

ISABELLA COUNTY  
PLANNING COMMISSION

August 14, 2008

A Regular Meeting of the Isabella County Planning Commission was held on August 14, 2008 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: John Benaske, Richard Recker, Gale Willoughby, Craig Schripsema, Christine Alwood (Arrived at 7:52 pm), Marilyn Fosburg, Jerry Neyer.

MEMBERS ABSENT: Roger Trudell, Vance Johnson, Bob Thompson.

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director  
Michael Zalewski, Planner/Zoning Administrator  
Brandy Freed, Recording Secretary

The meeting was called to order by Vice-Chairperson Recker at 7:02 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. Willoughby, supported by Mr. Neyer, to approve the agenda.

Yes: Benaske, Recker, Willoughby, Schripsema, Fosburg, Neyer.

No: None.

Motion carried.

PREVIOUS MINUTES

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

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

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

No: None.

Abstain: Recker.

Motion carried.

## LIASON REPORTS

Parks & Recreation Commission – Mr. Willoughby stated that he was unable to attend the Parks & Recreation meeting.

ZBA – Mr. Schripsema reported that last month the board heard a case in which the owner wanted to construct an accessory building before building the primary residence. This was on a 40 acre parcel in an L-R district. The next meeting is going to be a busy one as there are 4 variance requests, and 3 are in the L-R district. He also stated that the board is seeing more and more variances in the L-R districts and this should be addressed in the review process by the Planning Commission.

## TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

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

Jackie Curtis, Denver Township, stated that at their board meeting last month the supervisor had received information that on the corner of Beal City Rd. and Leaton Rd. there is a travel trailer that people are living in and they are using the ditch for drainage. The complaint was turned into the Zoning Official and the Health Department, but the trailer is still there.

Mr. Zalewski stated that he has spoken with the Health Department regarding the matter, and he will be contacting the owner.

Ms. Curtis stated that they just put 2 cars for sale out there as well.

## PUBLIC COMMENT

None heard.

## SITE PLAN REVIEW #08-03

Mr. Recker stated that the Commission will consider taking action on a site plan submitted by Nottawa Township to construct a 24' x 74' building at the Township Park to be used for storage, restrooms and pavilion area. The property is located at 2815 W. Beal City Road in Section 27 of Nottawa Township and is zoned R-2.

Ms. Carol Green, stated that everything has been approved for the storage area, this spring they decided that they wanted bathrooms. So the storage area was put on hold until the health department was contacted to see if they could build bathrooms and a pavilion out there. The building will be a little bigger than what was approved last year.

Mr. Nieporte explained that this is a new site plan review, but it is essentially an amendment to a previous one that was previously approved. The building is being expanded to accommodate bathrooms and a pavilion that were not on the original site plan.

Mr. Zalewski stated that a copy of the health department approval has not yet been received.

Mr. Recker stated that the board would need a copy of the health department approval.

A motion was made by Ms. Fosburg, supported by Mr. Willoughby to approve SPR #08-03 as submitted, pending the receipt of health department approval.

Yes: Benaske, Recker, Willoughby, Schripsema, Fosburg, Neyer.

No: None.

Motion carried.

#### SITE PLAN REVIEW #08-04

Mr. Recker stated that the Commission will consider taking action on a site plan submitted by Nevin Nolt for a bulk food and grocery store. The property is located at 2020 N. Mission Road in Section 23 of Isabella Township and is zoned C-1.

Mr. Zalewski stated that as you recall, this property was recently rezoned to C-1. The new property owner would like to operate a bulk food and grocery store in the building. As noted in the site plan and the site plan checklist, the owner would like to only occupy a portion of the building for the store. The owner has limited the amount of store space to the number of parking spaces he presently has available. If he chooses to expand, it would require further approval and expansion of the parking lot. He also explained that the driveway closest to the intersection will be removed. The site plan if approved will be done with only the one driveway. A new septic field will be installed, Mr. Nolt has contacted the health department regarding this matter, and a copy of the approval will need to be forwarded to our office and a condition of approval. There are also two pole lights that will need to be shielded.

Mr. Nolt stated that he would like to thank the board for hearing his case. He also explained that he didn't want to have to add parking if he didn't have to so he will be back before the board if he needs to add additional store space.

Mr. Benaske asked if Mr. Nolt thought there was a problem with the vehicles coming in using the Beal City Rd. driveway.

Mr. Nolt stated that he would prefer to have a grass strip there, because it is too close to the stop sign and would pose a traffic hazard.

Ms. Fosburg stated that the new septic tank will go where the septic is indicated on the site plan.

Mr. Nolt stated that the proposed new septic tank will go in the far corner.

Ms. Fosburg asked if the septic tank will be on the property.

Mr. Nolt stated that he was not sure exactly where the property line was located.

Mr. Benaske asked if the property has been surveyed.

Mr. Nolt stated that he has not had the property surveyed, but would like to, he stated that he does have the tax map of the property.

A motion was made by Mr. Neyer, supported by Mr. Benaske to approve SPR #08-04 as submitted with the following conditions:

- Driveway changes as indicated on site plan
- Outdoor lighting needs to be shielded
- Owner to submit copy of Health Department approval

Yes: Benaske, Recker, Willoughby, Schripsema, Fosburg, Neyer.  
No: None.

Motion carried.

#### PROPOSED LANGUAGE FOR AUTO AUCTIONS

Mr. Nieporte explained that over the past several months the Planning Commission has been discussing how to handle Auto Auctions as a specific land use in the Isabella County Zoning Ordinance. Through staff research, it was found that most communities either handle Auto Auctions as an “Open Air Business” activity or they fit them into a “Similar Use” type category much like we have done in the past (i.e. Salvage Yard). As the Planning Commission knows, fitting them into a “Similar Use” type category may place unnecessary restrictions on the developer or in some cases not enough restrictions depending upon the type of use considered. Furthermore, staffs research concluded that the following criteria were commonly addressed of an “Open Air Business” use which in our opinion is similar criteria to be considered of a stand alone Auto Auction use:

- Site Ingress and Egress
- Site Parking, Loading and Unloading
- External audio (PA Systems)
- External Lighting (Security)
- Dust Issues
- Screening

Staff further reviewed the district descriptions and uses permitted by district in the Isabella County Zoning Ordinance to recommend that an Auto Auction be allowed as a special use in the AG-2, AG-3 and C-1 districts. (See attached draft language.)

Mr. Nieporte read into the record a letter from Mr. Hackett (See attached).

Mr. Nieporte explained that the screening suggestion from Mr. Hackett’s letter does not have to be a requirement, it states “may” so if the Planning Commission feels there is a need for screening they are able to require it.

Mr. Willoughby stated that a fence in this case should be a 5' – 6' decorative fence, otherwise it becomes too overwhelming.

Ms. Fosburg stated that the Auto Auction classification should be included in the industrial district as well.

Mr. Schripsema stated that this would allow for less industrial type uses in the industrial district. This is more of a commercial type activity.

Mr. Benaske stated that it is an eyesore for a fence to be put in front of a building, unless the owner wants it to be screened.

Mr. Recker stated that this language is for future auto auctions, not for current businesses already in operation.

Mr. Neyer stated that the board should consider broadening the title of this language for future need of an open air auction.

Mr. Nieporte stated that they had talked about it at last months meeting, if they want to change the language it should not be put on the agenda for a public hearing next month. Staff can take the language back and do more research of open air businesses.

Mr. Recker stated that the board should get more clarity on the issue.

Ms. Fosburg stated that the frequency of the auction should be taken into consideration.

Mr. Schripsema stated that #4 lot use, should add disposal surface water in accordance with current storm water management requirements set forth by the controlling or receiving agency. #5 loading and unloading within the property, should also say not to be allowed in the public right of way.

Mr. Nieporte stated that #6 could include and at no time shall parking or loading and unloading be allowed in a right of way.

Mr. Schripsema stated that #9 is confusing, should it state from the centerline of the intersection to the centerline of the access drive and go from 100' to 175' or some other number to be established. It is clearer to say from centerline to centerline for most people.

Discussion was held on right of ways and driveway widths.

Staff will make the necessary changes and provide the Commission with the updated language for review at their next meeting.

Ms. Alwood arrived at 7:52 p.m.

PROPOSED LANGUAGE FOR SITE PLAN REVIEWS (ARTICLE 11)

Mr. Zalewski explained that in the past, the planning commission has suggested that some site plan reviews could be done by the zoning administrator and would not require review by the commission. There was even language in the 2005 proposed ordinance that addressed this issue. Staff has prepared an amendment to the ordinance that would allow some site plan reviews and minor changes in approved site plans to be permitted by the zoning administrator. If you approve of the language, a public hearing can be set for the September meeting.

Mr. Nieporte stated that the purpose of this amendment is to create efficiencies for the applicants.

Ms. Alwood asked if an applicant was denied the ability to do what they were asking for from staff, would they be able to come before the board.

Mr. Nieporte stated that typically the site plan would be denied because it does not meet a regulation in the ordinance. If the site plan meets the regulations in the ordinance they will get their request. If it is a setback issue the applicant would then need to go to the ZBA for a variance.

Ms. Alwood stated that in sections 11.06 & 11.07 chairman should be changed to chairperson.

Mr. Zalewski explained that when establishing the language for site plan review, staff found that in some places in the ordinance it referred to a zoning official and in others it referred to a zoning administrator. In order to make it consistent, it would be recommended that it be changed to zoning administrator throughout. The definition of zoning official would be removed and replaced with a definition for zoning administrator.

A motion was made by Mr. Willoughby, supported by Ms. Fosburg to set a public hearing for the proposed language for site plan reviews (article 11) and zoning administrator language for September 11, 2008 at 7:00 pm in room 225 of the Isabella County building.

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

No: None.

Motion carried.

SUBCOMMITTEE UPDATES

Communications Subcommittee – Mr. Schripsema reported that the committee along with staff drafted 2 letters one to townships with County zoning jurisdiction and one to townships with their own zoning jurisdiction. The Committee members will be starting to attend the township meetings.

PUBLIC COMMENT

Mr. Mike Hackett stated that he was in attendance for Northern Michigan Auto and will be back next month to see the auto auction issue thru.

### STAFF COMMENTS

Mr. Nieporte explained that staff will be bringing language for wind turbines as well as two or three other subjects before the board at next months meeting.

Mr. Zalewski explained that the language from the proposed 2005 ordinance for wind turbines was sent to Mark Wycoff for review.

Mr. Nieporte stated since the 2005 draft ordinance there are more issues that have arisen with wind turbines.

### PLANNING COMMISSIONER'S COMMENTS

Ms. Fosburg stated that all townships should be on the same page about wind turbines. She also stated that she would like staff to contact all the townships without County Zoning jurisdiction, so they will come to the meeting.

Mr. Schripsema stated that the communications committee was formed for this very reason.

Ms. Alwood stated that the Board of Commissioners is working on the budget, it has to be adopted by the end of September.

### ADJOURNMENT

A motion was made by Ms. Alwood, supported by Mr. Neyer to adjourn at 8:07 p.m.

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

No: None.

Motion carried.

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Jerry Neyer, Secretary

Brandy Freed, Recording Secretary

# **DRAFT**

Draft language to be inserted into the Special Land Use Section of the Ordinance in the appropriate order including other references.

## **E. Auto Auctions**

1. Auto Auctions are permitted by special use in AG-2, AG-3 and C-1 districts.
2. No access to or from such establishment shall be permitted on any unpaved public or private road.
3. The Planning Commission may require a six (6) foot fence, wall, or appropriate greenbelt for screening purposes to be constructed along any and all sides of the proposed site.
4. The lot area used for parking, display, or storage shall be provided with a durable and dustless surface, and shall be graded and drained so as to dispose of all surface water.
5. The display of auction vehicles including vehicle transportation loading and unloading zones shall not extend into any required yard or occupy any required parking or maneuvering areas for onsite vehicular movement.
6. No off site parking shall be permitted without approval of the planning commission and at no time shall parking be allowed in any road right of way.
7. The use of external audio equipment is acceptable provided no decibel level greater than (forty-five) 45 can be observed at the site property line.
8. All on site lighting shall be full cut off shielded lighting and no light shall be observed crossing the site property line.
9. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection.

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Mike Zalewski

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**From:** "Tim Nieporte" <[tnieporte@isabellacounty.org](mailto:tnieporte@isabellacounty.org)>  
**To:** "Mike Zalewski" <[mzalewski@isabellacounty.org](mailto:mzalewski@isabellacounty.org)>  
**Sent:** Wednesday, August 06, 2008 9:07 AM  
**Subject:** FW:

Mike,

Please forward Mr. Hackett's comments to the planning commission for their review with the Auto Auction language at next weeks meeting. Thanks

Timothy A Nieporte  
Community Development Director  
Isabella County, Michigan  
[tnieporte@isabellacounty.org](mailto:tnieporte@isabellacounty.org)  
(989) 772-0911 extension 371

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**From:** Karen Shoemaker  
[\[mailto:KarenS@lglm.com\]](mailto:KarenS@lglm.com) **Sent:**  
Monday, August 04, 2008 3:22 PM  
**To:** [tnieporte@isabellacounty.org](mailto:tnieporte@isabellacounty.org)  
**Subject:**  
Dear Mr. Neiporte:

Thank you for your July 31st e-mail, including me in the communication to the Isabella County Planning Commission. We've reviewed the outline of requirements. I was very surprised to see your recommendation potentially requiring a six foot fence, wall or appropriate green belt for screening. Although some proprietors may wish to have the area secured, it would seem that specifying a requirement of a six foot fence is an unnecessary expense. As you can observe by looking at the activity at our Vernon Township site, we are dealing with a "parking lot". There is nothing offensive looking about the activity and the property is not used for long term storage of vehicle.

We are not seeking a change in the parking availability at the Vernon Township, Mission Road site, however, you may wish to reconsider the prohibitive language in paragraph 6. There may be situations where parking on the streets is acceptable.  
Thank you very much for your professionalism in dealing

with this matter.

Sincerely,

Michael J. Hackett Lynch, Gallagher, Lynch,  
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