

ISABELLA COUNTY
PLANNING COMMISSION

November 8, 2012

A Regular Meeting of the Isabella County Planning Commission was held on November 8, 2012 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Cheryl Jindeel, Gordon Gilchrist, Kelly Bean, Bob Thompson, Jerry Neyer, William Dailey, Christine Alwood, Evelyn Kent

MEMBERS ABSENT: None.

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
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

A motion was made by Mr. Neyer, supported by Ms. Alwood, to approve the agenda.

Yes: Jindeel, Gilchrist, Bean, Thompson, Neyer, Dailey, Alwood, Kent.

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the October 10, 2012 regular meeting were circulated to the Commission prior to the meeting for their review.

Ms. Alwood stated that in the Parks & Recreation report it should state that the \$1200 Grant was for Art in The Park.

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

Yes: Jindeel, Gilchrist, Bean, Thompson, Neyer, Dailey, Alwood, Kent.

No: None.

Motion carried.

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist stated that at last months meeting the board upheld the Planning Commissions decision on the Leroy Weaver sawmill appeal.

Parks & Recreation – Ms. Alwood stated that there was no report at this time as there was no meeting held.

Board of Commissioners – Mr. Dailey stated that the Board of Commissioners received a letter from Denver Township in support of continuing Zoning at the County level.

TOWNSHIP CONCERNS

Jackie Curtis, Denver Township, Mr. Mills has been invited to the Council of Governments meeting on November 21, 2012 at 7:00 p.m. to be held at Lincoln Township because the County Administrator is going to be there discussing zoning.

Bob Neeland, Isabella Township, none heard.

PUBLIC COMMENT

None heard.

SET PUBLIC HEARING FOR MASTER PLAN UPDATE

Mr. Nieporte explained that the Planning Commission will be setting a public hearing for the comments on the Master Plan Update. The Plan is currently out for review as per the enabling legislation. The public hear shall be set for review at the December 13, 2012 regularly scheduled meeting.

A motion was made by Ms. Alwood, supported by Mr. Neyer, to set a public hearing for December 13, 2012 at 7:00 p.m. in Room 225 of the Isabella County Building.

REVIEW ORDINANCE LANGUAGE REGARDING FENCES

Mr. Nieporte explained that Staff is attempting to pull together some language for discussion purposes only regarding fences. There have been some recent discussions in our office and activity regarding fences that staff would like to have further discussion with the planning commission about for possible amendment. He also explained this new language would no longer allow 7' fences in required front yard area (from the front of the home to the right of way), only at the building line and beyond. It would allow for 3' decorative fencing in the required setback area; on waterfront lot this 3' decorative fencing would be allowed in the rear or lakeside of the property.

Mr. Gilchrist stated that a 3' fence can be cleared by a dog why not allow for a 4' fence

Mr. Nieporte stated that the Road Commission allows for 39" for site vision when in a car. If it is moved to a 4' fence it should be required to be 50% opacity to see thru.

Mr. Bean asked if this opacity would be required because of safety concerns.

Mr. Nieporte stated that 4' would be a clear vision issue, for instance a person pulling out of a driveway needs to see in a clear vision area.

Mr. Dailey stated that the language could state the fence would have to be 50% - 90% opacity if it is at a height of 4'

Mr. Nieporte stated that the language can be formed to accommodate both situations.

Discussion was held on inserting language with an explanation as to why the language was chosen.

Mr. Nieporte explained that staff would restructure the language to accommodate both 3' and 4' decorative fences and bring it back to the board next month.

CLARIFICATION OF RESTRICTION FOR SPR#12-06

Mr. Nieporte stated that Staff is seeking clarification of the motion for SPR#12-06 that was made in August. The motion in the approved minutes reads as follows:

A motion was made by Ms. Alwood, supported by Mr. Gilchrist to approve Site Plan Review #12-06 as submitted, with the stipulation that the hours of operation be from 8:00 a.m. – 5:00 p.m. only.

Mr. Bean stated that the applicant should not have the hours restricted in this case because the requirements for Site Plan Review have been met.

The motion was amended to approve Site Plan Review #12-06 as submitted, with the stipulation that the hours of operation be from 7:00 a.m. – 4:00 p.m. only.

The following is one of the items that staff is seeking clarification on:

- A. Through the appeal process on this action, Mr. Weaver has indicated to our office that the Amish do not operate on daylight savings time. They operate on standard time year round. Thus our first issue of clarification is with regard to standard time or daylight savings time. Did the planning commission mean standard or daylight savings time when they stipulated the hours of operation? I would comment that during the meeting when Mr. Weaver was asked about operation time he indicated that they operate the mill from 7:00 am – 4:00 pm. The minutes reflect no debate regarding standard and/or daylight savings time. Thus, since Mr. Weaver indicated a time frame and he operates on standard time and the discussion indicates that Mr. Weaver's offer of operating time which is what was ultimately approved suggests that the approval was for standard time.

Formal discussion and clarification is needed for staff to appropriately ensure compliance of SPR#12-06.

Ms. Alwood stated that she went along with what the applicant had suggested.

Mr. Neyer stated that the applicant should have revealed to the board that he did not recognize daylight savings time at the time of the Site Plan Review.

Ms. Alwood stated that she meant that her motion was that the required hours to be abided by included daylight savings time. So the hours of operation should be 7:00 a.m. – 4:00 p.m Michigan Eastern Standard Daylight Savings time.

Mr. Bean stated that most people do recognize daylight savings time without having to verbalize so.

Mr. Dailey stated that from now on the Planning Commission will have to verbally specify that when dealing with hours of operation.

It was a consensus of the board that the hours of operation were to be 7:00 a.m. – 4:00 p.m Michigan, Eastern Standard Daylight Savings time.

Mr. Nieporte stated that the following is the second item that staff is seeking clarification on:

- B. The second issue is related to the hours of operation. Clarification is needed regarding the hours of operation. Does 7:00 am. – 4:00 pm. mean the entire operation including cleanup time deliveries, fixing equipment, etc....? or were we limiting the hours of operation based on the noise issue which is the milling and processing activity of the operation?

Ms. Alwood stated that the noise level was the issue that we were discussing at the time. The sweeping of the floors would not have an impact the neighbors.

Mr. Gilchrist stated that what was meant by the motion was machinery running during the hours of operation.

Mr. Nieporte stated that therefore the Milling and Processing operation should be shut down at the 4:00 p.m. hour.

Mr. Thompson stated that the running of trucks into the mill to load and unload could be disruptive after hours.

Ms. Alwood stated that this mill is in an Agricultural District there could be a tractor out in the field working at 10:00 p.m.

Mr. Neyer stated that the applicant needs to restrict trucks to the hours of operation as much as possible.

It was a consensus of the board that the motion is clarified to be that the limiting of hours of operation was based on the noise issue which is the milling and processing activity of the operation.

PUBLIC COMMENT

None Heard.

STAFF COMMENTS

Mr. Nieporte stated that staff has produced a new type of report that the townships will be receiving in place of the old monthly zoning report. The new report is a break down of each violation and inspection that was completed for the month.

PLANNING COMMISSIONER'S COMMENTS

Mr. Bean stated that in the ordinance it needs to specify that daylight savings time is taken into consideration when determining hours.

Ms. Alwood stated that Mr. Welty's name needs to be taken off the agenda.

Mr. Gilchrist stated that he knows of someone who had to go through the process of applying for a building permit and they were very happy with the community development department staff.

ADJOURNMENT

The meeting was adjourned by the call of the Chairperson at 7:58 p.m.


Christine Alwood, Secretary

Brandy Harger, Recording Secretary