

ISABELLA COUNTY  
PLANNING COMMISSION

July 10, 2008

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

MEMBERS PRESENT: John Benaske, Roger Trudell, Vance Johnson, Gale Willoughby, Bob Thompson, Craig Schripsema, Christine Alwood, Marilyn Fosburg, Jerry Neyer.

MEMBERS ABSENT: Richard Recker.

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. Johnson, supported by Mr. Trudell, to approve the agenda.

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

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the June 12, 2008 regular meeting were circulated to the Commission prior to the meeting for their review.

Ms. Alwood stated that the motion to approve the May minutes should state May 8, 2008.

A motion was made by Ms. Alwood, supported by Mr. Schripsema, to approve the minutes of the June 12, 2008 meeting as amended.

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

No: None.

Abstain: Fosburg, Neyer.

Motion carried.

### LIASON REPORTS

Parks & Recreation Commission – Mr. Willoughby reported that there was no parks and recreation meeting this month.

Board of Commissioners – Ms. Alwood reported that the Board of Commissioners would be taking a tour of the parks on July 30, 2008 and they will also have the parks and recreation meeting then. The Board of Commissioners will look at Soldier Park because there has been discussion by some residents that they would like to have the County work on that park. The only meeting that the Board of Commissioners will have this month was held on July 1. In August the Board will begin budget meetings and the budget will be adopted at the end of September. The recommendation of the revised text from the Zoning Board of Appeals was adopted unanimously by the Board of Commissioners.

ZBA – Mr. Schripsema reported that there was a variance request in the L-R district on an accessory building this month. The variance was granted by a 3 to 2 vote. The ZBA requested training on the requirements for granting a variance and on what constitutes a right of way. In most instances the board feels like the applicant is not demonstrating the criteria that are set before them in order to have a variance granted.

### TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

John Graham, Gilmore Township, stated that the prosecuting attorney came to the township and talked to them about Civil Infractions. Mr. Graham asked where the board was with the Civil Infractions issue.

Mr. Zalewski stated that Tim Nieporte, the Community Development Director, had a meeting with other Department Heads to get their input on whether they would benefit from the County adopting a general civil infraction ordinance.

Ms. Alwood stated that she would ask Mr. Nieporte to give an update to the Human Resources committee.

Jackie Curtis, Denver Township, stated that Genuine Rd is an a hot topic issue.

### PUBLIC COMMENT

None heard.

SPECIAL USE PERMIT #08-03

Mr. Thompson stated that the Commission will consider taking action on a Special Use Permit request submitted by Joseph Dalrymple for an auto body repair shop in accordance with Article 12 of the Isabella County Zoning Ordinance. The request is for an existing auto body repair shop (Jim's Auto Collision) located at 7015 S. Coldwater Road in Section 12 of Rolland Township. Parcel # 12-012-10-001-01.

Mr. Zalewski explained that Joseph Dalrymple is the owner of Jim's Auto Collision in Rolland Township and is requesting to construct an 8' x 12' office addition to the shop located on Coldwater Road. It appears to our office based on how long the business has been at the location and since motor vehicle repair facilities require special use permit under the present zoning ordinance, that the business is a non conforming use. Therefore in order to become conforming with the zoning ordinance and to allow for the expansion of the building, Mr. Dalrymple is applying for the special use permit.

Mr. Zalewski further stated that he received a phone call from Dan Shaw, Rolland Township Supervisor regarding this case and he indicated that the township has no concerns or issues with the business being permitted and remaining at that location.

Mr. Dalrymple stated that customers now have to go through the body shop to get to the office. The current insurance provider is requiring that the customers not have to walk through the body shop. Customers must enter directly into the office; otherwise the insurance will be cancelled.

Ms. Alwood asked if the well is inside the shop area.

Mr. Dalrymple stated that currently the well is inside the shop. The Health Department has been contacted, they have not been out to inspect it yet, but said that the well and septic is fine as is. When the well or septic fail they will have to be updated to current codes.

Ms. Alwood asked where the dumpster is located.

Mr. Zalewski stated that the dumpster is located on the side of the building facing Walton Rd.

Ms. Alwood stated that there would be 4 parking spaces in the front.

Mr. Zalewski stated that there is also parking behind the building. The ordinance also requires the Planning Commission to limit the number of vehicles stored outdoors.

Ms. Alwood stated that a valid Health Department evaluation should be on file, the dumpster should be properly screened with fencing and the number of cars waiting to be repaired should be limited to 5 based on the 50' behind the building. The sign is currently nonconforming, if it is ever updated, it would have to conform to current standards.

Mr. Dalrymple asked why the sign is nonconforming.

Mr. Zalewski explained that the sign is too large. A sign in an Ag district can only be 12 sq. ft.

Ms. Alwood stated that the sign is ok to stay as it is now, but if it is ever updated, it would have to conform.

Mr. Benaske asked where vehicles waiting for repair will be parked, because other businesses have around 25 cars waiting to be repaired and they have them in fenced in areas.

Mr. Dalrymple stated that cars are currently parked in front and there will never be more than 10 cars waiting for repair.

Mr. Benaske asked if it would be adequate to enclose these cars in a fence.

Mr. Zalewski stated that there will be 1 or 2 cars waiting to be worked on and there would seem to be no need to have a fence. As well, limiting the number of cars stored outside waiting for repair to 5 and requiring them to be stored behind the building would lessen the need for a fence.

Ms. Alwood stated that building this office would not make for a more intensive use.

Ms. Fosburg asked if there would be a bathroom in the new office or the facility.

Mr. Dalrymple stated that there is an existing bathroom there and they would not be adding to that.

A motion was made by Mr. Trudell, supported by Mr. Schripsema to approve SUP #08-03 as submitted with the following conditions:

- Valid Health Department evaluation submitted to staff
- Properly screened dumpster with fencing
- If there are to be 2 or more vehicles stored outside they must be stored behind the building to the East.
- At any given time, no more than a total of five vehicles are permitted to be stored outside

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

No: None.

Motion carried.

#### REVIEW OF COE TOWNSHIP ZONING AMENDMENTS

Ms. Alwood stated that the intensive livestock operation concentration was changed from 500 to 50 animals.

Mr. Neyer stated that this is in line with the Generally Accepted Agricultural Management Practices (GAAMP) requirements.

Ms. Alwood stated that the minimum setback in the intensive livestock operations had to be only

100' and the setback is now determined by total animal units.

Mr. Neyer stated that the GAAMP requirements are reviewed bi-annually.

Mr. Zalewski stated that the GAAMP requirements also state that those numbers can be reduced with an approved odor management plan.

Ms. Alwood asked if the language should be modified to be inline with the GAAMP requirements.

Mr. Zalewski stated that is a question that Coe Township should review with their legal counsel. Based on the amendment language it appears that the Township is attempting to match the GAAMP requirements and not conflict with them. However, staff would recommend that the Township have their legal counsel review this proposed language for input on whether or not the ordinance conflicts with the Right to Farm Act and the GAAMP requirements.

Mr. Thompson stated that it might be more appropriate for the Township to say that they are adopting GAAMP standards if that is the case because if and when there were changes to those requirements there would be no need for Coe Township to then make an Amendment to their ordinance.

Ms. Alwood asked how County setbacks compare to these.

Mr. Zalewski stated that the County Zoning Ordinance requires a setback of 300' from an off premise residence. As a matter of fact, staff has requested a legal opinion from the prosecutor on this matter as there is a pending case where an owner constructed a hog barn 200' from an off premise residence.

Ms. Alwood asked that pending the outcome of the investigation, will staff provide input on this matter.

Mr. Zalewski stated that staff will provide the Commission with the response from the prosecutor regarding this issue as the Zoning Ordinance may need to be updated.

Ms. Alwood stated that in the amendments it references day care and not child care

Mr. Zalewski reminded the Commission that the Isabella County Zoning Ordinance was recently amended to change all references from 'day care' to 'child care'. This was done because the Michigan Zoning Enabling Act (MZEA) was amended to reflect this terminology. The Township should consider doing this as well to avoid confusion between their ordinance and the MZEA.

Mr. Neyer stated that most of their proposed changes are text updates that were required by the MZEA. He also noted that the open space preservation section is similar to what was in the County's 2005 proposed zoning ordinance.

Mr. Schripsema asked if the board could get a copy of their Civil Infraction ordinance.

Mr. Willoughby stated that it is ridiculous to have to get a construction permit to put up a fence and make it mandatory that the fence posts be painted in an Ag district.

Mr. Thompson asked where the document says in an Ag district you have to have a permit to put up a fence and paint the posts. He also explained that this is in a different section than animals, so the two sections may not be tied together.

Mr. Neyer stated that he is happy to see some communication from the township.

Mr. Zalewski stated that he would forward the comments to Coe Township and also request a copy of their Civil Infractions ordinance.

#### MICHIGAN PLANNING ENABLING ACT UPDATE

Mr. Zalewski stated there are three main items that the Commission needs to be aware of with the new Michigan Planning Enabling Act which becomes effective September 1, 2008. It is now required that we have a capital improvement program that is to be developed by the Planning Commission. The Planning Commission needs to be formed by ordinance and adopted by the Board of Commissioners. The Planning Commission currently is formed by resolution. Lastly the Planning Commission is required to present to the Board of Commissioners an annual report of planning activities.

Ms. Alwood stated that the annual report could be presented at the joint meeting if they were to have one every year.

Mr. Zalewski stated that all Master Plans are required to be called Master Plans now. Some communities called them future land use, general plans, etc., but they are now required to be titled Master Plans. Any minor amendments, grammatical, spelling errors, typos, to that plan can now be completed administratively without going through the formal amendment process. Also, if the Planning Commission is to have a special meeting it is now required to give 48 hours notice. This is different than the 18 hours now required by the open meetings act.

Ms. Fosburg asked what the capital improvement plan was.

Mr. Zalewski stated that it is essentially a 6 year plan of county capital improvements; more detail will be forwarded to the Commission as soon as it becomes available.

#### SUBCOMMITTEE UPDATES

None heard.

#### PUBLIC COMMENT

None heard.

### STAFF COMMENTS

Mr. Zalewski stated that staff has looked into the auto auction issue. Other communities have approved auto auctions in a similar manner as was done with the auto auction that this Planning Commission approved. Others treated them as an open air businesses. This might pose a problem because if we were to collectively put all open air businesses in one category, we may not necessarily want all open air businesses treated the same. Currently in the Ag district farm sales operations and nurseries, which would be considered open air businesses are permitted by right. Treating all open air businesses the same would probably require these to be a special use permit. Therefore staff would recommend drafting language specifically for auto auctions.

The Planning Commission agreed this would be the best approach and requested staff to provide them with sample language for their review.

Mr. Zalewski stated that he should have some language prepared for the August meeting.

### PLANNING COMMISSIONER'S COMMENTS

Mr. Willoughby asked if there is any land in Coe Township that is not Ag.

Mr. Zalewski stated that some areas right outside the Village of Shepherd is not designated Ag.

Mr. Thompson reminded the Commission that during this time it would be appropriate for members to bring forth any concerns with or possible changes to the ordinance that they may have.

### ADJOURNMENT

A motion was made by Ms. Alwood, supported by Mr. Neyer to adjourn at 8:12 p.m.

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

No: None.

Motion carried.

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Jerry Neyer, Secretary

Brandy Freed, Recording Secretary