of years, has been used for commercial purposes. He further stated that he believes the property is capable of handling the uses allowed in the commercial district.

The Planning Commission agreed.

The public hearing was closed at 7:28 p.m.

A motion was made by Mr. Trudell, supported by Mr. Johnson, to recommend approval of ZA#08-06 to the Isabella County Board of Commissioners.

Yes: Neyer, Fosburg, Benaske, Recker, Trudell, Johnson, Willoughby.
No: None.

Motion carried.

REVIEW OF DENVER TOWNSHIP FARMLAND AGREEMENT

Mr. Zalewski explained that the property in question is zoned Restrictive Agricultural (AG-1). The Denver Township Future Land Use Map has the property designated as Agricultural Conservation. There are also surrounding properties in the PA 116 program. As well, the application appears to be complete. Staff has no concerns with the request.

It was the consensus of the board to forward the comments to the Isabella County Clerk's office.

REVIEW OF THE LINCOLN TOWNSHIP FARMLAND AGREEMENT

Mr. Zalewski explained that the property in question is zoned Restrictive Agricultural (AG-1). The Lincoln Township Future Land Use Map has the property designated as Agricultural Conservation. However staff has reviewed the application and it appears to be incorrectly filled out. On the application under section 4 (IV), the applicant has indicated it is a cash crop farm greater than five acres and less than 40 acres. The applicant is then required to complete number 16 and 17 on the application. The numbers supplied to determine the average gross annual income per acre do not add up correctly. The applicant stated there was a total income of \$35,000/ 15 acres for a total of \$50 per acre. The \$35,000 number seems high as well the math is incorrect. If indeed the income is only \$50 per acre, then the property is not considered farmland as minimum income to be considered farmland is \$200 per acre. The applicant further completed number 18 on the application to indicate as a specialty farm the average income was \$700. If indeed that is the case then the property is not considered farmland as income from a specialty farm must be \$2,000 or more. As well, the applicant did not specify the number of years they wish the agreement to run. From a planning standpoint staff has no concerns with the request as the property is zoned AG-1 and the FLU Map has the area designated as AC. However, the application must be properly completed and the property must meet the definition of farmland before the application can be approved.

Mr. Willoughby stated that comments should be sent to the County Clerk that the application was not filled out correctly.

Mr. Trudell asked if staff should have contacted the applicant to let them know that the application was not filled out correctly.

Mr. Zalewski explained that the township should have contacted the applicant. The application is submitted to the township and they in turn forward the application to the County Clerk for approval by the Board of Commissioners. Before action by the Board of Commissioners, the application must be reviewed by the Planning Commission and the Conservation District. The role of the Planning Commission is to review and comment on the applications from a planning perspective.

Mr. Johnson stated that the salary information is not normally filled out on these forms because the farms are usually over 40 acres, but in this case it is not.

It was the consensus of the board to forward the comments to the Isabella County Clerk's office.

REVIEW OF THE CHIPPEWA TOWNSHIP ZONING ORDINANCE TEXT AMENDMENT

Mr. Zalewski explained that Chippewa Township is proposing to change the minimum square footage requirement for single family dwellings from 720 sq. ft. to 768 sq. ft. The reason apparently is that Chippewa Township does not have zoning regulations for minimum width of dwellings or for the age of mobile homes. The township has seen a number of older 12' x 60' mobile homes come into the township. The township is proposing to increase the square footage as it would not permit 12' x 60' mobiles. They are in the meantime in the process of developing further regulations regarding mobile homes. Staff has no concerns with this amendment.

Mr. Recker stated that the ordinance would now not allow 12' x 60' mobile homes as they would not meet the minimum square footage requirement.

It was the consensus of the board to forward the comments to Chippewa Township

REVIEW THE PROPOSED LANGUAGE FOR ZA#08-07

As mentioned at a previous meeting, the ZBA has stated some concerns regarding the language in the ordinance addressing variance requests and procedures. At that time I advised the commission that staff will draft an amendment and send to the ZBA for their review. Staff took the ZBA language from the 2005 proposed ordinance and inserted into the present document. This resulted in several changes throughout Article 14. The ZBA reviewed this at their last meeting and agreed that the language is clearer to understand and therefore is better language than is presently in the zoning ordinance. They requested that staff forward it to the Commission for your review. Staff has no concerns with the proposed language

Ms. Fosburg stated that the language says that 2 alternates can be appointed.

Mr. Zalewski stated that language is currently in the ordinance.

Ms. Fosburg stated that this language is much clearer.

A motion was made by Mr. Trudell, supported by Mr. Neyer, to set a public hearing for ZA #08-07, for the June 12, 2008 regular Planning Commission meeting at 7:00 p.m. in room 225 of the Isabella County building.

Yes: Neyer, Fosburg, Benaske, Recker, Trudell, Johnson, Willoughby.

No: None.

Motion carried.

SUBCOMMITTEE UPDATES

Communication subcommittee – The subcommittee updated the Commission on what was discussed at their meeting on April 17th. Discussion was held on how the board will communicate among themselves as well as with the townships. A general letter will be sent out to the 16 townships explaining what the Planning Commission is doing, subcommittee information, and giving the opportunity for the township representatives to register their email addresses with us so they can receive information. Separate more specific letters will then be sent to the 9 townships that the County has jurisdiction over and the 7 township that we do not.

Transportation subcommittee – The subcommittee updated the Commission on what was discussed at their meeting on May 6th. Discussion was held on the ‘ring road’ in Mt. Pleasant. Funding is a problem for the Road Commission; no new roads will be built because it is hard to reclaim or cap the roads that we currently have. The townships ranked traffic and vehicular circulation as one of the highest goals. Through communications with the townships we need to concentrate on assigning a higher priority to road improvements that will serve areas where development already exists or that will serve areas for such planned development.

PUBLIC COMMENT

Mr. Gilchrist stated that he commends the board for passing the amendment to allow a person to live on the property with a caregiver. If a full mobile home is allowed in addition to a house it is too much. 1 acre is not appropriate; there are many people that don’t have one acre lots. This is a good law, but there is a better solution.

Mr. Zalewski stated that it was originally a minimum 2 acre requirement, but when it went to public hearing it was agreed that it should be changed to a 1 acre lot. The majority of the area that is under county zoning jurisdiction is zoned either Ag-1, Ag-2 or Ag-3. The minimum lot size in the Ag districts is 1 acre. This is something that could be looked at in the future.

Mr. Benaske asked if the homeowner would have to notify staff if the person passed away.

Mr. Zalewski stated that the application is renewed annually.

STAFF COMMENTS

Mr. Zalewski stated that last month the ZBA determined that a sign less than 200 sq. ft. does not require a permit because Section 15.02 of the Zoning Ordinance exempts structures under 200 square feet from having to obtain permits. The ZBA agreed that the ordinance intends to require

sign permits, however the literal interpretation of the language in Section 15.02 conflicts that requirement. The ZBA recommended the Planning Commission consider amending the ordinance to correct the confusion. Staff will prepare the necessary language for the Planning Commission to review.

PLANNING COMMISSIONER'S COMMENTS

Mr. Benaske stated that the fence that was put up in front of the auto auction does not look good.

Mr. Willoughby stated that he was displeased with the way that the Planning Commission at the March meeting criticized Isabella Township for sending a letter of opposition to the Board of Commissioners about civil infractions.

Mr. Zalewski explained that they had passed a resolution about a civil infractions ordinance that is non-existent. The Planning Commission was concerned about the misinformation that is out there on this issue.

Mr. Recker stated it was a resolution, not just a letter; the Commission was not mad at Isabella Township. The concern the Commission had was what information had Isabella Township based their decision on.

Mr. Neyer stated that Isabella Township had incorrect information and they based their decision on that.

ADJOURNMENT

A motion was made by Mr. Willoughby, supported by Mr. Trudell to adjourn at 8:26 p.m.

Yes: Neyer, Fosburg, Benaske, Recker, Trudell, Johnson, Willoughby.

No: None.

Motion carried.

Jerry Neyer, Secretary

Brandy Freed, Recording Secretary