



COMMUNITY DEVELOPMENT

200 North Main, Mt. Pleasant, MI 48858

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Staff Report

TO: Human Resource Committee
Isabella County Board of Commissioners

FROM: Timothy A Nieporte, Community Development Director

DATE: June 28, 2019

RE: ZA (Rezoning) #19-02 Rezone from R-2 to C-1

BACKGROUND

Zoning Amendment #19-02 amends the Isabella County Zoning Ordinance map in Section 18 of Rolland Township in the Village of Blanchard. The purpose of the amendment is to rezone property from Medium Density Residential (R-2) to Commercial (C-1). The property is located in the Village of Blanchard near Main St. and undeveloped N. 2nd St. in Section 18 of Rolland Township.

The Isabella County Planning Commission held a public hearing on June 13, 2019 to rezone property from Medium Density Residential (R-2) to Commercial (C-1). There was one letter of correspondence received prior to the meeting in favor of the rezoning request. During public comment Dan Shaw, the Rolland Township Supervisor read a letter addressed to the planning commission which outlined justification for the development stating that the resident was in favor of the request. Mr. Shaw further stated that his reading of the letter was not the position of the Rolland Township Board. A few other citizens asked questions or made statements during public comment but further stated that they were neutral on the request. Several citizens from the surrounding area spoke out against the request citing concerns about change, contamination, the overall character of the area and running local business out of town.

After public input, discussion and review of the guidelines established in Section 15.08 (C) (2) the Planning Commission voted three (3) yes's and five (5) no's to recommend approval of the rezoning to the County Board of Commissioners, the motion was denied.

On June 14, 2019, Staff provided a summary of the meeting including the motion and action of the planning commission to Timothy M. Perrone of Cohl, Stoker & Tooskey, P.C. Staff then asked Mr. Perrone to review and comment on the motion to recommend approval and the vote to deny. Staff was concerned that since the motion was denied, the planning commission had not formally made a recommendation to the County Board as required by State Law and Ordinance. Mr. Perrone stated "by its vote after the public hearing, the planning commission stated its position on the proposed rezoning, which constitutes its recommendation. MCL 125.3306(1)."

Therefore, the recommendation to approve, which was denied, is the recommendation or position of the planning commission.

ALTERNATIVES

1. Concur with the Planning Commission's recommendation to deny Zoning Amendment #19-02.
2. Approve Zoning Amendment #19-02 as submitted rezoning the property from Medium Density Residential (R-2) to Commercial (C-1).
3. Return the amendment to the Planning Commission with a written report for further evaluations.

FINANCIAL IMPACT

None.

OTHER CONSIDERATIONS

None.

RECOMMENDATIONS

1. Move to deny Zoning Amendment #19-02.
- Or
2. Move to adopt Zoning Amendment #19-02 which amends the Isabella County Zoning Ordinance Map in Section 18 of Rolland Township in the Village of Blanchard by rezoning the described areas from Medium Density Residential (R-2) to Commercial (C-1) and authorize the County Board chairperson to sign the official zoning map.

ATTACHMENTS

1. Written Statement
2. Rezoning Exhibit
3. Zoning Amendment #19-02 (MAP).
4. Draft Planning Commission Minutes from June 13, 2019.

May 16, 2019

Isabella County
200 N. Main
Mt. Pleasant, MI 48858

RE: Rezone Request

Dear Isabella County Planning Commission and Board:

On behalf of the sellers Michael and Ruth Schmidt and our client Midwest V, LLC, please review the following attachment to the rezone application:

Rezone request from R-2 Medium Density Residential to C-1 General Commercial:
Section 15.08 Part C-2:

- a) *Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Isabella County Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.*
 - This corridor along Main Street (from 2nd Street to 4th Street) consists of commercially zoned properties / developments and is compliant with the future land use map. The proposed rezoning is contiguous to the commercially zoned property fronting Main Street. The property requesting to be rezoned also backs onto a paper street / property zoned Industrial.
- b) *Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.*
 - The rezone of this parcel will allow for the property to be combined with property currently zoned commercial and therefore will allow for the development of the property and be compatible with the site's physical, geological, hydrological, and environmental features of the site. The intent of the General Commercial district is to provide a service that meets the of day to day needs of persons residing in the County as well as the needs of commuters traveling along the route. Redevelopment of this site will provide a new fresh look and feel to the property.

- c) *Whether if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks and road lighting.*
- If the zoning should remain residential, the property as it lies does not have viable access to a public road as currently there are only undeveloped paper streets adjacent to parcel requesting to be rezoned. At this time, the parcel is not readily capable of being developed.
 - Should the rezone be approved, the property would be combined with commercially zoned property fronting Main Street and have access to a public road. With the rezone, the site is capable of being developed.
- d) *Other factors deemed appropriate by the Planning Commission.*
- We are not aware of any other concerns at this time.

Please review this attachment, along with our rezone submittal package for the upcoming Planning Commission meeting being held on June 13th. Please feel free to contact me at (269) 806-6718 if there are any questions or if any additional information is needed prior to the PC and Board meeting.

Sincerely,

AR ENGINEERING, LLC.

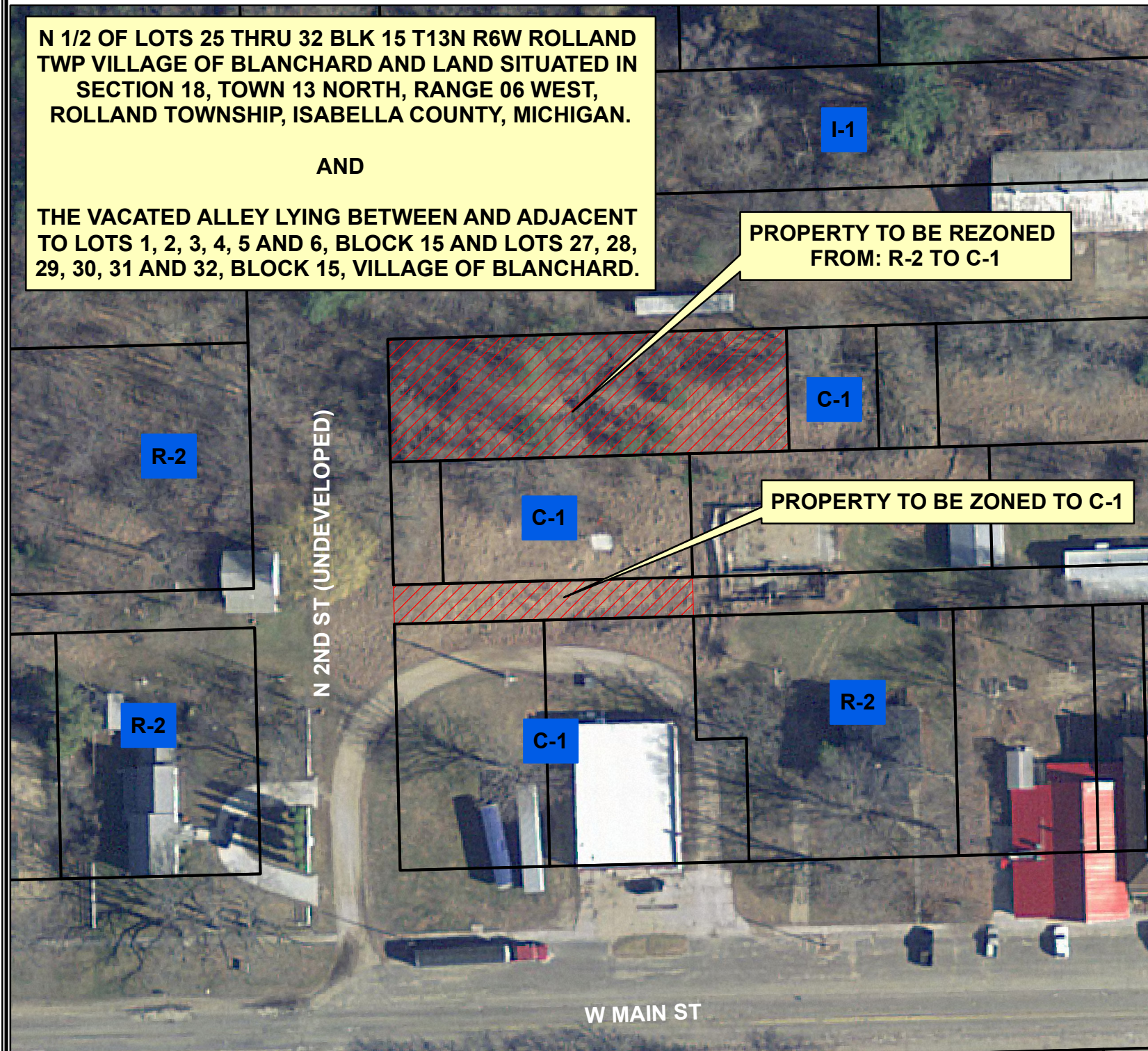
Jason P. Raleigh, P.E.



N 1/2 OF LOTS 25 THRU 32 BLK 15 T13N R6W ROLLAND
TWP VILLAGE OF BLANCHARD AND LAND SITUATED IN
SECTION 18, TOWN 13 NORTH, RANGE 06 WEST,
ROLLAND TOWNSHIP, ISABELLA COUNTY, MICHIGAN.

AND

THE VACATED ALLEY LYING BETWEEN AND ADJACENT
TO LOTS 1, 2, 3, 4, 5 AND 6, BLOCK 15 AND LOTS 27, 28,
29, 30, 31 AND 32, BLOCK 15, VILLAGE OF BLANCHARD.



ZONING AMENDMENT ZA #19-02

SECTION 18
ROLLAND TOWNSHIP
ISABELLA COUNTY MICHIGAN

THIS MAP IS A TRUE AND CORRECT
COPY OF THE ORDINANCE AMENDMENT
ADOPTED BY THE ISABELLA COUNTY
BOARD OF COMMISSIONERS PRESENT
ON _____

GEORGE GREEN, CHAIRPERSON ISABELLA
COUNTY BOARD OF COMMISSIONERS

MINDE B. LUX, ISABELLA COUNTY CLERK

ZONING DISTRICT BOUNDRIES
FOLLOW EXISTING OWNERSHIP
AND SECTION LINES UNLESS
OTHERWISE DIMENSIONED ON A
LARGE SCALE SUB AREA MAP.

THIS MAP SHALL BE KNOWN AS
THE OFFICIAL MAP FOR
AMENDMENT TO THE ISABELLA
COUNTY ZONING ORDINANCE



Created By:
Isabella County
Community Development
200 N. Main St.
Mt. Pleasant, MI 48858
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ISABELLA COUNTY
PLANNING COMMISSION

June 13, 2019

A Regular Meeting of the Isabella County Planning Commission was held on June 13, 2019 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: Tim O'Neil, Phillip Vogel, Jerry Neyer, Kelly Bean, Bob Campbell, Nathan Rogers, Jim Horton, Ann Silker

MEMBERS ABSENT: Jeremy Murphy

SUPPORT STAFF PRESENT: Timothy A. Nieporte, Community Development 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. Neyer supported by Mrs. Silker to approve the agenda.

Yes: Tim O'Neil, Phillip Vogel, Jerry Neyer, Kelly Bean, Bob Campbell, Nathan Rogers, Jim Horton, Ann Silker

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the May 9, 2019 meeting were circulated to the commission prior to the meeting for their review.

A motion was made by Mr. Neyer supported by Mrs. Silker to approve the minutes.

Yes: Tim O'Neil, Phillip Vogel, Jerry Neyer, Kelly Bean, Bob Campbell, Nathan Rogers, Jim Horton, Ann Silker

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals - none

Parks & Recreation – none

Board of Commissioners – Mr. Horton stated that the Commission is searching for a project manager and a potential location for the new Jail. The Commission is also working on the 2020 budget.

TOWNSHIP CONCERNS

Denver – Jackie Curtis nothing to report

Sherman – Richard Schmidt nothing to report

Rolland – Dan Shaw nothing to report

PUBLIC COMMENT – None

SUP#19-02 Shaun Graham

Mr. Johnson reported that an application for a special use was submitted by Shaun Graham. The applicant is requesting a special use permit to use an existing building as a contractor storage building. Mr. Johnson stated that the Zoning Board of Appeals in 2003 made an interpretation that a use such as this is similar to Excavation and Transportation Services.

Mr. Nieporte reiterated to the commission that the Zoning Board of Appeals is the interpretive body and interpretations are taken to the ZBA when specific uses are not listed in the Zoning Ordinance.

Mr. Johnson stated that the original building was permitted and constructed in 2015 for personal storage and after growth in the company the contractor is desiring to move the business in to the storage building. The applicant is also proposing to construct an 18 ft wide lean-to on the north side of the building for additional storage of equipment.

Mr. Johnson reported that the applicant indicated in the narrative there is minimal traffic to the property and is not open to the public. Mr. Johnson noted there currently is dense vegetation between the building and adjoining residences and recommends that if the commission is going to make an approval a stipulation be made that the vegetation remain to meet the ordinance requirement in Section 12.05.

Public Hearing Opened at 7:09 p.m.

Public Hearing Closed at 7:09 p.m.

A Motion was made by Mr. Neyer and seconded by Mrs. Silker to approve special use permit 19-02 (SUP#19-02) as submitted by Shaun Graham with the stipulation that the applicant maintain the existing vegetation as screening between the building and adjacent residences.

Mr. Bean called for discussion.

The commission discussed the proposal and found that all requirements in Section 12.03 have been met.

Mr. Bean called for a vote on the motion.

Yes: Tim O'Neil, Phillip Vogel, Jerry Neyer, Kelly Bean, Bob Campbell, Nathan Rogers, Jim Horton, Ann Silker

No: None

Motion carries.

ZA#19-02 Map Amendment

Mr. Johnson reported that Jason Raleigh of AR Engineering has applied to zone and rezone property in the Village of Blanchard to General Commercial (C-1). The applicant is requesting to rezone a piece of property from Medium Density Residential (R-2) district to the General Commercial (C-1) district and zone the recently vacated alley to General Commercial (C-1).

An attached narrative discusses the developer's intent to combine several properties for future development of a retail store. The narrative also discusses the question of the site being capable of development and compatibility of surrounding uses.

Mr. Johnson reviewed the current zoning and future land use maps for the commission and pointed out that this request is adjacent to commercially zoned property and the majority of current commercial uses are nearby and within a few blocks. Mr. Johnson also presented a letter in support of the request from Diane Clark 239 Main St. directly to the west of the proposed development.

Mr. Jason Raleigh discussed the intent to combine several properties including the ones proposed to be rezoned, to gain frontage to Main St. making it a developable property. He also stated the preliminary plan is to focus development on the Main St. frontage leaving the rear area for storm management and septic systems.

Mr. Campbell asked if there were any site contamination concerns.

Mr. Raleigh stated that developer will go through processes to ensure state law compliance.

Public Hearing Opened at 7:21 p.m.

Dan Shaw, Rolland Township Supervisor, read a letter addressed to the planning commission from Mike Schmidt. The letter outlined justification for the development and was in favor of the rezoning. Mr. Shaw further indicated that the information in the letter was not the position of the Rolland Township Board.

Nancy Flom expressed concerns about change, storm water drains, water wells and was not in favor of the request. She asked about the criteria for making decisions on Variances.

Mr. Nieporte clarified the Zoning Board of Appeals is the board that hears variance requests not the Planning Commission.

Gloria Smith was not in favor of the request and expressed concerns about change, streets, storm drains and parking.

Kevin Smith owner of TG's party store stated he likes competition but wants to ensure ordinance requirements followed.

Kimberly Smith owner of Loafers Glory was not in favor of the request and expressed concerns with water wells and contamination.

Bob Baxter has concerns about change, additional traffic and parking and was not in favor of the request.

Marilyn Richman expressed concerns about change to the community and was not in favor of the request.

Tom Ogletree stated he is neutral on the rezoning request but would like the development to have a store front like others in the neighborhood.

Mike Olson stated he does not want the property rezoned because he doesn't want change.

Mary Ellen Coldwell expressed concerns about local businesses and the change to the character of the community, and is against rezoning.

Jason Raleigh stated the property currently is not adjacent to a developed street and is therefore not currently developable. He stated the developer would coordinate with DEQ and will be in compliance with all applicable laws.

Bob Baxter stated he felt current building could continue to be used by the property owner.

Amy Baker stated she is looking for a home in Blanchard and would not purchase a home if Dollar General was in Blanchard.

Public Hearing Closed at 7:50 p.m.

Mr. Bean called for a motion.

A Motion was made by Mr. Neyer and seconded by Mr. Vogel to recommend approval to the County Board of Commissioners Map Amendment 19-02 (ZA#19-02) as submitted to rezone a piece of property from the Medium Density Residential (R-2) district to the General Commercial (C-1) district and to zone a piece of property to General Commercial (C-1) based on a review of Section 15.08 C 2 of the ordinance.

Mr. Bean called for discussion.

Mrs. Silker reiterated that the commission is not making a decision tonight on any particular company.

Mr. Nieporte stated that was correct, this board is just looking at the rezoning request and must consider compatibility of all uses in the commercial district.

Mr. Horton expressed concerns of an applicant supporting the community.

Mr. Campbell asked who gets ownership of the vacated alley land.

Mr. Nieporte indicated the property is split between adjacent owners, in this case they are the same owner.

Mr. Vogel expressed concerns about the amount of opposition to the request.

Mr. O'Neil asked if a rezoning is something that is required to be approved or could members vote no.

Mr. Nieporte stated the commission is required to hold a public hearing and uphold the master plan and ordinance requirements.

Mr. Bean Called for a roll call vote.

Nathan Rogers: No

Ann Silker: No

Jerry Neyer: Yes

Jim Horton: Yes

Tim O'Neil: No

Bob Campbell: No

Phillip Vogel: Yes

Kelly Bean: No

Motion was denied.

Mr. Rogers asked what the next steps for the rezoning are.

Mr. Nieporte indicated staff would consult the County's attorney regarding the next steps for the rezoning request.

UNION TOWNSHIP MAP AMENDMENT

Mr. Johnson reported on a text amendment submitted by Union Township for review. He stated the amendment provides language for Solar Farms within Union Township. The Township Planning Commission voted to table the amendment until the June meeting. Staff has reviewed the language and sees no concerns and assumes Union Township is working with their Attorney to develop the amendment.

Mr. Johnson stated that a letter would be forwarded back to Union Township advising them of the Planning Commission's review with no comment.

PUBLIC COMMENT – None

STAFF COMMENTS – Mr. Nieporte informed members of the updated by-laws staff sent in their packets and reminded them to keep them in their ordinance binder.

PLANNING COMMISSIONER'S COMMENTS –

Mr. Rogers asked if there was any information on the wind turbines.

Mr. Nieporte stated there was not at this time.

Mr. O'Neil asked if a site plan review would take place for each wind turbine.

Mr. Nieporte informed the board that each turbine will have a site plan review and will need meet all ordinance requirements.

Mr. Rogers asked if the members who had a conflict of interest at the public hearing will have a conflict of interest at during site plan review.

Mr. Nieporte stated it was likely they would be conflicted but staff will be verifying this with the County's attorney.

ADJOURNMENT

A motion was made by Mr. Horton supported by Mr. O'Neil to adjourn the meeting at 8:07 pm

Yes: Tim O'Neil, Phillip Vogel, Jerry Neyer, Kelly Bean, Bob Campbell, Nathan Rogers, Jim Horton, Ann Silker

No: None

Motion carried

Tim O'Neil, Secretary