

ISABELLA COUNTY
PLANNING COMMISSION

May 14, 2009

A Regular Meeting of the Isabella County Planning Commission was held on May 14, 2009 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Bob Thompson, Jerry Neyer, John Benaske, Evelyn Kent, Jim Kremsreiter, Richard Recker, Vance Johnson.

MEMBERS ABSENT: Craig Schripsema, Roger Trudell.

SUPPORT STAFF PRESENT: Michael Zalewski, Planner/Zoning Administrator
Brandy Harger, 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.

Mr. Thompson stated that he would like to add Mr. Albert Kaufmann of Vision 20/20 to the agenda between items 3 and 4.

A motion was made by Mr. Johnson, supported by Mr. Recker, to approve the agenda as amended.

Yes: Thompson, Neyer, Benaske, Kent, Kremsreiter, Recker, Johnson.
No: None.

Motion carried.

Mr. Albert Kaufmann of Vision 20/20 stated that Vision 20/20 is a group who is developing a Vision for the community. The vision consists of education, quality of life, and leadership support for the greater community. The group is interested in the development of the Master Plan. The group will also be holding a community stake holders meeting in which they will report back to the County.

PREVIOUS MINUTES

Minutes of the March 12, 2009 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Mr. Neyer, supported by Mr. Benaske, to approve the minutes of March 12, 2009 meeting.

Yes: Thompson, Neyer, Benaske, Kent, Kremsreiter, Recker, Johnson.

No: None.

Motion carried.

LIASON REPORTS

Zoning Board of Appeals – Mr. Thompson reported that the board had an excavation business that was asking to be approved to conduct their business on more than 5 acres and have a driveway that was closer than allowed to adjacent properties. The variance for the 5 acres was approved, but the driveway setback was denied.

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

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

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

Bob Neeland, Isabella Township, stated that his township board was concerned because there are mobile homes and stick built houses that are newer than 1976 and in worse shape than others that might be older. For this reason they feel that these homes should be inspected prior to being set.

Mr. Zalewski stated that presently the zoning ordinance requires that any manufactured home be at least a 1976 or newer. Property owners setting a manufactured home still have to obtain a building permit for the home and the building inspector will inspect the foundation and conduct a final inspection of home.

Tom Sunderman, Chippewa and Coe Township, no concerns at this time.

Mr. Zalewski read a letter from Denver Township (see attached).

PUBLIC COMMENT

None heard.

REVIEW OF CHIPPEWA TOWNSHIP ZONING AMENDMENTS

Mr. Zalewski explained that the first amendment that the township had was regarding fences. They show the current ordinance and what is proposed. Staff has a couple of minor concerns with the language. In section b they refer to 'use areas' and am not sure if they mean districts.

This could be of concern because you may have a residential use in a commercial district and it could be confusing as to what the requirements are. In section c they should also specify district in regards to commercial and industrial. As well, they may want to define major highway or thoroughfares. And in section e, a grammatical correction as it should be 'right of way'. Also if the ordinance does not already, they may want to define 'right of way'.

Mr. Sunderman stated that use area must be a typo in the language because it has been changed and should be zoning classifications.

Mr. Thompson stated that putting up a barbwire fence in an agricultural area is subject to zoning.

Mr. Sunderman stated yes, that was in the original ordinance, it was not changed.

Mr. Zalewski stated that the second amendment was regarding their current mobile home ordinance. He explained that they are looking to remove the 10 year limit from the ordinance and change it to all dwellings moved into Chippewa Township shall meet the requirements of the inspections form; inspection form to be completed by a licensed builder prior to zoning approval of the dwelling unit. The concern with this is what is actually on the inspection form? If it is not something that is in the ordinance, it is something that can change at any given time. This should be something in the ordinance that is specifically required.

Mr. Sunderman stated that this was a recommendation that was brought to us by a contractor. The inspection form includes many things that the building inspector will look at during the inspection of the home. It was also explained that 14' minimum width was added to the schedule of regulations in order to reduce the number of older homes being brought into the township. The township also enforces a blight ordinance which will take care of older run down homes. The Chippewa Township Planning Commission thought that the checklist was a good double check.

Mr. Zalewski stated that he would have major concerns with putting that in an ordinance. What is required for a new home should be clearly stated. If there are specific items that the township wants to see in the homes, have them spelled out in the ordinance.

Mr. Recker stated that there needs to be some clarity to the form.

Mr. Thompson stated that the form is generic; the board might want to consider the inspection form as attached in a specific appendix.

Mr. Zalewski stated that the language should be put in the ordinance.

Mr. Benaske asked if the property owner would have to remove the older home before setting the current home.

Mr. Sunderman stated that residents of the township can only have 1 primary residence on a parcel. There is leeway for time to get the older home removed.

Mr. Zalewski stated that the third amendment was to add language for Adult Foster and Daycare Homes. They are no longer called daycare homes, but child care homes. He also explained that it is a permitted use in the Limited Office Research district, but single family homes are not allowed in this district. This appears to be a contradiction because group and family child care are in private residences. Further, they are not proposing to put them in the R-3 and R-4 Districts, but are required to allow them there by law. The Michigan Zoning Enabling Act (MZEA) requires zoning ordinances to permit family and group child care homes in any residential zoning district.

Mr. Sunderman explained that the last amendment that the township made was to rezone a parcel of property along M-20 from C-1 and R-1 to Agricultural. They proposed to do this because the individual wants to do some mining on the property. Doing so would put an Agricultural district in the middle of a Residential district and in on the edge of a Commercial district. In the Master Plan there are no plans to change it. It is understood that the Master Plan should be changed before actually rezoning the parcel.

Mr. Neyer asked if it is the long term plan of the owner to mine it out.

Mr. Sunderman stated that the plan is for the mining activity to create a 14 acre lake on the property. They plan to use this water for a geothermal system for their greenhouse business.

Mr. Benaske asked how many total acres are included.

Mr. Sunderman stated that it is 60 acres, but not all will be rezoned.

Mr. Thompson stated that anything in the Ag district would be acceptable once the property is rezoned. He also explained that once the pond is dug, it may be beneficial to the surrounding properties value.

Mr. Sunderman stated that this lake was proposed in the past. There a 50' setback to a lake or pond. The plan was to have residences around it, but it would not allow for this.

Mr. Zalewski stated that this is a case of spot zoning. The Township Master Plan does not designate this to be Agricultural and there is not any adjacent Agricultural Districts. The township should not rezone just to allow this one use, this is bad planning practices. If they want to rezone something for one particular use, the Township may want to look into conditional rezonings that are now allowed under the MZEA. Of course this is something that would have to have been proposed by the applicant.

It was a consensus of the board to send the comments to Chippewa Township.

REVIEW OF DRAFT ZONING AMENDMENT OF SETBACKS IN L-R DISTRICT

Mr. Zalewski explained that at the March meeting staff presented the commission with the issue of front setbacks in the L-R district and discussed different options. After considerable discussion it was the consensus of the PC to have staff prepare an amendment to reduce the front

setback to 25' and change side setbacks to 10' and to allow a 20% modification in yard requirements for nonconforming lots. Staff has prepared the amendment and has provided you with a copy of the changes. After reviewing the ordinance to insert this language into it, it was determined that this amendment would affect several areas and thus you will notice changes in definitions as well as other areas of the ordinance. He further explained that the language that is crossed out is language that is proposed to be removed and the language in bold italics is language that is proposed to be added. One of the main issues we had is with waterfront lots. Presently, it is not an issue as the waterfront setback and the front setback are the same at 35'. But if we change the front setback to 25', it could be confusing as to what the setback on the lake would be. The setback should be 35' and by definition the front is the road side and not the water side. This creates an issue with accessory buildings on waterfront lots. In the residential districts we do not allow for accessory buildings to be in the front yards. However you don't want accessory buildings between a house and a lake. In the past, the ordinance was always interpreted to allow the accessory buildings between the road and the home on waterfront lots. Now we are just adding language to Section 3.02 to clear this issue up. For the language that is being added in the definitions and for corner lots, staff utilized the language from the 2005 proposed ordinance as much as possible. Staff believes that those definitions help clear up what exactly is a yard, a required yard and setbacks.

Mr. Zalewski explained that in section 2.02, the definition of building setback was taken out because it was a duplicate definition of setback. Under front lot line where it says in cases where waterfront is used as a front yard, the line shall separate the front yard and water was removed. The water is no longer going to be considered a front; the front will be the roadside. The rear yard lot line was changed to simply be the line opposite the front lot line. The definition of street or alley lot line was removed because it is not referenced anywhere in the ordinance. Side lot line was changed to any lot lines other than the front or rear lot line. Waterfront lot was defined. Principle/Main building was also defined and the setback definition was reworded to clarify.

Mr. Thompson stated that this all came about because the ZBA had many variances for accessory building sizes, locations and setback variances in the L-R District.

Mr. Zalewski stated that in Section 3.31 which deals with the setback modifications, the questions comes up as to why not allow the setbacks, without having to deal with the modifications, for instance why not just allow 20' in all areas.

Mr. Thompson stated that he would encourage 25' but unless there are extenuating circumstances it could be modified by 20%.

Mr. Recker stated that over the last few years the ZBA has seen more variance requests.

Mr. Zalewski stated that over 5 years the ZBA has seen a considerable number of front setback variances in the L-R district. He went on to explain that in Section 3.31(C), the language was changed to state that it is an unmodified required yard to clarify wording. The schedule of regulations table would be changing from 35' to 25' as well as the sides from 8' to 10'. This table also offers, with or without sewer setback, there is no need for this, staff would propose that one of these requirements be removed and the total side yard be removed as well.

Mr. Thompson stated that the larger of the two should be removed because the Health Department will determine if the lot is buildable.

Mr. Johnson stated that he would like to hear from the public

Mr. Graham stated that he is not in favor of the 20' modified setback. There are roads around some of the lakes that are less than 12' wide and this would not be safe. It should be kept at 25' with no modification and an 8' side setback with no modification.

Mr. Zalewski stated that currently parcels are allowed to go as low 17 ½'. The 20' modification will increase that requirement but make the modification available to more parcels. Again the purpose of the amendment is to reduce the number of variance requests and at the same time not harm the intent and purpose of the ordinance.

Mr. Graham stated that it would be cut and dry at 25' with no modification.

Mr. Thompson stated sometimes there will be problems no matter what is done.

A motion was made by Mr. Neyer, supported by Mr. Recker to set a public hearing on the proposed amendment for June 11, 2009 at 7:00 pm in room 225 of the Isabella County Building.

Yes: Thompson, Neyer, Benaske, Kent, Kremsreiter, Recker, Johnson.

No: None.

Motion carried.

MASTER PLAN AMENDMENT – SET PUBLIC HEARING

Mr. Zalewski explained that The Board of Commissioners approved distribution of the draft Master Plan Amendment at their April 7, 2009 meeting. The plan was sent out for the 42 day review period on April 9, 2009. The 42 day review period ends on May 21, 2009. Therefore the PC can hold a public hearing anytime after that date. Staff would recommend that you simply schedule the public hearing for the regular scheduled meeting on June 11, 2009.

A motion was made by Mr. Johnson, supported by Mr. Neyer to set a public hearing on the proposed Master Plan Amendment for June 11, 2009 at 7:00 pm in room 225 of the Isabella County Building.

Yes: Thompson, Neyer, Benaske, Kent, Kremsreiter, Recker, Johnson.

No: None.

Motion carried.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

Mr. Zalewski explained that staff is in the process of collecting information for the capital improvement plan and have identified all county owned property. Title work has been completed on all these properties. We will begin collecting data on these properties in the near future. Once all factual information has been collected we will be requesting the assistance of a sub-committee utilizing members of the Board of Commissioners, the Planning Commission, the Administration Office and Finance, to complete the long term aspects of the plan. Zoning Map updates will begin this week for the townships that we do not have zoning jurisdiction over. In regards to the orthophotography, the county was flown on Easter Sunday and the data is being corrected as we speak. The county should receive the data sometime this fall. The GIS website has been updated to include park maps and amenities. And finally, our office in conjunction with Parks and Recreation and the Isabella County Nature Conservancy has written a grant for the cleanup of a 15 mile stretch of the Chippewa River through Deerfield and Union townships. Anyone interested in helping out on the cleanup should contact our office. The event is scheduled for September 12, 2009.

PLANNING COMMISSIONER'S COMMENTS

Mr. Thompson stated that Journey for Forgiveness will be held Wednesday Jun 17, from 7pm – 3pm. Discussion was also held about Vision 2020.

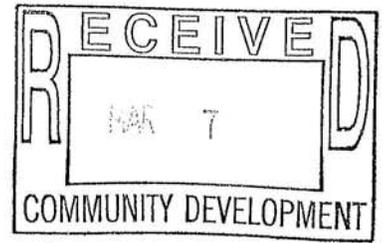
Mr. Thompson appointed Mr. Recker, Mr. Benaske, Mr. Johnson, and Mr. Schripsema to the Communications subcommittee

ADJOURNMENT

The meeting was adjourned by the call of the chair at 9:12 p.m.

Jerry Neyer, Secretary

Brandy Harger, Recording Secretary



**DENVER
TOWNSHIP**

**Isabella County
Michigan**

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March 20, 2009

Isabella County Planning Commission
200 N. Main St
Mt. Pleasant, MI 48858

Dear Tim:

The Denver Township Board held their regular scheduled monthly meeting on March 19, 2009. The renaming of East Rosebush Road was discussed at the last several meetings. We have met with the residents affected by this at our February 19, 2009 meeting and have adopted the following action:

- Resolution 2009-11: Renaming of the East Rosebush Road
- Resolution 2009-12: Solution for the renaming of East Rosebush Road

Please see the attached Resolutions from the Denver Township Board.

If you have any questions please contact us. Thank you for your time.

Sincerely,

Tammy L. Prout
Denver Township Clerk

Cc: Isabella County Commissioners, Isabella County Road Commission,
Central Dispatch, and the Local Residents affected by this issue.

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Resolution # 2009-11

DENVER TOWNSHIP

RESOLUTION: EAST ROSEBUSH ROAD – RENAMING ISSUE – DELWIN AREA

WHEREAS, the Isabella County 911 Director has expressed a need to change the name of East Rosebush Road in the section located in Denver Township area known as "Delwin", and

WHEREAS, ALL those that have residences and businesses on the afore mentioned section of East Rosebush Road have ALL expressed to the Denver Township Board at the February 19, 2009 monthly meeting their desire to keep the road named East Rosebush Road due to personal, business, governmental, financial and historical reasons and

WHEREAS, the residents and businesses of concern have agreed to place address markers at their addresses to alleviate any confusion and

WHEREAS, the Denver Township Board has great concern as to public confusion regarding township business and voting due to the Denver Township Hall being one of the addresses involved in the road renaming and

NOW, THEREFORE, BE IT RESOLVED that on February 19, 2009, Denver Township has hereby adopted the legal name for this section of road in Delwin to be legally named and maintained as East Rosebush Road as it has been in the past history.

The foregoing resolution offered by Board Member Patricia K Evans

Second offered by Board Member Jacqueline E. Curtis

Upon roll call vote the following voted
"aye": Jacqueline E. Curtis "nay": _____
Patricia K Evans _____
Mary Kay Carroll _____
John Boggi _____
Tammy L. Prout _____

The Supervisor declared the resolution adopted.

Tammy L. Prout
Tammy L. Prout, Denver Twp. Clerk

COPY

Resolution # 2009-12

DENVER TOWNSHIP

RESOLUTION: SOLUTION FOR THE RENAMING OF EAST ROSEBUSH ROAD FOR THE PURPOSE OF EMERGENCY RESPONDERS

WHEREAS, the Denver Township Board, Isabella County, Michigan has established a solution for the renaming of the East Rosebush Road section located in Delwin and

WHEREAS, the Isabella Northeast Fire District and First Responders are in agreement that this exclusive situation does not place the general public at risk nor would it cause delay for emergency agencies to respond to requests for services and

WHEREAS, the residents of concern have agreed to place address markers at their residences and businesses to alleviate any confusion and

WHEREAS, a public meeting was held to allow the residents affected to express their concerns and

WHEREAS, the Denver Township Board proposes the solution to be an inexpensive one to all parties involved with the road to remain the same name, East Rosebush Road and signage be placed before the corner leading into Delwin. Signage that reads, "8442-8750 East Rosebush Road" with an arrow pointing in the proper direction and

NOW, THEREFORE, BE IT RESOLVED that on February 19, 2009, Denver Township has hereby adopted the legal name for this section of road in Delwin to be legally named East Rosebush Road and shall become effective immediately.

The foregoing resolution offered by Board Member John Redgen

Second offered by Board Member Jacqueline E. Curtis

Upon roll call vote the following voted
"aye": John Redgen "nay": _____
Jacqueline E. Curtis _____
Annika L. Evans _____
Morgan Kempf-Carroll _____
Tammy L. Prout _____

The Supervisor declared the resolution adopted.

Tammy L. Prout
Tammy L. Prout, Denver Twp. Clerk