

ISABELLA COUNTY
PLANNING
COMMISSION

October 13, 2016

A Regular Meeting of the Isabella County Planning Commission was held on October 13, 2016 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Gordon Gilchrist, Ann Silker, Nancy White, Jeremy Murphy, Jim Horton, Tim O'Neil, Erin Strang, Phillip Vogel, Kelly Bean

MEMBERS ABSENT: None

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

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 Mr. Murphy supported by Mrs. Silker to approve the agenda as presented.

Yes: Gordon Gilchrist, Ann Silker, Nancy White, Jeremy Murphy, Jim Horton, Tim O'Neil, Erin Strang, Phillip Vogel, Kelly Bean

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the August 2016 regular meeting were circulated to the Commission prior to the meeting for their review.

Staff noted there were a few minor clerical errors corrected in the minutes.

A motion was made by Mr. Murphy supported by Ms. Strang to approve the minutes with corrections.

Yes: Gordon Gilchrist, Ann Silker, Nancy White, Jeremy Murphy, Jim Horton, Tim O'Neil, Erin Strang, Phillip Vogel, Kelly Bean

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist had no report.

Parks & Recreation – Mr. Murphy reported at the last meeting the Parks went over park plans, capital projects and budgets. There will be changes coming to the Coldwater Lake Family Park's playscape.

Board of Commissioners – Mr. Horton reported that the Board of Commissioners approved a 21 million dollar budget for FY17 with 2 million coming from the fund balance. There has been an E. coil ad hoc committee formed in regards to the Chippewa River that he now sits on and will have an update at the next board meeting.

TOWNSHIP CONCERNS

Gilmore – Tom Gibbs had nothing to report.

Denver – Jackie Curtis had nothing to report.

Sherman – Richard Schmidt had nothing to report.

PUBLIC COMMENT

Mr. Brian Slater stated he is the property owner to the East of Mr. Miller who is applying for a Special Use Permit for a private campground. He stated that he supports the permit with stipulation that the board would state restrictions for the use to family or guest use only, nonpaying customers and no more than 4 units.

Mr. Bean asked if a letter submitted to the board was from him.

Mr. Slater stated yes.

Mr. Bean thanked Mr. Slater for his letter and that criteria will be addressed during discussion of the Special Use Permit and that the motion will reflect any stipulations.

Mr. Nieporte informed Mr. Slater that if the Miller's go above the number of units the Planning Commission doesn't have the right to restrict the number of units. The Millers would have to come back to the board and apply for an additional permit for the expansion. Tonight's application is specific to 4 units on a private campground with no commercial activity.

Mr. Slater stated he has no reassurance that Mr. Miller won't expand to more camp units. He stressed his concerns about his cabin and past vandalism and property being stolen.

Mrs. White stated the board can't put the 4 unit limitation into perpetuity.

Mr. Bean asked that any further decision of this matter take place during the public hearing for Special Use Permit #16-07.

Special Use Permit #16-07 Robert Miller - Outdoor Recreational Facility (Private Campground) - Lincoln Township

Mr. Johnson explained that an application was filed on September 16, 2016 by Robert Miller which included a site plan and Mr. Miller's responses to the general requirements and specific requirements of the special land use. The site is approximately 40 acres and is located 2 miles west of Crawford Rd. on East South County Line Rd. address is 1345 E. South County Line Rd. The application was filed in response to an enforcement that buildings and/or structures were built upon this property with first obtaining permits. Though various conversations Mr. Miller indicated to Mr. Johnson that a "cabin" had been placed upon the property and a pavilion built and the family uses the property as a campsite. In order for the building and structures to be in compliance the Millers are applying for a special use permit to establish an Outdoor Recreation Facility (private campground).

Mr. Johnson stated that the Millers have provided an overview of the property and an inset site plan which shows the boundaries of the camping area. According to the Millers there will be no more than 4 camping units on the property at any given time. Mr. Johnson stated that the Millers have contacted the DEQ and that permitting was not needed from them as long as they remained under 4 camping units. If they ever decided to go over that number they would have to apply with the DEQ for a permit and come to the County and apply for a proposed expansion.

Mr. Johnson informed the board that a permit for a well has been issued by the Central Michigan Community Health Department. Staff also has documentation from Scott Jones of the health department that the current privy did not require a permit but if a new one was to be built permits would be required.

Mr. Johnson requested if the board approves this special use permit that they waive the 8 am to 8 pm restriction and noted that it is a 24 hr. activity.

Mr. Nieporte again stated that this application is not for commercial activity, solely for family members and guest of family members.

Mr. Horton had a question about the number of units on a parcel.

Mr. Nieporte stated that the Isabella County zoning ordinance does limit a parcel to no more than one dwelling and a single recreational vehicle on a temporary basis.

Public Hearing was opened 7:22 pm

Robin and Ann Miller spoke and wanted to inform the board that they have owned this property for 57 years and have no intention of expanding beyond the 4 units. The purpose of the cabins are for the family to use as overnight shelter. Mrs. Miller stated that the property use will remain the same as it has been for the last 57 years.

Mr. Bean reminded the board that there are criteria's in ordinance section 12.03 to be addressed.

The Board reviewed section 12.03 and had discussion.

Mr. Horton asked if there is a restriction on the cabin size.

Mr. Miller stated that DEQ defines camping units as those under 400 sq ft.

Mr. Brian Slater spoke and stated he understands and has been reassured that no more than 4 units would be on the property but still would like it be stated on the permit that it is restriction to 4 units.

Mr. Nieporte informed Mr. Slater that the minutes will reflect what restriction will be placed on the permit and that he could get a copy of the permit when issued.

Mr. Slater requested a copy of the site plan, permit and minutes tied to this permit stating restrictions.

Public Hearing was closed 7:24 pm

A motion was made by Nancy White supported by Jeremy Murphy to approve Site Plan Review Number 16-04 as submitted by Robert Miller to create a private campground facility in the Ag 2 District with no more than 4 units containing no commercial use, and the special use is approved for a twenty-four hour operation.

Yes: Gordon Gilchrist, Ann Silker, Nancy White, Jeremy Murphy, Jim Horton, Tim O'Neil, Erin Strang, Phillip Vogel, Kelly Bean

No: None

Motion carried

**Site Plan Review #16-05 Alpena Marc Lease Holding, LLC. (Clare V.A. Clinic) -
Parking Lot Expansion – Vernon Township**

Mr. Johnson stated that an application was filed by Jeff Konczak which included a site plan, and a letter

from Mr. Konczak explaining the expansion of the parking for the V.A. Clinic. Mr. Konczak expressed through verbal conversations that this parking expansion is in anticipation of an expansion of the clinic in the near future.

The site is approximately 20 acres and is located on N. Isabella Rd. just south of Pere Marquette Rd. Vernon Township, Section 2.

Mr. Johnson stated that after review of the criteria in Section 7.07 of the ordinance the application appears to be complete and meet all criteria of the ordinance. Staff would recommend to the planning commission that they allow for the landscaping requirement in Section 7.07 (I) (8) be replaced by the proposed installation of the tree covered walkway within the center of the parking lot. The project adds 99 parking sites.

Mr. Nieporte stated the criteria for landscaping is designed for maneuvering lanes. This parking lot seems to not be big enough for these requirements and that the landscaped walkway would serve a better purpose for the client of the clinic.

Staff suggests the planning commission include a stipulation if approved that screening be installed in the indicated green space on the site plan in the form of a staggered double row of conifers, 10 ft on center with a minimum height of 3 ft. and staff be provided with a copy of a driveway permit from the Isabella County Road Commission. They have proposed lighting as well and requested that it be stipulated that it be downward shielded lights meeting the requirements of the ordinance.

Mr. Nieporte stated that downward shielded lighting can be turned on axes and spill over on to adjacent property. Staff is requesting that a stipulation be that no light will leave the property.

Mr. Jeff Konczak spoke and informed the board that it has been 7 ½ years since he was in front of this board to build the clinic. Since then the clinic has been amazingly successful. The topography of this site has been changeling. With the purchase of the new parcel we will be able to have a more flat surface for the Veteran clinic parking lot. The request for the parking lot expansion with walkway was designed for the comfort and safety of the Veteran's to access the clinic.

Mrs. Silker inquired if there is any access for pedestrians from the road.

Mr. Konczak stated that there is no pedestrian access from the road and that portion of Isabella Road is very rural and not a likely location for pedestrian activity.

Mr. Horton inquired about storm water drainage on the property.

Mr. Nieporte stated that this property falls to the west and all water from the parking area is being designed to shed to the west away from the road and onto their property.

A motion was made by Erin Strang supported by Tim O'Neil to approve Site Plan Review 16-05 (SPR#16-05) which was submitted by Jeff Konczak for the proposed parking expansion, as submitted, in the Agricultural (AG-2) district with the stipulations that screening be installed and maintained in the

green space indicated on the site plan screening in the form of a staggered, double row of conifers a minimum of 3 ft in height, planted 10 ft on center and the applicant provide a copy of the driveway permit issued from the Isabella County Road Commission. Also, the internal walk way take the place of the interior landscaping requirement and the downward shielded lights comply with the ordinance.

Yes: Gordon Gilchrist, Ann Silker, Nancy White, Jeremy Murphy, Jim Horton, Tim O'Neil, Erin Strang, Phillip Vogel, Kelly Bean

No: None

Motion carried

SPR#16-06 – Agricultural Tourism – Wedding Barn

An application was filed on September 21, 2016 by Dean Titus for the creation of an Agricultural Tourism location with the inclusion of an event barn. Included with the application is a site plan, a narrative which details the farm activity and the intended use of the property, and a letter of support signed by various residents within the surrounding area.

The site is approximately 10 acres and is located on W. Walton Rd. between S. Guy Rd. and S. Rolland Rd. and is comprised of approximately 90 % tillable farmland. Rolland Township, Section 4 in 9000 block of W. Walton Rd.

Agricultural Tourism is a use which is permitted by right in all three of the agricultural districts (Section 5.50 Table of Permitted Uses) and is defined in Section 2.01 as: ...the practice of visiting an agribusiness, horticultural, or farm operation, including, but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion animal or livestock show, for the purpose of recreating, education, or active involvement in the operation, other than as a contractor or employee of the operation

The applicant is proposing to construct a barn that can be rented by members of the public for events such as weddings and wedding receptions, birthday parties, etc. The submitted narrative has indicated the applicant's desire to utilize this property as a farm and provide educational opportunities to those visiting the farm through local history, farm operations, and may offer a once a week farmers market during the growing season. The applicants are considering a small on-site garden to provide some farm to table consumption.

Mr. Johnson stated that in an email from Mr. Titus he was very specific that this is a farm first. The establishing of a farm is to be the first step. The barn would be next and they understand without the farm it would not be Agricultural tourism.

Mr. Johnson stated as staff reviewed this application some stipulations they would recommend to are staff to be provided with a copy of the well and septic permit, the deed to the property, the split approval from the township, the driveway permit, the applicant apply for an address to the property and the installation and maintenance of a staggered double row of conifers 10ft on center with a minimum

height of 3ft along the full length of Walton Rd., the barn must retain the look of a typical agricultural building and the property must maintain its farm use as the primary use.

Mr. Nieporte stated that the key with this application is that it maintain the working farm. First and foremost this is a working farm. Running food to table, framers market, and educational component gives it the agricultural tourism component.

Kendra Titus spoke and stated that the site plan had most everything addressed but was there for any questions.

Mr. Nieporte inquired about the hours of operation.

Mrs. Titus stated that all events will end at 11p.m. and that there should no one present onsite after midnight.

Mr. Nieporte asked about music and location.

Mrs. Titus informed Mr. Nieporte that all music will be held inside other than ceremony music during a wedding ceremony.

Steve Sweet spoke and stated that the appearance of the barn has been discussed with the architect to be board-and-batten, hip roof style.

Mr. Horton asked what the occupancy size was and what the parking requirement is.

Mr. Nieporte stated that parking is proposed to be the grassed area identified on the application and that ADA access parking will be close the building. Staff calculated the number of spaces required and the number of spaces available and they are meeting the ordinance requirement within designated area. The grassed area is being proposed for parking to maintain the agricultural character of the agricultural tourism activity taking place on the farm.

Mr. Horton stated that to him this feels more like a dwelling instead of a barn.

Mr. Nieporte stated a barn is not the farm.

Mr. Horton expressed his concern of this being a farm.

Mr. O'Neil asked if the farm has to fit the definition of the ordinance.

Mr. Nieporte explained they do meet the definition of a farm in the ordinance.

A motion was made by Ann Silker supported by Jim Horton to approve Site Plan Review 16-06 (SPR#16-06) with the following conditions, staff be provided with a copy of the well and septic permit, the deed to the property, the split approval, the driveway permit, that the appropriate screening be installed, obtain an address to the property, the barn must retain the look of a typical agricultural

building and the property must maintain its farm use as the primary use.

Yes: Gordon Gilchrist, Ann Silker, Nancy White, Jeremy Murphy, Jim Horton, Tim O'Neil, Erin Strang, Phillip Vogel, Kelly Bean

No: None

Motion carried

PA116 Farmland Agreement - Brian Boge - Coe Township

Brian and Deborah Boge have made an application to the Farmland and Open Space Preservation Program (PA116). The application is for a 68.5 acre parcel in Section 23 of Coe Township which is planned and zoned for Agriculture. The application is for 10 years and appears to be complete.

The Board had no concerns.

Mr. Johnson stated that staff will forward a letter to Coe Township indicating the board had reviewed the farmland agreement and had no comments.

Coe Township Zoning Text Amendments

Mr. Johnson reported on three text amendments from Coe Township

ZAC #16-01

The Coe Township Planning Commission recommended to their Township Board on September 14, 2016 to approve an amendment to their section on Livestock and Domestic Animals. The amendment removed the 5 acre minimum requirement for the keeping of livestock and inserted language recommended by their attorney that the keeping of livestock must be done in accordance with the Generally Accepted Agricultural Management Practices.

ZAC #16-02

The Coe Township Planning Commission recommended to their Township Board on September 14, 2016 to approve an amendment to their Schedule of District Regulations. The amendment added an exemption to the 4:1 ratio to newly created lots for lots over 10 acres in size. This language was recommended by the Township Attorney.

ZAC #16-03

The Coe Township Planning Commission recommended to their Township Board on September 14, 2016 to approve the insertion of language into their zoning ordinance to provide standards for Wind Energy Conservation Systems. This language was developed by staff at the request of Coe Township and incorporated language from the Isabella and Gratiot County Zoning Ordinances.

The board had no comment on these amendments.

Mr. Johnson stated that staff will forward to Coe Township a letter stating that the Commission has reviewed the request and has no comments.

City of Clare Master Plan Update

The City of Clare sent notification that the Clare Planning Commission has prepared an amendment to the City's master plan and forwarded it to the Isabella County Planning Commission for review and comment as per MCL 125.3839

Staff reported to the board that the future land use map in the master plan appeared to be consistent to the future land use in the adjacent areas of Vernon Township.

Mr. Johnson stated that staff will forward to City of Clare a letter stating that the Commission has reviewed the Master Plan and has no concerns.

PUBLIC COMMENT - None

STAFF COMMENTS – Mr. Nieporte informed the board that staff will be reviewing Sherman Township zoning district maps. There has been conflicts with the county districts so a review will be done and recommended changes will be forthcoming.

Mr. Nieporte also informed the board there is an upcoming Target Market Analysis workshop on Housing being held at Mt. Pleasant City hall Wednesday October 19, 2016 from 3-5 p.m. and Mr. Nieporte will attend.

PLANNING COMMISSIONER'S COMMENTS

Ms. Strang asked if staff could look further into Agricultural Tourism rules and regulations for a future meeting.

Mr. Nieporte stated that this is a great opportunity for us to review how these may fit as a special use permit.

Mr. Horton expressed concerns to the use of the facility not being used for Farm items. Which makes him feel that it is a dwelling.

Mr. Vogel stated that we should remember the right to farm act is a very active movement.

Mr. Horton asked that the staff look into how other counties are addressing barn venues.

Mrs. Silker would like to have a clearer distinction between a commercial activity and a farming activity.

Mr. Nieporte indicated that staff would begin the process of reviewing language for a future meeting.

ADJOURNMENT

A motion was made by Mr. Murphy to adjourn the meeting seconded by Mrs. White at 8:30 p.m.

Yes Gordon Gilchrist, Ann Silker, Nancy White, Jeremy Murphy, Jim Horton, Tim O'Neil, Erin Strang, Phillip Vogel, Kelly Bean

No: None

Motion carried

A handwritten signature in black ink, appearing to read 'Nancy White', is written over a horizontal line.

Nancy White, Secretary

Kim Kennedy, Recording Secretary