

ISABELLA COUNTY
PLANNING COMMISSION

December 14, 2023

A regular meeting of the Isabella County Planning Commission was held on December 14, 2023 at the Isabella County Commission on Aging Building, 2200 S. Lincoln Rd., Mt. Pleasant, Michigan.

MEMBERS PRESENT: Tim O'Neil, Ann Silker, Steve Swaney, Phillip Vogel, Kyle Camp, Adam Brookens, Lisa Hoisington

MEMBERS ABSENT: Kelly Bean, Bob Campbell

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

The meeting was called to order by Mr. O'Neil at 7:00 pm.

The Pledge of Allegiance was recited by the members.

APPROVAL OF AGENDA

A motion was made by Mr. Camp, supported by Mr. Swaney to approve the amended agenda.

Yes: Tim O'Neil, Ann Silker, Steve Swaney, Phillip Vogel, Kyle Camp, Adam Brookens, Lisa Hoisington

No: None

Motion to Approve Carried

PREVIOUS MINUTES

Minutes of the September 14, 2023 regular meeting were circulated to the members prior to the meeting for their review.

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

Yes: Tim O'Neil, Ann Silker, Steve Swaney, Phillip Vogel, Kyle Camp, Adam Brookens, Lisa Hoisington

No: None

Motion to Approve Carried

LIAISON REPORTS

Zoning Board of Appeals – Mr. Vogel indicated that one variance was heard at the last meeting and approved.

Parks & Recreation – Mr. O'Neil indicated that the Parks Board met at the Road Commission on December 6th and that the parks are doing good.

Board of Commissioners – Mr. Swaney stated that a Special Board of Commissioner's meeting was held to approve a proposed 2.5 millage for 6 years to be placed on the February 27th ballot.

TOWNSHIP CONCERNS

Mr. Richard Schmidt of Sherman Township stated that all is quiet.

Mr. Tom Gibbs of Gilmore Townships stated the Township is doing okay.

PUBLIC COMMENT

Opened at 7:03 p.m.

Closed at 7:03 p.m.

PUBLIC HEARINGS

SPECIAL USE PERMIT #23-04 PAT MARCHIANDO - NOTTAWA TOWNSHIP

Mr. Johnson reviewed his staff report indicating that Mr. Marchiando submitted the application to construct two 30 x 80 ft buildings to be used as a Mini-Warehouse. Mr. Johnson indicated that Mr. Marchiando provided a site plan which, along with recommended stipulations, appeared to meet all requirements of the zoning ordinance.

Mr. Johnson indicated to the members a new driveway was installed and staff is requesting a copy of an approval from the Isabella County Road Commission be provided. He also indicated that Mr. Marchiando has agreed that if any lighting was installed it would be fully down shielded and directed only to the ground.

Public hearing opened at 7:07 p.m.

Public hearing closed at 7:07 p.m.

Mr. Bean called for a motion.

Mr. Swaney made a motion to approve Special Use Permit 23-04 (SUP#23-04) as submitted by Pat Marchiando to establish a Mini-Warehouse in the General Commercial (C-1) district. The approval shall further be conditioned upon the following:

1. Any installed lighting shall comply with Section 3.20 and be fully shielded and directed downward.
2. The applicant shall provide a copy of the issued permit or an approval for a commercial entrance from the Isabella County Road Commission.

Mr. Swaney indicated the recommendation was based upon the demonstration of compliance with Section 12.03 and 12.05 of the zoning ordinance.

The motion was seconded by Mr. Camp.

Mr. O'Neil called for Board discussion.

Hearing no further discussion, Mr. O'Neil called for a vote.

Yes: Tim O'Neil, Ann Silker, Steve Swaney, Phillip Vogel, Kyle Camp, Adam Brookens, Lisa Hoisington

No: None

Motion to Approve Carried

SPECIAL USE PERMIT #23-05 JACOB TOTH – BROOMFIELD TOWNSHIP

Mr. Johnson reviewed his staff report to the members indicating that Mr. Toth has submitted an application to establish an Excavation/Transportation Services business at this location for the purpose of equipment storage related to his business. Mr. Johnson indicated that Mr. Toth would only be utilizing a 3-acre area of the 10-acre parcel for the storage of equipment and materials.

Mr. Johnson pointed out the proposed screening on the submitted site plan along the east and west property lines. Mr. Johnson also indicated that staff would see value of additional screening running east and west on the property to screen the activity from the north. He indicated this screening can significantly reduce the impact to neighboring residential uses along W. Pickard Rd.

Mr. Johnson also reported that the Variance heard at the October Zoning Board of Appeals meeting was for Mr. Toth. He stated that due to requirements in the State Law, Mr. Toth was unable to split the property to meet the 5-acre parcel maximum required by ordinance. Mr. Johnson indicated the Board of Appeals granted the variance request to allow for a maximum of a 10-acre property.

Mr. Johnson also indicated that if an approval was going to be made, staff would recommend a condition requiring any expansion or construction beyond the proposed 3-acres would require a site plan approval from the Planning Commission. He also indicated that staff would recommend a condition requiring Mr. Toth to apply for an address and provide an approval from the County Road Commission on the existing driveway.

Mr. Johnson reviewed a letter of opposition to the request received by staff on December 8th from Mr. John and Mrs. Mickie Olson at 6875 W Pickard Rd. (attached).

Mrs. Silker asked about the hours of operation.

Mr. Johnson indicated that Section 12.03 sets hours of operation for all special land uses as 8:00 a.m. to 8:00 p.m., however since the specific requirements in Section 12.05 allow for Excavation/Transportation Services to operation from 6:00 a.m. to 10:00 p.m., this time period would be the allowable hours of operation.

Mr. Nieporte provided clarification on the 3-acre condition staff is recommending.

Mr. Camp asked about the additional screening recommended by staff.

Mr. Nieporte clarified the location of the recommended screening and held a general discussion on the different type of yards on a property.

Mr. Brookens asked if the driveway was installed by Mr. Toth or a previous owner.

Mr. Johnson indicated he believes the driveway was installed by a previous owner.

Mr. Nieporte also indicated that the purpose of seeking an approval from the Road Commission for a driveway is to ensure there are not issues with the road or the serviceable entrance. He also stated that if the Road Commission will not issue a permit for this type of use, the use will not be able to operate at this location.

Mr. O'Neil invited the applicant to speak.

Mr. Toth declined to provide comment at this time.

Public hearing opened at 7:25 p.m.

Mr. Rich Recker at 2186 S Coldwater Rd asked a question about the purpose of Article 12 in the ordinance and if the zoning on this property was changing by granting a special land use.

Mr. Nieporte clarified that Article 12 establishes the criteria for any special land use allowed within the County. He also clarified that some commercial/industrial uses allowed in agricultural zoning districts are permitted by right and require a site plan review and others are only allowed by special land use and require a public hearing such as this one.

Mr. Recker indicated that he has no issue with someone doing what they want on the property but the use should be constrained.

General discussion on the submitted site plan occurred.

Mr. Recker indicated he doesn't see this use as being conducive with the surrounding land uses and it is not in the best interest of the public.

Mr. Jared Stiff at 6261 W Pickard Rd. expressed concerns of noise and indicated that the surrounding uses would not benefit from the proposed use.

Public hearing closed at 7:34 p.m.

Mr. O'Neil called for a motion.

A motion was made by Mr. Swaney to approve Special Use Permit 23-05 (SUP #23-05) as submitted by Jacob Toth to establish an Excavation-Transportation Service in the General Agricultural (AG-2) district. The approval shall be further conditioned upon the following:

1. The applicant shall install and maintain a double row of staggered evergreen trees on the east and west property lines as shown on the site plan. The trees shall be no less than 3 ft in height and planted not less than 10 ft on center. Trees shall be installed no later than May 31, 2024.
2. Additional screening shall be installed beginning 565 ft from the northwest corner of the property, outside of the driveway. The screening shall run east to the property line and shall consist of a double row of staggered evergreen trees. Trees shall be no less than 3 ft in height and planted not less than 10 ft on center. The screening shall be installed no later than May 31, 2024.
3. The operation shall be limited to the 3-acres depicted on the site plan and any expansion or construction shall be required to receive a site plan approval from the Isabella County Planning Commission.
4. The applicant shall apply for an address on the property.
5. The applicant shall provide a copy of a driveway permit or approval from the Isabella County Road Commission for a commercial/industrial use.

The motion was seconded by Mr. Camp

Mr. O'Neil called for discussion.

Mr. Camp asked about the current driveway and the distance to a neighboring residential use.

Mr. Johnson indicated the driveway is in compliance with the ordinance requirement.

Mr. Camp asked about any types of materials which can be stored on the property.

Mr. Nieporte indicated that any type of material which can be realistically utilized by an excavation business may be able to be stored on the property.

Mr. O'Neil invited the applicant to provide examples of materials which may be stored on the property.

Mr. Toth indicated it would be concrete to later be crushed on the property.

Mr. Nieporte reviewed the ordinance and general discussion occurred about on-site crushing and if it was allowed by this type of use.

Following the discussion, Mr. Nieporte stated that at this time it is staff's recommendation that the matter be tabled until it can be determined if crushing and processing of materials is an allowable activity by and Excavation/Transportation Service.

Mr. Swaney withdrew his motion. The withdraw was seconded by Mr. Camp.

A motion was made by Mr. Vogel to table the request until staff could review the crushing and processing function as part of an Excavation/Transportation Services use, review the crushing and processing function with the applicant and report back to the Planning Commission at the next available meeting.

Yes: Tim O'Neil, Ann Silker, Steve Swaney, Phillip Vogel, Kyle Camp, Adam Brookens, Lisa Hoisington

No: None

Motion to Table Carried

SPECIAL USE PERMIT #23-06 SCOTT BELL/GILMORE TOWNSHIP – GILMORE TOWNSHIP

Mrs. Silker declared that her husband was a member of the Gilmore Township Board.

Mr. Nieporte indicated to the members that staff has reviewed the Planning Commission by-laws and does not feel that a conflict of interest is present, but felt that the declaration by Mrs. Silker was important.

Mr. Johnson reviewed his staff report and indicated that Scott Bell of Lapham Associates has applied on behalf of Gilmore Township for a special use permit to construct a new Township Hall. He indicated that this use is defined in the ordinance as a public and institutional use allowed by special land use in all Agricultural Districts.

Mr. Johnson indicated that the old building is very close to the road and a new facility with adequate parking may improve services to the residents in Gilmore Township. He indicated that since a new well and septic and driveway will be installed, staff is recommending a condition on an approval to require these approvals.

Mr. Johnson also indicated that the proposed setbacks are consistent with those required by residential uses in the General Agricultural zoning district. He also indicated that the proposed parking was consistent with the requirement for Assembly Halls. Lastly, Mr. Johnson indicated that the construction would require a soil erosion and sedimentation control permit and requested a condition be placed on an approval to ensure a permit is applied for.

Mr. Tom Gibbs, Clerk for Gilmore Township indicated that the new hall is necessary for providing a safe and effective voting location for the citizens. He also provided examples of community events that may be held periodically.

Mr. Vogel asked if the proposed hours of operation from 7:00 a.m. to 10:00 p.m. would be enough time for events.

Mrs. Silker indicated that setup for elections began at 6:00 a.m. and recommended the hours of operation be set from 6:00 a.m. to 10:00 p.m.

Mr. Nieporte also indicated that if the Township had a need to expand their hours, they could always return to the Planning Commission for an amendment to the approved hours of operation.

General discussion occurred on the well and septic permits and requirements of building permits.

Mr. Gibbs indicated that the Township has applied for well and septic permits.

The public hearing was opened at 7:58 p.m.

The public hearing was closed at 7:58 p.m.

Mr. O'Neil called for a motion.

A motion was made by Mr. Camp to approve Special Use Permit 23-06 (SUP#23-06) as submitted by Scott Bell on behalf of Gilmore Township for a public and institutional use to construct a new Township Hall in the General Agricultural (AG-2) district. The approval shall further be conditioned upon the following:

1. The applicant/owner shall provide a copy of a well and septic permit from the Central Michigan District Health Department and a copy of a driveway permit for this use from the Isabella County Road Commission.
2. The applicant/owner shall submit an application for a soil erosion and sedimentation control permit.
3. The hours of operation shall be approved to be from 6:00 a.m. to 10:00 p.m.

The motion was seconded by Mr. Vogel.

Yes: Tim O'Neil, Ann Silker, Steve Swaney, Phillip Vogel, Kyle Camp, Adam Brookens, Lisa Hoisington

No: None

Motion to Approve Carried

OTHER BUSINESS (NON-PUBLIC HEARINGS)

Farmland Agreement Applications - Various Townships

Mr. Johnson indicated that 13 (thirteen) applications have been submitted to the Farmland and Open Space Preservation Program (formerly PA116) in several different Townships since the September 2023 meeting. He provided a summary of the applications and indicated that several applications were missing the number of years being applied for and stated that he would send a letter back to the Township and County Clerk's office, appropriately, informing them of the Planning Commission's review and missing information.

COE TOWNSHIP TEXT AMENDMENTS – CONDITIONAL REZONING AND SOLAR ENERGY SYSTEMS

Mr. Johnson indicated to the members that two zoning text amendments were received from Coe Township. The first was sent to staff in September and was to add language for the Conditional Rezoning process to the ordinance. He indicated the second was to add language for Solar Energy Systems to the zoning ordinance.

Mr. Johnson indicated that staff has no concerns with either of the amendments. He stated that the language was developed by Coe Township and the final language and resolutions were developed by the Township's legal counsel.

Mr. Johnson indicated that he would send a letter to Coe Township informing them of the Planning Commission's review.

PUBLIC COMMENT – Opened at 8:06 p.m. Closed at 8:06 p.m.

STAFF COMMENTS – Mr. Nieporte indicated that staff received a notice of intent by Gratiot County to prepare a master plan. He also indicated that when staff receives copies of the draft plan, he would ensure it was distributed to the members.

Mr. Nieporte also let the members know that the January 2024 meeting is the organizational meeting of the Planning Commission and that meetings are going to be held at the Commission on Aging Building in 2024. Mr. Nieporte also asked the members to consider setting the time of the meeting to 6:00 p.m. and that discussion could take place at the Organizational Meeting.

PLANNING COMMISSIONER'S COMMENTS – Mr. Vogel indicated that he wasn't aware of Mr. Toth's intent to process materials on-site during the zoning board of appeals meeting.

Mr. Nieporte indicated that he likely wouldn't have since the appeals board looks at very specific requirements.

General discussion occurred on crushing and processing of materials.

Mrs. Silker indicated that these types of decisions can be very difficult and stressed the importance of taking time to have good discussion. She indicated the right thing to do was to table the issue until a future meeting.

ADJOURNMENT

Mr. O'Neil adjourned the meeting at 8:14 p.m.



Ann Silker, Secretary

Ray Johnson, Recording Secretary