

ISABELLA COUNTY
PLANNING COMMISSION

March 10, 2011

A Regular Meeting of the Isabella County Planning Commission was held on March 10, 2011 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Evelyn Kent, William Dailey, Gordon Gilchrist, Jim Kreamsreiter, Jerry Neyer, Christine Alwood, Bob Thompson

MEMBERS ABSENT: Vance Johnson

SUPPORT STAFF PRESENT: Mike 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

A motion was made by Mr. Neyer, supported by Mr. Kreamsreiter, to approve the agenda as submitted.

Yes: Kent, Dailey, Gilchrist, Kreamsreiter, Neyer, Alwood, Thompson.

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the January 13, 2011 regular meeting were circulated to the Commission prior to the meeting for their review.

Ms. Alwood stated that the year in the header needs to be changed to 2011.

A motion was made by Ms. Kent, supported by Mr. Neyer, to approve the minutes as amended.

Yes: Kent, Dailey, Gilchrist, Kreamsreiter, Neyer, Alwood, Thompson.

No: None.

Motion carried.

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist stated there was no meeting last month.

Parks and Recreation – Ms. Alwood stated that the chair and vice chair were re-elected on the board. They also had their initial opening of the parks; it was down a bit from last year. Parks and Recreation is looking into ways that they can cut costs as well as looking at potentially asking for a millage.

Board of Commissioners – Mr. Dailey stated that the Planning Commission Annual Report was approved by the board. The inspections staff has been restored back to full time with benefits. The board voted to increase the adoption fee at the animal shelter.

TOWNSHIP CONCERNS

These township representatives were present and expressed the following concerns:

Jackie Curtis, Denver Township, there are safety concerns with the camper that is on Leaton Rd. The township is also concerned with an area that is 240 acres becoming a recreation area now that the Tribe has taken over their own zoning.

Mr. Zalewski stated that he has been to the site twice and nobody was on site and he is trying to track down the owner of the property. In the situation of property owned by the Tribe or a tribal member, according to the agreement between Isabella County and the Tribe, that property would be subject to the tribal zoning ordinance. The Tribe has six months from the date of the agreement to adopt a zoning ordinance and initially their ordinance is to mirror the existing local zoning ordinance.

Bob Neeland, Isabella Township, stated that the township board would like a representative from the Planning Commission to come and speak with them.

PUBLIC COMMENT

None heard.

SITE PLAN REVIEW #11-01

Mr. Thompson explained that the Planning Commission will consider taking action on a site plan submitted by Marlin Fox to establish a 60' x 100' vehicle storage area for his existing motor vehicle repair facility. The property is located at 8920 N. Mission in Section 23 of Vernon Township. The property is zoned General Agricultural (AG-2).

Mr. Zalewski stated that as noted in the site plan review checklist, Marlin Fox applied for and obtained a special use permit in 2007 for a motor vehicle repair facility. As part of the approval, the PC approved a vehicle storage area directly behind the building with an 8' high fence screening it on both sides. This area is no longer large enough to store all of the vehicles that the business is working on, so therefore he is proposing a separate larger fenced area. The area is 60' x 100' and is proposed to be fenced on two sides. The requirements for motor vehicle repair facilities states that the Planning Commission may require fence and screening to protect adjacent property, as well the Planning Commission shall limit the number of vehicles stored

outdoors. In visiting the site, one can note the need for a larger vehicle storage area. This business consistently works on several larger vehicles and is unable to store all of them in the building or in the existing vehicle storage area. The only concern staff has with the request is whether or not any additional screening should be required to the north. Again, the Planning Commission must decide if the proposed fence is adequately screening the proposed vehicle storage area.

Mr. Marlin Fox stated that he proposing a larger area for the storage of vehicles, this area will be fenced on two sides. This new area will allow more vehicles to be hidden from public view.

Ms. Alwood asked what was directly to the north.

Mr. Fox stated that he has a neighbor directly to the north

Ms. Alwood asked if the neighbor would be able to see the vehicles if there is no fence in place.

Mr. Fox stated that if there is not a fence there he may be able to see them.

Mr. Dailey asked if the neighbor to the north is aware that Mr. Fox is before the board asking to expand.

Mr. Zalewski stated that this is not a public hearing so we are not required to notify the surrounding properties.

Mr. Gilchrist asked if there have been any complaints about the site.

Mr. Zalewski stated that he has not received any complaints about the site; the reason for this request tonight is in regards to a follow-up to the original special use permit. When doing the follow-up inspection an increase in the amount of vehicles being stored on the property outside of the approved vehicle storage area was noticed.

Mr. Gilchrist asked if the commission could require Mr. Fox to plant trees instead of constructing a fence.

Mr. Zalewski stated that they could.

Mr. Dailey asked Mr. Fox, if this request passes as submitted and then the neighbor to the north complains would he put up the 60ft of fence to screen the property.

Ms. Alwood stated that if the motion to pass this site plan review does not state that he has to have screening he would not be required to put it up even if the neighbor complains.

Mr. Fox clarified that his neighbor to the north's house is a few hundred feet from his property line; his house sits on E. Stevenson Lake Rd. He also explained that he can barely see the neighbor's house from his property because there are trees in between them.

Ms. Alwood stated that if that is the case it would be permissible to not require trees for screening.

A motion was made by Mr. Gilchrist, supported by Ms. Kent to approve Site Plan #11-01 as submitted.

Yes: Kent, Dailey, Gilchrist, Kremsreiter, Neyer, Alwood, Thompson.

No: None.

Motion Carried

PUBLIC HEARING ON ZONING AMENDMENT #11-01

Mr. Thompson explained that the Planning Commission will consider taking action on a request to rezone property from General Agricultural (AG-2) to General Commercial(C-1) as requested by Ben Browning. The property is located at 9836 N. Mission Road in Section 14 of Vernon Township

Mr. Zalewski explained that Ben Browning is requesting to rezone property from AG-2 to C-1 with the intention of establishing a 'used automobile and equipment rental center'. The property is located on N. Mission Road just south of Grass Lake Road. The Future Land Use Map for Vernon Township has this property designated for General Commercial (GC). As noted in the application, the request is for two parcels. One of the parcels is unique in the fact that it is a 26' wide parcel that extends from Mission Road to the expressway. For some reason this parcel was created this way several years ago, prior to the Zoning Ordinance being adopted. Mr. Browning is requesting this parcel to be rezoned as his proposed business will be using a driveway that is on this property. He has agreed to only request the parcel to be rezoned to a depth equal to the parcel to the south (587'). This was done to avoid having a 26' wide commercially zoned property between two larger parcels zoned Agricultural. Ideally split zoning a parcel is not something that we would recommend, but in this situation the applicant and staff agree that it would be best so as to avoid any confusion or questions that would arise from having that strip zoned commercial. Again, the only reason the applicant would like it rezoned is so that he can use the driveway at the front of the property for his business. Staff has no other concerns with the request. As a reminder, the Planning Commission must review Section 15.08 (C)(2) which has the guidelines for the Commission to consider when making a decision on a rezoning request. Mr. Zalewski reviewed the standards in Section 15.08 with the Commission.

The public hearing was opened at 7:36 pm.

No comments heard.

The public hearing was closed at 7:36 pm.

Mr. Dailey asked if the Future Land Use was designated General Commercial in this area.

Mr. Zalewski stated that the Master Plan has this property designated as General Commercial.

A motion was made by Mr. Neyer, supported by Mr. Gilchrist, to recommend approval of Zoning Amendment #11-01 to the Board of Commissioners as it meets the requirements of

Section 15.08 (C) (2) of the Isabella County Zoning Ordinance.

Yes: Kent, Dailey, Gilchrist, Kremsreiter, Neyer, Alwood, Thompson

No: None.

REVIEW OF JASPER TOWNSHIP MASTER PLAN

Mr. Zalewski explained that it appears that Jasper Township is only updating the policies within the Plan. Other things that staff noted in the document that were not being updated or changed are; the document refers to the Township Planning Enabling Act, which has since been replaced with the Michigan Planning Enabling Act; The Economic data used in the plan is from the 1990's; The maps were difficult to read and the document did not include a future land use map. With that in mind, Mr. Zalewski further noted that he must also state that it appears the language within the plan appears to be consistent with the Isabella County Master Plan.

Ms. Alwood asked if the date on the cover should be changed to say 2011 because it will be adopted in 2011. Also if they wait a while longer they will be able to use the new census data.

Mr. Zalewski stated that the date change would be their choice.

It was the consensus of the board that the document appears to be consistent with the County Master Plan and recommend staff forward the comments to Jasper Township.

DISCUSSION ON COMMUNICATION WITH TOWNSHIPS

Mr. Zalewski explained that staff worked with Chairperson Thompson on drafting a letter to the Townships to communicate with them as to what the PC has been working on and what it will be working on in the near future. Chairperson Thompson finalized the letter and it was sent out to the Township Officials. If any comments or concerns are received, the Commission will then be able to take the necessary steps to address them.

Mr. Thompson asked when the next board meeting of Isabella Township is.

Mr. Neeland stated that their next board meeting would be the first Monday of April at 7:00 pm.

Mr. Thompson asked for volunteers to attend this meeting with him and also requested staff be present.

Mr. Gilchrist stated that he would find it informative to attend this meeting and he would be willing to attend, but he will be attending the Vernon Township meeting that is on the same night.

Mr. Neyer stated that he would be willing and might be able to attend if other members are unable to do so.

Ms. Alwood stated that she will contact staff to let them know if she is able to attend.

Mr. Thompson requested that staff make the final arrangements with Isabella Township and to

advise them we will be attending their April 4th meeting.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

Mr. Zalewski stated that staff has been working on the language for the sign ordinance. He also explained that the Capital Improvement Plan is still being worked on and staff is continuing to gather information; it may be presented to the board in the coming months. Bethany Township, Gratiot County has sent their Master Plan for review and it will be presented to the board at next months meeting. Staff has also received a notice of intent from the Village of Lake Isabella that they are updating their Master Plan as well.

PLANNING COMMISSIONER'S COMMENTS

Mr. Gilchrist stated that he would like the board to look into amending the ordinance to allow for urban agriculture.

Mr. Zalewski stated 98% of area under County Zoning is zoned Agricultural and allows for these types of activities, but staff has looked into this and can put some language together for the board to look at and to possibly allow these activities in the other Zoning Districts.

Mr. Thompson stated that Mr. Johnson advised him that he sees no way to continue serving on the Planning Commission due to work conflicts; he will be submitting his letter of resignation.

Mr. Thompson also discussed the issue of medical marijuana.

Mr. Zalewski stated that staff has talked with the Prosecuting Attorney regarding this issue and are aware of several lawsuits throughout the State that will ultimately decide how communities can regulate medical marijuana dispensaries and/or compassion clubs. The Michigan Medical Marijuana Act is silent on these types of uses which has resulted in the multitude of lawsuits that are pending. Staff is preparing language to amend the ordinance and is researching how other communities are proposing to regulate these types of activities. For the time being staff has been advised to treat them as any other use. So if the type of use/activity that they are proposing is permitted in the zoning district they could receive the appropriate zoning approval.

Mr. Thompson stated that he would like to hear public opinion on the situation.

Ms. Alwood asked if the Prosecutor or a representative would be able to come and talk to the board.

The Commission agreed that would be a good idea and Mr. Zalewski stated that he would contact the Prosecutor's Office and discuss the issue further and ask if he or someone from his office could appear at the next Planning Commission meeting.

Mr. Thompson also stated that the Supreme Court ruled that protesting at military funerals is a

free speech issue and is permitted. He asked if there was something that the County could do to prevent such situations if they were to ever arise.

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 8:11 p.m.

Vance Johnson, Secretary

Brandy Harger, Recording Secretary