

ISABELLA COUNTY
PLANNING
COMMISSION

June 12, 2014

A Regular Meeting of the Isabella County Planning Commission was held on June 12, 2014 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Gordon Gilchrist, Cheryl Jindeel, , Jeremy Murphy, Kelly Bean
Phillip Vogel, Jim Horton, Evelyn Kent,

MEMBERS ABSENT: Jerry Neyer, Heather Turner

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
Kim Kennedy, Recording Secretary
Ray Johnson, Planner/Zoning Administrator

The meeting was called to order by Mr. Bean at 7:00 pm.

The Pledge of Allegiance was recited by the Commission. APPROVAL OF AGENDA

Mr. Bean requested that the agenda be approved as presented.

A motion was made by Ms. Jindeel supported by Mr. Murphy to approve the agenda as presented.

Yes: Gordon Gilchrist, Cheryl Jindeel, Jeremy Murphy, Kelly Bean, Phillip Vogel, Jim Horton,
Evelyn Kent

No: None Motion carried.

PREVIOUS MINUTES

Minutes of the May 2014 regular meeting were circulated to the Commission prior to the meeting for their review.

A motion was made by Ms. Kent supported by Mr. Gilchrist to approve the minutes as presented.

Yes: Gordon Gilchrist, Cheryl Jindeel, Jeremy Murphy, Kelly Bean, Phillip Vogel, Jim Horton,
Evelyn Kent

No: None.

Motion carried.

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist stated that there is a meeting schedule for June and there are several items on the agenda.

Parks & Recreation – Ms. Jindeel indicated that the last meeting included a Park Tour and unfortunately she was able to attend.

Board of Commissioners- Mr. Horton reported that three Farmland Agreements were approved at the last meeting. He stated that the Parks and Recreation Department was applying for funds for boat launch improvements at Coldwater Lake Family Park. Budgeting will start out slow for July but the Board will be busy with it in August and September.

TOWNSHIP CONCERNS

Jackie Curtis, Denver Township, had nothing to report at this time.

Bob Neeland, Isabella Township, had nothing to report at this time..

PUBLIC COMMENT – None

NEW BUSINESS

Site Plan Review – SPR #14-03 – Fan-C Rental

Mr. Nieporte informed the board that Fred Sponseller is proposing to establish a temporary retail sales tent for the sale of fireworks at the existing mini-storage location on North Mission Rd. just north of Jordan Rd. in section 27 of Isabella Township. Mr. Sponseller proposed the same temporary retail sales tent last May and was approved. The property is zoned C-1 General Commercial and allows for retail sales. The property is also owned by the applicant. The proposed use is permitted in the district as retail sales and all ordinance requirements shall be met. The application and site plan appear to be complete. The applicant shall be in compliance with all State and/or Federal regulations for storage and retail sales of fireworks in Michigan at all times.

Mr.Sponseller stated that he would only be open June 27- July 5.

Discussion occurred

A motion was made by Mr. Gilchrist to approve SPR #14-03 as submitted supported by Mr. Horton.

Yes: Gordon Gilchrist, Cheryl Jindeel, Jeremy Murphy, Kelly Bean, Phillip Vogel, Jim Horton,
Evelyn Kent

No: None.

Motion carried

Zoning Amendment – ZA #14-02 (Lapham Conditional Rezoning)

Mr. Nieporte explained that D&D Real Estate Investments, LLC has applied to Conditionally Rezone property owned by David Lapham in section 2 of Lincoln Township from General Agriculture (AG-2) to Medium Density Residential (R-2) with conditions. The property owner is seeking said conditional rezoning to place a duplex on the property. The only district that allows for duplexes in the Ordinance is R-2. The following offer of condition has been made by D&D Real Estate Investments LLC:

The purpose of the request is to enable the construction of a duplex or two-family dwelling on the property. The construction of the structure will meet all dimensional requirements and the General Provisions of the Isabella County Zoning Ordinance. The owner agrees to limit the uses of the property to "only" the permitted uses of the R-2 district, Section 6.04 of the ordinance, and to limit the use of the existing structure on the site to non-residential uses.

Mr. Nieporte presented a map of the area and explained the current zoning of the area.

Mr. Nieporte received an email from Katherine Knight, 4381 E Millbrook Rd. stating that she was in favor of the project.

Mr. Nieporte stated that he had also received a petition from Mr. Karmon with 29 signatures from neighbors who are opposed to this rezoning.

Mr. Hamilton representing Mr. Lapham explained the Zoning Enabling Act that the Legislators set in place for Conditional Zoning. He spoke about this area does not fit as agriculture land. Mr. Hamilton did make note on the Golf course parking lot having over 100 cars in the parking lot then made reference to this duplex would only add to family traffic to Millbrook Rd.

Discussion occurred

Public Hearing opened 7:25 p.m.

Mr. Karmon representing the nearby residents who are opposed to the rezoning stated that he would like to thank Mr. Nieporte for all his time in the matter. He was very professional and helpful providing explanation on how this process takes place.

Mr. Karmon wanted to explain the reason for opposition as stated in the petition:

1. The living space above the storage garage. If Mr. Lapham was to sell the property that this could become an issue and that the space could be used for a living space.
2. The conditional rezoning violates section 15.08 C-2- b,"Impacts on the community....influence on property values and traffic impacts."

- a. Concerns of spot zoning
- b. Possible precedence set with the allowing of this unit in the area.
- c. This area is currently at Low density and with this type of activity could put them more into the Medium density. This would change their neighborhood.
- d. More stress on infrastructure. Millbrook Rd already is a highly traveled road servicing the golf course and people accessing Isabella Rd.
- e. Duplexes would lower property values.

They requested the board to deny this rezoning.

Mr. Woerle stated his concern of this proposal. He stated that this rezoning would change the character of this area, the value of their homes, and put more stress on infrastructure. He stated that rentals in a single residential home area reduce home values in that area. Mr. Woerle stated he feels this would set precedence. Mr. Woerle asked for the board to seriously consider their decision.

Public Hearing closed 7:36 p.m.

Discussion occurred

Mr. Lapham representing the applicant requested to address the concerns raised during public hearing. He further reiterated that there is much mixed use in the area along Mission Road and the area is defiantly not agriculture. He further indicated that conditional rezoning is a mechanism which is in place to use on individual situations and it does not set any precedent.

Additional discussion occurred.

Mr. Nieporte suggested that the Board review Section 15.08 C 2 a. – d.

Mr. Bean requested that the board review section 15.08 C 2 as it pertained to the petition of opposition.

Mr. Nieporte read said section and the Board discussed items as related to the request and concerns.

Mr. Bean asked if other homes in the area could be rented or other restrictions allowing single family homes to be rented were available.

Mr. Nieporte stated the County does not have any rental codes.

Mr. Murphy asked about sanitary waster and water systems for the use.

Mr. Nieporte stated that the individual lot would need to get health approval if granted.

Mr. Horton stated that he does not really think that the request is spot zoning. There was talk at Union Township about improvements to Millbrook Rd. in this area. Mr. Horton stated that his opinion was that the comment related to “impact on the community” was the defining code. He suggested that the Board look at the reference to community as those directly impacted nearby rather than community as

the entire county or township. Not necessarily the mixed uses on Mission. He does believe there is an impact in a negative way and that is what he will base his decision on.

A motion was made by Mr. Horton to deny ZA#14-02 as submitted based on the fact this request does impact the community negatively supported by Mr. Vogel.

A roll call vote was requested by the chair.

Kelly Bean - no
Gordon Gilchrist - no
Cheryl Jindeel - no
Evelyn Kent - no
Jeremy Murphy - no
Jim Horton - yes
Phillip Vogel - yes

Motion failed

Mr. Nieporte stated they could consider another motion or table the issue for additional information.

A motion was made by Mr. Gilchrist to recommend approval of ZA#14-02 as submitted based on the fact that the request is consistent with the County Master Plan and compatible with the surrounding uses, support by Mrs. Kent.

A roll call vote was called

Kelly Bean - yes
Gordon Gilchrist - yes
Cheryl Jindeel - yes
Evelyn Kent - yes
Jeremy Murphy - yes
Jim Horton - no
Phillip Vogel - no

Motion carried

Site Plan Review – SPR #14-04 Private Road (Karen Magnus/Keller Estate)

Mr. Nieporte explained that Karen Magnus is requesting to establish a private road serving less than 4 parcels in section 25 of Isabella Township. Ms. Magnus is the personal representative of the Roy and Phyllis Keller Estate. The request would allow for a private road to service the remainder parcel of land (70 +/- acres) which has more than 75% major agricultural soils. The estate has squared up and split 3 other parcels from this parent parcel along the road and intends to sell the remainder as Prime Agricultural land. The property is zoned AG-2 (General Agriculture) and encourages agricultural activities. Ms. Magnus has not at this point provided us with detailed survey of the private road nor has

she provided us with a signed sworn statement certifying construction; however the approval of the site plan and or any building construction shall be contingent upon receiving both. Furthermore the approval if granted shall be contingent on the review of all drainage of the road to be reviewed by the County Drain Commissioners office. Since the proposal at this time is for a private road serving a single lot a recorded road maintenance agreement is not required.

If approval is granted with said contingencies, no construction of any buildings shall be allowed until all conditions are met, if conditions are not met within 1 year from the date of the approval a request for extension must be made otherwise the site plan will expire and the request for private road shall be seen as denied

Discussion occurred

A motion was made by Mr. Murphy to approve Site Plan Review #14-04 supported by Ms. Kent as submitted contingent on the following:

- Detailed survey of the private road provided to Community Development for review and to make as part of the file.
- Signed Sworn Statement certifying construction provided to the Community Development Department for review and to make as part of the file.
- A letter of review and approval of all drainage from the County Drain Commissioners Office provided for review and to make as part of the file.
- A recorded road maintenance agreement if more than 1 parcel is proposed to use said private road.

Yes: Gordon Gilchrist, Cheryl Jindeel, Evelyn Kent, Jeremy Murphy, Jim Horton, Phillip Vogel

No: None.

Motion carried

Site Plan Review – SPR #14-05 Mystic Pines Resort (Outdoor Adventure)

Mr. Nieporte explained that Greg King of Mystic Pines Resort, LLC an Outdoor Adventure Campground and Facility has submitted a site plan to renovate the existing Shardy's Hideaway. The existing use and proposed use are the same and for purposes of this request are considered outdoor recreational facilities in the Isabella County Zoning Ordinance. The property is located off Loomis Rd. in section 34 of Denver Township. The new renovation includes demolition of most structures on the site, new signage, new office, new camp store, new bath houses, new recreation facilities, etc.... the plans show all activities located inside of the 100' setback area. Last year staff approved an administrative site plan for demolition and improvements. The applicant at that time was informed that and agreed to provide a full site plan for approval.

Mr. Nieporte suggest that if approval was granted of said plans to renovate and establish Mystic Pines Resort in compliance with the Isabella County Zoning Ordinance the board should consider the following contingencies. For purposes of the file an approved sanitation plan by Central Michigan District Health Department and a copy of the State Approved Campground Plans from the State of Michigan.

Discussion occurred

A motion was made by Mr. Horton to approve Site Plan Review #14-04 supported by Mr. Vogel as submitted contingent on the following:

- Approved sanitation plan by Central Michigan District Health Department
- A copy of the State Approved Campground Plans from the State of Michigan
- Completed set of plans received in the Community Development Department for purpose of the file

Yes: Gordon Gilchrist, Cheryl Jindeel, Evelyn Kent, Jeremy Murphy, Jim Horton, Phillip Vogel

No: None.

Motion carried

REVIEW AND APPROVAL OF CAPITAL IMPROVEMENTS FOR 2014

Mr. Nieporte presented a PowerPoint covering Capital Improvements. Each Department was contacted and requested for their information all departments' submitted requested information.

Discussion ensued

Motion was made by Mr. Murphy supported by Ms. Jindeel to approve Capital Improvement Plan as amended and forward to the County Board for purposes of filing.

Yes: Gordon Gilchrist, Cheryl Jindeel, Evelyn Kent, Jeremy Murphy, Jim Horton, Phillip Vogel

No: none

Motion carried.

PUBLIC COMMENT - None

STAFF COMMENTS - None

PLANNING COMMISSIONER'S COMMENTS - None

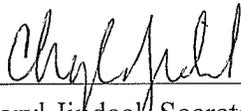
ADJOURNMENT

A motion was made by Ms. Jindeel to adjourn the meeting seconded by Mr. Horton at 8:36 p.m.

Yes: Gordon Gilchrist, Cheryl Jindeel, Evelyn Kent, Jeremy Murphy, Jim Horton, Phillip Vogel

No: none

Motion carried.



Cheryl Jindeel Secretary
Kim Kenndy, Recording Secretary