

ISABELLA COUNTY
PLANNING COMMISSION

June 11, 2020

An Electronic Meeting of the Isabella County Planning Commission was held on June 11, 2020 via Zoom on the above date.

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

MEMBERS ABSENT: None

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

Staff informed the Chairman that the livestream connection to YouTube was not working properly but staff would continue to work on it and have it up and running as soon as possible.

The meeting was called to order by Mr. Bean at 7:05 pm.

The Pledge of Allegiance was recited by the commission.

APPROVAL OF AGENDA

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

A motion was made by Mr. Horton supported by Mrs. Silker to approve the agenda.

Mr. Bean called for a roll call vote.

Commissioner O'Neil – Yes
Commissioner Silker – Yes
Commissioner Neyer – Yes
Commissioner Vogel – Yes
Commissioner Campbell – Yes
Commissioner Horton – Yes
Commissioner Bean – Yes
Commissioner Rogers – Yes

No: None

Motion carried

PREVIOUS MINUTES

Minutes of the May 14, 2020 electronic meeting were circulated to the commission prior to the meeting for their review.

A motion was made by Mr. O'Neil supported by Mr. Neyer to approve the minutes.

Mr. Bean called for a roll call

Commissioner Silker – Yes
Commissioner Neyer – Yes
Commissioner Campbell – Yes
Commissioner Horton – Yes
Commissioner O'Neil – Yes
Commissioner Vogel – Yes
Commissioner Bean – Yes
Commissioner Rogers – Yes

No: None

Motion carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Vogel reported that a meeting was not held last month.

Parks & Recreation – Mr. O'Neil reported that a meeting was not held last month.

Board of Commissioners – Mr. Horton reported that the County Building is in Phase II of the COVID-19 response plan and that the building is open to the public by appointment only with about 25 % of staff on site. He also informed that board that the recycling center is open as of June 4th.

TOWNSHIP CONCERNS

Mr. Bean announced that Township Concerns are being moved into the Public Comment section of the meeting.

PUBLIC COMMENT

Jackie Curtis, Denver Township Trustee, reported that all was good.

Rodney Nanney, representative from Union Township, indicated he was on the call in case there were any questions about the Union Township text amendment.

SUP#20-06 Mineral Extraction - Fisher Construction Aggregates

Mr. Nieporte stated that an application was submitted by Vance Johnson of Fisher Construction Aggregates requesting a special use permit for a Mineral Extraction Industry located at 1143 N Rolland, in Sherman Township. He indicated that the application is for approximately 10 years and that an extraction industry has taken place on this property in the past.

Mr. Nieporte stated that the narrative attached to the application indicated the operation would extract and stockpile material for approximately 2 months out of the year. He stated the narrative indicates the extraction is 15.6 acres in size with primary access off S Rolland Rd. and that a secondary access point may be used for egress on W. Drew Rd. Mr. Nieporte also stated the extraction industry is not shown to be impacting any wetlands or the 100-year floodplain along the Chippewa River and that the applicant will apply for all required permits from the Department of Environment Great Lakes and Energy and our office.

Mr. Nieporte informed the board that section 12.05X of the ordinance requires a setback of 100 ft to any property line and a setback of 150 ft to any residence. He informed the board that staff made some markups to the site plans (shown on screen by staff) to highlight these two setback requirements and pointed out the excavation area is outside these setback lines, meeting both setback requirements.

Mr. Nieporte stated a letter was submitted with the application from Tony Casali, Road Manager of the Isabella County Road Commission which indicates the Road Commission Board recommend a permit be issued to Fisher Construction Aggregates and that the Road Commission Engineer address issues of dust control, upgrades to driveways, travel routes, gravel and blacktop maintenance, and bonding/escrow accounts to protect infrastructure.

Mr. Nieporte reported that there was also a letter from Patrick Gaffney, Engineer Superintendent for the Road Commission which indicates all issues were addressed concerning truck traffic on gravel roads and that there would be additional costs addressed by a road maintenance agreement that would need to be established.

Mr. Nieporte stated the application addressed reclamation of the property and is planned to be completed as areas are depleted of resources. The restoration also details topsoil replacement and vegetative cover being ~~plated~~ established.

Mr. Nieporte indicated the application appears to meet all requirements of the ordinance and that staff would recommend conditioning an approval on the following:

1. The applicant shall provide a copy of all County, State and/or Federally required permits such as a soil erosion and sedimentation control permit, an industrial storm water permit, etc.
2. The applicant shall provide a copy of the road use agreement that includes at a minimum provision for dust control, upgrades to driveways, travel routes, grave and blacktop maintenance and bonding/escrow including the directing of traffic back to W. Drew Rd and not South on Rolland Rd.

3. The secondary drive from Drew Rd. shall not be utilized without first providing a copy of a driveway permit and not before upgrading the drive to County Road Commission requirements.
4. The applicant shall maintain all existing forested and vegetated lands within the 100 ft required setback to a property line or road right-of-way and shall install the proposed berm prior to the mining operation taking place.
5. The applicant shall reclaim the site, as per their application, in compliance with Section 12.05 X of the Isabella County Zoning Ordinance.

The planning commission paused while the Chairman connected to the meeting.

Mr. Bean reconnected and with a quorum of members present called for the applicant to speak.

Pete Lorenz of Lorenz Surveying spoke on behalf of the applicant stating that the applicant is committed to dust control and working with the Road Commission to make sure Rolland Rd. is maintained. Mr. Lorenz also reiterated the mining is only going to be taking place 2 months out of the year, and that stockpile would be used throughout the year.

Public Hearing open 7:24 p.m.

Mr. Ransom, 1142 N Rolland Rd had questions and concerns in regards to which driveway would be utilized and dust control.

Public Hearing closed 7:30 p.m.

Pete Lorenz clarified that the main drive would be off Rolland Rd and that the applicant is committed to working with the Road Commission on dust control and that these detailed measure are in the application.

Mr. Bean called for a motion and a second.

A motion was made by Mrs. Silker supported by Mr. Rogers to approve Special Use Permit 20-06 (SUP#20-06) as submitted by Fisher Construction Aggregates, to establish a Mineral Extraction Industry in the Buffer Agricultural (AG-3) district and shall be further conditioned upon the following:

1. The applicant shall provide a copy all County, State and/or Federally required permits such as a soil erosion and sedimentation control permit, an industrial storm water permit, etc.
2. The applicant shall provide a copy of the road use agreement that includes at a minimum provision for dust control, upgrades to driveways, travel routes, grave and blacktop maintenance and bonding/escrow including the directing of traffic back to W. Drew Rd. and not south to Rolland Rd.

3. The secondary drive from Drew Rd. shall not be utilized without first providing a copy of a driveway permit and not before upgrading the drive to County Road Commission requirements.
4. The applicant shall maintain all existing forested and vegetated lands within the 100 ft required setback to a property line or road right-of-way and shall install the proposed berm prior to the mining operation taking place.
5. The applicant shall reclamate the site, as per their application, in compliance with Section 12.05 X of the Isabella County Zoning Ordinance.

Mr. Bean stated that with the stipulations recommended by staff and the information in the application, it appears all the requirements have been met and potential issues have been addressed.

Mr. Rogers asked if there were any issues with pumping of water that weren't address in the application.

Mr. Nieporte clarified it was not an issue in the past and isn't an issue in this application.

Mr Bean called for a roll call vote

Commissioner Rogers – Yes

Commissioner Bean – Yes

Commissioner Horton – Yes

Commissioner Campbell – Yes

Commissioner Vogel – Yes

Commissioner Neyer – Not present due to a connection issue.

Commissioner Silker – Yes

Commissioner O'Neil – Yes

No: None

Motion Carries

Site Plan Review #20-06 Milling and Processing of Farm Products – Simon Yoder

Mr. Nieporte stated that an application has been submitted by Simon Yoder for a site plan review for Milling and Processing of Farm Products (Sawmill). Located at 9732 S Sherman Rd, Rolland Township.

Mr. Nieporte stated that in February the Planning Commission made a recommendation to the Board of Commissioners to approve a conditional rezoning of this property from AG-3 to AG-2 for the purpose of Mr. Yoder to operate a sawmill.

Mr. Nieporte stated a permit from the Road Commission for the existing driveway and a proposed driveway was included in the application. He also stated that the site plan shows a log storage area to be 10 ft x 70 ft, log deck at 10 ft x 40 ft, a scrap wood storage area at 20 ft x 30 ft which will be used as a fuel source and an enclosed sawdust storage area of 16 ft x 20 ft.

Mr. Nieporte indicated that the application appears to meet all requirements of the ordinance.

Mr. Nieporte stated that staff recommends conditioning an approval on the following:

1. The applicant shall install and maintain screening as shown on the site plan as a double row of staggered evergreen trees planted a minimum of 10 ft on center at a minimum of 3 ft in height between the driveways so as not to obstruct vision.
2. The location and size of the log deck, and log storage areas shown on the site plan shall not be increased without prior approval.
3. The applicant shall provide for soundproofing within the power unit building.

Mr. Nieporte indicated that when the application for the conditional rezoning was before the planning commission it included approval letters from all of the property owners surrounding Mr. Yoder's property.

Mr. Vogel asked if the burning of the waste wood was open air or enclosed.

Mr. Nieporte indicated he assumed it would be enclosed since it would be for a fuel source.

Mr. Bean asked if the applicant had anything he wished to add.

Mr. Yoder indicated he had nothing to add.

Mr. Bean called for a motion and a second

A motion was made by Mrs. Silker supported by Mr. Vogel to approve Site Plan Review 20-06 (SPR#20-06) as submitted by Simon Yoder and shall be conditioned upon the following:

1. The applicant shall install and maintain screening as shown on the site plan as a double row of staggered evergreen trees planted a minimum of 10 ft on center at a minimum of 3 ft in height.
2. The location and size of the log deck, log storage, scrap, and sawdust areas shown on the site plan shall not be increased without prior approval.
3. The applicant shall provide for soundproofing within the power unit building.

Mr Bean called for a roll call vote

Commissioner Campbell – Yes
Commissioner Horton – Yes
Commissioner Bean – Yes
Commissioner Rogers – Yes
Commissioner Vogel – Yes
Commissioner Neyer – Did not vote because he was dropping in and out of the meeting.
Commissioner Silker – Yes
Commissioner Bean – Yes

No: None

Motion Carries

Mr. Nieporte stated a member believes he may have a conflict of interest with the next agenda item and asked him to declare the conflict at this time.

Mr. Campbell indicated he has a conflict of interest.

Mr. Nieporte stated that Mr. Campbell spoke to staff about his business relations with the applicant and with the operator of the facility.

Mr. Campbell was removed from the meeting and placed into the waiting room.

Site Plan Review #20-07 – Industrial Building – RE Investments/ Reuben Luthy

Mr. Nieporte stated that a site plan review application from RE Investments, Reuben Luthy, was submitted proposing an industrial building located on Luthy Dr., a private road with access from N Mission in Isabella Township.

Mr. Nieporte gave a brief history of the site, stating this property was rezoned in January 2015 and two industrial buildings have been previously approved and that Mr. Luthy was approved for a private Rd. in May 2019 with access off N Mission.

Mr. Nieporte stated Mr. Luthy is proposing construction of a 140 ft x 100 ft steel building to be leased to Mid-Michigan Industrial Coatings LLC with primary access off of Luthy Dr. Mr. Nieporte also indicated that following the original staff report, Mr. Luthy talked with the road commission and has confirmed there will not be access from Denver Rd. He also stated that Mr. Luthy has provided well and septic permits to our office.

Mr. Nieporte stated that staff has not received any correspondences for or against this request, and it appears the application meets the ordinance requirements.

Mr. Nieporte stated-staff would recommend the following conditions be placed upon an approval:

1. The applicant shall provide for at least two ADA accessible parking spaces with hard

surfaces.

2. The applicant shall apply for an address from the Community Development Department.
3. The applicant shall install and maintain an earthen berm 4 ft above the finished gravel grade in the industrial park. The berm shall be on the north end of the grass strip depicted in the site plan along the E. Denver Rd. right of way. The berm shall begin 100 ft west of the western most extent of the gravel parking area south of the new building and shall extend to the east property line where it shall run north at least 25 ft upon said berm shall be installed and maintained a double row of staggered evergreen trees placed 10 ft on center at a minimum of 3 ft in height.

Mr. Bean asked applicant if he would like to add anything.

Mr Luthy stated that Mr. Nieporte did a great job presenting and had nothing to add.

Mr. Rogers asked if there would be chemicals used in the cleaning process or just abrasives because of the excessive amount of wastewater involved.

Mr. Luthy stated he believed only abrasive because he asked the leasers if they would need any septic system to handle the waste water and they didn't.

Mr. Bean called for a motion and a second.

A motion was made by Mr. Neyer supported by Mr. O'Neil to approve SUP #20-07 as submitted by RE Investments and shall be conditioned upon the following:

1. The applicant shall provide for at least two ADA accessible parking spaces with hard surfaces.
2. The applicant shall apply for an address from the Community Development Department
3. The applicant shall install and maintain an earthen berm 4 ft above the finished gravel grade in the industrial park. The berm shall be on the north end of the grass strip depicted in the site plan along the E. Denver Rd. right of way. The berm shall begin 100 ft west of the western most extent of the gravel parking area south of the new building and shall extend to the east property line where it shall run north at least 25 ft upon said berm shall be installed and maintained a double row of staggered evergreen trees placed 10 ft on center at a minimum of 3 ft in height.

Mr Bean called for a roll call vote.

Commissioner O'Neil – Yes

Commissioner Silker – Yes
Commissioner Neyer – Yes
Commissioner Vogel – Yes
Commissioner Horton – Yes
Commissioner Bean – Yes
Commissioner Rogers – Yes

No: None

Motion Carries

Mr. Campbell was admitted back into the meeting.

City of Mt. Pleasant Master Plan

Mr. Nieporte stated that staff has received a copy of the City of Mt. Pleasant's Master Plan in February for review and comment. Mr. Nieporte indicated that since the City falls within Union Township and doesn't abut a Township that the County has jurisdiction Union would likely have more comment than the County. Mr. Nieporte indicated that staff will forward a letter to the City of Mt. Pleasant that the commission had reviewed the master plan and had no comments

Union Township Text Amendment

Mr. Nieporte reported on a text amendment submitted by Union Township for review. He indicated the text amendment was to remove sand and gravel operations from their zoning ordinance and establish a township ordinance. He indicated staff has no concerns with the amendment.

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

PUBLIC COMMENT – None heard.

STAFF COMMENTS – Mr. Nieporte informed the Board that staff has been back in the office since May 11 and is now transitioning into Phase II which allows for appointments to be made for the public. He stated that he has eight employees in the office and staff in the office is limited to 3 individuals at a time and that Inspectors are working from the field. He indicated a review of the procedures will take place at the end of the month and adjust as needed. He also indicated that electronic meetings may continue for next month but will be sure everyone will be informed.

PLANNING COMMISSIONER'S COMMENTS

Mr. Horton asked if there have been any complaints from customers.

Mr. Nieporte stated he has received none and that everyone has been patient.

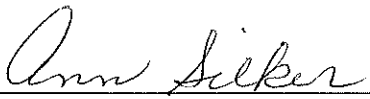
ADJOURNMENT

A motion was made by Mr. Horton to adjourn the meeting, seconded by Mr. Neyer at 8:04 p.m.

Mr Bean called for a roll call.

Commissioner O'Neil – Yes
Commissioner Silker – Yes
Commissioner Neyer – Yes
Commissioner Vogel – Yes
Commissioner Campbell – Yes
Commissioner Horton – Yes
Commissioner Bean – Yes
Commissioner Rogers - Yes

Motion carried



Ann Silker, Secretary