

ISABELLA COUNTY
PLANNING COMMISSION

July 9, 2009

A Regular Meeting of the Isabella County Planning Commission was held on July 9, 2009 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

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

MEMBERS ABSENT: Richard Recker, Craig Schripsema, Roger Trudell.

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
Michael Zalewski, Planner/Zoning Administrator
Brandy Harger, 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. Neyer, to approve the agenda as Submitted.

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

No: ~~Recker, Schripsema, Trudell.~~ None.

Motion carried.

PREVIOUS MINUTES

Minutes of the June 11, 2009 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Mr. Kremsreiter, supported by Mr. Neyer, to approve the minutes of June 11, 2009 meeting.

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

No: None.

Motion carried.

LIASON REPORTS

Zoning Board of Appeals – Mr. Zalewski reported that the ZBA heard a case that was for 2 sheds in Gilmore Township. One of the variances was denied and the other was approved.

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

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

Bob Neeland, Isabella Township, no concerns at this time.

PUBLIC COMMENT

None heard.

SITE PLAN REVIEW #09-03

Mr. Zalewski explained that the Commission will consider taking action on a site plan submitted by Larry Coller to construct a private road to access 10 existing parcels. The property is located in Section 18 of Gilmore Township.

Mr. Tim Bebee, of Central Michigan Surveying & Development, stated that he is representing Mr. Coller and several other land owners. The property owners of parcels C and I, the 3 acre parcel, and H are here. Parcels A through I have all ready been surveyed out and sold. Parcels D, E, H are built upon, and F and G are looking to be built on. The Original survey included 12' wide easements. At that time it was okay to access more than one home off these easements.

Mr. Zalewski stated that at the time when the house on parcel H was built, the owner was notified that no certificate of occupancy would be issued until proper access to the house was established. All other property owners were notified as well letting them know that when it was time to build they would either have to establish a private road or their respective easements.

Mr. Beebe stated that the original owner of parcel H has since passed away and the Dean's bought the house and property and would like to get their occupancy permit. There are topography issues such as a 100' fall off between the road and the lake. To be able to improve the existing road is the easiest solution. In 2007 a private road ordinance was passed and the property owners are trying to comply with it. The plan brings a private road in that is 24' wide, and in accordance with all aspects of the ordinance, up to a point where it access the 3 acre parcel, I, and H. At this point you get into the situation where that drive coming up the southerly property line is adjacent to the southerly property line due to topographic issues. From that point on the road would not be center in the right of way, because of the topography issues as the pictures show, it would still be a 66' right of way though. They are also asking that in that area the road way width be reduced from 24' to 18' wide due to the topography. The original plans

had a turn around on parcel F but since been changed to lot C. The owners wanted to see where they could put a house if the turnaround was on lot C and it was decided that the turn around be proposed on lot F because otherwise it eats up to much buildable space. If the Site Plan is approved they would have to establish setbacks because they would be establishing right of ways, but can't get lots D and E to comply with those setbacks if they comply with the right of ways. If approved tonight we would also have to get a signed maintenance agreement, signed and sealed prints, and variances. If there are other issues involving variances they would take care of that as well.

Mr. Benaske stated that the T turn around that was on parcel C is now being moved back.

Mr. Beebe stated that there would have to be fill work done on the existing drive because the grade has to be 7% or less.

Mr. Benaske asked what the drop off is on parcel F.

Mr. Beebe stated that it is about 10% drop off and they would have to do some fill. They would also have to do some additional clearing to get 44' minimum clearance for the ditches.

Mr. Neyer asked if there would be safety issues for emergency vehicles if the turn around was moved back to parcel F.

Mr. Beebe stated that each of the properties would have a driveway. There will be a place to turn around.

Mr. Johnson asked staff to comment on the turn around being on parcel F.

Mr. Zalewski stated that they are trying to retro fit a private road into an existing situation. This solution will improve the overall situation. They are trying to make a better situation.

Mr. Johnson stated that it appears to be a reasonable and workable request. Emergency vehicles will have better access.

Mr. Nieporte stated that the private road will not terminate in a T turnaround. They are asking for a reasonable request.

Mr. Thompson stated that putting the T turnaround on lot C seemed to take up a lot of land area. He also asked if the run off from the road would be contained on the property.

Mr. Beebe stated that ditching will be completed.

Mr. Nieporte stated that their plans for ditching would have to be submitted to the County Drain Commissioner for review.

Mr. Neyer asked if everyone has seen the road maintenance agreement and has approved it.

Mr. Gordon Bloem, Attorney for Mr. Collier, stated that not everyone has approved the road maintenance agreement yet because they didn't want to get too far into it until they knew that their plan was feasible.

Mr. Beebe stated that an alternative to this plan that is being presented would be to go with the 12' easements with each driveway side by side, if the Site Plan does not get approved.

Mr. Nieporte stated that if not approved tonight these property owners would still have legal accesses to their properties, but this is a better solution. It is a much safer situation; there would also be one driveway on Woodruff road instead of five.

Mr. Bloem stated that this solution is far superior for emergency vehicles.

Mr. Pete Zirnhelt, Attorney for Mr. Deans, stated that his clients are in support of the concept of the maintenance agreement. Parcel H has a house built on it which does not have an occupancy permit, they would like to get a conditional occupancy permit with a limited time frame if this site plan is approved. They would like to be able to utilize the home. The process of this private road will take a while and if it is not complete they would agree to have the occupancy permit revoked.

Mr. Nieporte stated that the staff would have to take that request to the prosecuting attorney. The Planning Commission does not have the authority to approve this type of request.

Mr. Collier stated that they do have the deposit from all property owners to put this private road in, once everything is approved it will be built, the money is already there.

A motion was made by Mr. Johnson, supported by Mr. Neyer, to approve Site Plan #09-03 subject to the following

- Owners of parcel D and E must apply for and receive variance approval
- Applicant must submit a signed copy of recorded road maintenance agreement
- Applicant must submit copy of 'as built' drawings bearing a certificate and statement from a registered engineer certifying that the private road and the entrance has been completed in accordance with the requirements of the permit and the county road commission
- Applicant must submit a private road certification form signed and sealed by a professional engineer and professional surveyor
- The plans for ditching, drainage, and culverts for drainage shall be reviewed and approved by the county drain commission office
- The applicant must obtain the necessary permits from the road commission
- The tee turnaround must have a maximum grade of 7% or less

Mr. Neyer asked if the existing buildings would be much of a problem for the ZBA.

Mr. Zalewski stated that staff could not speak for the ZBA, but these property owners are definitely in a unique situation.

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

Motion carried.

REVIEW CITY OF CLARE MASTER PLAN AMENDMENT

Mr. Zalewski stated that the City of Clare is amending their Master Plan to include a portion of Grant Township. They have entered into an urban cooperation agreement with Grant Township to plan for areas that have the potential to become part of the City. There does not appear to be any conflicts with the Isabella County Master Plan.

It was the consensus of the board to send these comments back to the City of Clare.

COMMUNICATIONS SUBCOMMITTEE UPDATE

Mr. Zalewski stated that the committee met and agreed to contact various agencies to gather information and to learn what their plans are for future development. Craig agreed to contact MDOT & Rich agreed to contact the Road Commission. They are only in the initial stage of gathering information.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

Mr. Nieporte stated that the Community Development Department is hosting a free seminar on Risk Management and would highly encourage all members to attend. He also stated that the annual planning conference is in Mt. Pleasant this year. At this conference they offer the Citizen Planner Program and would try to get all members who haven't been through it, signed up if their schedule permits. Staff has been working on the zoning maps for the seven townships that have their own zoning and will hopefully be able to present them to the Planning Commission next month. On July 21st, the Board of Commissioners will be taking action on the Master Plan Update and Setback language.

Mr. Zalewski stated that he has conducted administrative site plan reviews on the following:

- J & J Auto – Change of use to allow used vehicle sales.
- Fair Salvage – Construction of a storage building for non-ferrous materials.

PLANNING COMMISSIONER'S COMMENTS

Mr. Neyer updated the Commission on the status of the Ag preservation board.

ADJOURNMENT

The meeting was adjourned by the call of the chair at 8:20 p.m.

Jerry Neyer, Secretary

Brandy Harger, Recording Secretary