

ISABELLA COUNTY
PLANNING
COMMISSION

April 12, 2018

A Regular Meeting of the Isabella County Planning Commission was held on April 12, 2018 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

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

MEMBERS ABSENT: None

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. Murphy at 7:00 pm.

The Pledge of Allegiance was recited by the commission.

APPROVAL OF AGENDA

Mr. Murphy requested that the agenda be approved with amendments as presented.

A motion was made by Mr. Horton supported by Mr. Bean to approve the amended agenda.

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

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the February 2018 regular meeting were circulated to the commission prior to the meeting for their review.

A motion was made by Mr. Horton supported Mr. Vogel to approve the minutes as presented.

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

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Vogel reported the zoning board of appeals made an interpretation of an outdoor recreational facility for an outdoor paint ball facility. It was determined this type of facility meets the definition of an outdoor recreational facility.

Parks & Recreation – Mr. Murphy stated that items covered at the last Parks and Recreation meeting included the parks master plan, budgets and the upcoming ribbon cutting in May for improvements at Coldwater Lake Family Park.

Board of Commissioners – Mr. Horton stated that the Board of Commissioners approved the position for a Temporary Senior Prosecutor and/or to hire a contractor. The Board also approved a position for a public defender and is working with the state on funding for this position. The county is also working on the full faith and credit loan to the road commission which is currently out for public notice.

TOWNSHIP CONCERNS

Sherman – None.

Gilmore – Mr. Gibbs stated that Gilmore Township is currently drafting language to present to the Township Board which will be on the August ballot for Township planning.

Denver – Mrs. Curtis informed the board that the petition submitted to Denver Township will be on the ballot in August.

PUBLIC COMMENT – None

SUP#18-01 Group Child Care Home

Mr. Nieporte informed the commission the applicant has notified staff that she will not be at the meeting and that the Michigan Zoning Enabling Act states that in this case, if the application meets the requirements for Group Child Care Homes in the state law, the commission shall approve the application, however if you have any questions that we need the applicant to answer it is not out of your purview to table the application until staff can get the answers to those questions.

Mr. Johnson reported that an application was submitted for a property in Lincoln Township, Section 8 for a Group Child Care Home in the AG-2 district. Staff has sent the commission the definition of a Group Child Care Home, the site plan from the application, and the general requirements for all special land uses. Staff also sent responses from the applicant to the requirements in the Michigan Zoning Enabling Act, and noted the applicant is not planning for any signage at this time.

Staff is of the opinion that the application is complete and meets all requirements in the ordinance and the Michigan Zoning Enabling Act. Staff would recommend that if the planning commission is going to make an approval they impose a stipulation that the applicant install the fence as shown in the site plan and required in the ordinance and with an approval to operate as early as 6:00 a.m. to allow for children to be dropped off.

Mr. Nieporte clarified that the language from the Michigan Zoning Enabling Act Section 206 states that the commission shall approve the application if it meets the criteria. Mr. Nieporte also noted that there is a juvenile detention center across the street owned by the county. Staff sent the information on this facility to the attorney who has determined that the facility does not fall within the criteria in Section 206 and therefore the application meets the requirements in the Zoning Enabling Act.

Mr. Horton asked for clarification on what type of facility was across the street.

Mr. Nieporte clarified that this is a non-secured juvenile detention facility.

Public hearing opened 7:14 pm

Public hearing closed 7:14 pm

A motion was made by Mr. Horton supported by Mr. O'Neil approve Special Use Permit 18-01 submitted by Nicole Jonson, to establish a Group Child Care Home in the General Agricultural (AG-2) district with the stipulation that the applicant can operate business starting a 6:00 am and they shall install the fence shown on the approved site plan in accordance with the requirements in the ordinance.

The commission discussed the timeline for the installation of the fence and when the applicant can operate the Group Child Care Home.

Mr. Horton asked if the health department needed to be involved.

Mr. Nieporte let the commission know staff would make a call to the health department to determine if any approvals would be needed.

Mr. Murphy called for a vote.

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

No: None

Motion carries.

SPR#18-01 TMM Properties/Bandit Industries

Mr. Johnson reported that an application for site plan review was received by Mr. Lou Jensen of Bandit

Industries for a nearly 16,000 square foot addition to an existing building for the purposes of final assembly. The parcel is approximately 15 acres of a 94 acre facility. The site is on the north side of the airport and staff has received determinations from the FAA stating that the proposed is no hazard to air navigation. Staff is of the opinion that there is sufficient screening already in place and sufficient parking already exists.

Staff noted the application meets all the dimensional requirements of the ordinance and has no additional stipulations recommended for this project.

The Chair called for a motion.

A motion was made by Mr. Neyer supported by Mr. Vogel approve Site Plan Review 18-01 (SPR#18-01) submitted by Lou Jensen on behalf of Bandit Industries.

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

No: None

Motion carries.

Farmland Agreement – Anderson, Fremont Township

Mr. Johnson informed the board that Lowell and Martha Anderson have submitted an application to the Farmland and Open Space Preservation Program (PA116) in Fremont Township. The application is for 27 acres in Section 28. The application and maps are attached for your review. The property is currently being used for agricultural purposes and is zoned by Fremont Township as AG-2 (General Agricultural). Staff was unable to determine the future land use designation.

Mr. Johnson noted that the application appears to be missing information regarding the gross annual income of the farm (question 17) and the number of years the application is for (question 19).

Mr. Johnson stated that staff will forward a letter to Fremont Township Clerk indicating the commission has reviewed the farmland agreement and that the application appears to be missing information regarding the gross annual income of the farm (question 17), the number of years the application is for (question 19), and staff will request a copy of the Fremont Township future land use map.

Farmland Agreement – Arnett, Coe Township

Mr. Johnson informed the board that Gregg and Laurie Arnett have submitted an application to the Farmland and Open Space Preservation Program (PA116) in Coe Township. The application is for 89 acres in Section 29 for 10 years. The property is currently being used for agricultural purposes and is zoned as and planned for Agricultural by Coe Township.

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

Planning Commission Annual Report

Mr. Nieporte reviewed the Planning Commission Annual Report for the commission. Following no concerns or comment from the commission Mr. Nieporte stated he would forward the report to the County Board of Commissioners.

PUBLIC COMMENT – None

STAFF COMMENTS – Mr. Nieporte updated the board on zoning amendment #18-01 Harsh Map Amendment has been approved by the County Board of Commissioners and was noticed for adoption. With regards to zoning amendment #18-02, two of the three items were adopted, the requirements for a post construction study and as-built site plan drawings were approved by the board of commissioners but not the requirement for ADLS lighting.

Mr. Nieporte informed the board the office received letter of intent for Master Plan updates from City of Mt Pleasant and Lake Isabella.

The office also received a letter from Lake Isabella expressing concerns about the potential construction of wind turbines near the airport. The letter also wanted to make sure staff had copies of their airport layout plans. Mr. Nieporte sent a letter back to Lake Isabella and assured them the County is aware of FAA notifications and determinations are needed and that we have the layout plans. The office is also currently working to get a GIS layer to help with filing notices when projects are proposed.

Mr. Nieporte commented that staff is looking at a few updates for the master plan later this year as we get closer to the 2020 census. Mr. Nieporte also recommended the commission look at a few minor updates to the planning commission bylaws this fall or winter.

Staff is also working with the U.S. Census LUCA (Local Update to Census Addressing) program to provide addressing updates for the upcoming 2020 census.

Mr. Nieporte informed the board that the office has issued soil erosion permits and received an alta survey for the 38 wind turbines permitted in Coe Township. Staff expects building permit applications any day now.

Wise Township submitted a Medical Marihuana ordinance for Planning Commission review, however this is a police power ordinance and it is not something the Planning Commission reviews. Staff has informed Wise Township that there is no review required but staff would bring it to the planning commission's attention and highly recommend the township's attorney review the ordinance. Mr. Nieporte stated that if Wise Township does modify their zoning ordinance then that is the document the planning commission would review.

Mr. Rogers asked if the denial of the aircraft detection lighting system (ADLS) was from the board not having enough of information.

Mr. Horton stated his opinion on the ADLS lighting is that he does not have confidence in the system for the lights to be off at times and he wasn't comfortable voting for the ADLS.

Mr. Vogel inquired if it is the Federal Government that states medical marihuana is illegal?

Mr. Nieporte clarified that yes it is illegal under federal law, but the State has legalized it and facilities could operate under the medical marihuana facilities act.

Mr. Bean asked how this is different from the medical marihuana laws from a few years ago.

Mr. Nieporte clarified the difference between caregivers and medical marihuana facilities.

The commission discussed potential medical marihuana facilities.

Mr. Nieporte informed the board that townships have asked how the County will handle medical marihuana facility. He explained that it is not a County issue. Medical marihuana facilities requires a Township resolutions and Township action. When it becomes a County issue is how we handle it from a zoning perspective. Review of the County ordinance would have to be done with possible changes if a Township chose to take action. At this time none of the Township the County has zoning authority in have expressed an interest in medical marihuana facilities.

Mr. Horton expressed his opinion on medical marihuana. He believes there are no medical benefits from marihuana. He stated marihuana is federally illegal and to profit from is illegal. Mr. Horton expressed his concern on the increased stress for local law enforcement with this issue.

PLANNING COMMISSIONER'S COMMENTS –

Mr. Horton expressed concerns on the Group Child Care Home and felt it could conflict on the some types of clients at the ongoing detention center that is located close to the group child care home.

Mr. Nieporte stated the type of facility across the street was reviewed by the County attorney and it was determined to not be an issue.

The commission discussed the group child care home and the facility across the street.

Mr Horton asked who the commission members should contact if they are unable to make a meeting.

Mr. Nieporte stated commissioners should contact himself via email or phone as early as you know you will miss a meeting.

Mr. Vogel asked if townships enact their own zoning ordinance does anyone have a dollar figure on what it's going to cost.

Mr. Nieporte stated that this is something the townships are going to have to figure out and it may

depend on who the township hires or what level of service the township wants. Mr. Nieporte would recommend the townships contact planning firms and an attorney to find out costs associated with planning and zoning documents and recommends an open competitive bid process. Mr. Nieporte noted that the community development office has a budget of about \$250,000 of a 20 plus million dollar budget. He also note there is a master plan development process, there is a zoning ordinance development process, there is administration and enforcement activities along with long term maintenance and updates to the master plan and zoning ordinance. Mr. Nieporte further stated that each township would want to consider all of these factors and what level of service they want to provide, therefore cost is depended upon individual township needs.

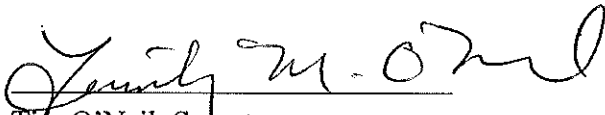
ADJOURNMENT

A motion was made by Mr. Horton to adjourn the meeting seconded by Mr. Neyer at 8 p.m.

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

No: None

Motion carried


Tim O'Neil, Secretary