

The meeting was called to order at 7:00 PM by Planning Commission Chairman McGrath and the pledge of allegiance was recited.

Members Present: Laraway, Tafreshi, Preuss, Schofield, & McGrath

Members Excused: Dunn & Grey

The Agenda was accepted as presented without modification or objection.

A motion was made by Laraway, seconded by Tafreshi, to approve the minutes of the December 13, 2016, meeting as presented. VOICE VOTE: MOTION CARRIED 5-0-0.

Reports:

- There was no report offered by the Chairman.
- Village Manager Wolff offered a short report in anticipation of the meeting running long. He discussed upcoming training offered by the Michigan Association of Planners, the meeting schedule for 2017, and reported on the MDEQ's response to the proposal submitted in December regarding the unbuildable lots in southern Lake Isabella. He reported that the State replied with five pages of questions and comments that they would like addressed before moving forward.
- The Village Council report was given by Wolff. He discussed the December 20th meeting and the upcoming election of the Charter Commission.

Public Hearings:

1. Special Land Use Application 2017-01; Little Flower Events, 565 N. Coldwater Rd. Chairman McGrath opened the Public Hearing at 7:05 PM.

A synopsis of the application was read by Wolff.

Public Comment:

- Robert & Beth Haack stated that they did not receive their notice of the meeting until the day of the meeting. They stated that they are opposed to allowing wedding receptions at the property as the noise would be detrimental to the enjoyment of their property. They stated they were not opposed to wedding ceremonies, but receptions that could go until midnight were not appropriate for the neighborhood in which they live.

Wolff replied that notices were mailed on January 26th, and also published in the Morning Sun on January 29th. He apologized for the post office's slow delivery, but from speaking to other people that were mailed notices for tonight's meeting they did not have issues with the mail delivery.

Applicant Comments:

Mike Fiorillo stated that they were looking to pursue this business as the property has been in his family for over 100 years, and by establishing this business it would possibly allow for the next generation of his family to continue to live at the property. He also stated that they did not want to cause problems with the neighbors and he feels that they can operate the business in a way that does not cause problems with adjacent properties. He asked the Haack's if they had issues with the reception that they hosted last summer. The Haack's replied that they could hear the noise inside their house and that they understood that then it was a one-time occurrence for a family member last year and could accept that. They again stated that they would be opposed to receptions happening more frequently that lasted until midnight.

Mr. Fiorillo suggested an 11 PM cut-off for music as a gesture to help address the concerns of the Haacks. The Haacks stated that they felt that this was still too late and were still opposed to approving the application.

Chairman McGrath closed the Public Hearing at 7:10 PM.

Planning Commission Review & Discussion:

The Planning Commission reviewed the general conditions of the zoning code, and the specific requirements of the zoning code applicable to Special Land Uses.

Pruess asked the Haacks if they the reception hosted by the Fiorillos in 2016 bothered them. The Haacks replied that it did. Preuss then asked the Fiorillos where the tent would be located for receptions as there may be a more suitable location at the property which would address the concerns of the Haacks. Mr. Fiorillo stated that for now reception tents would be located in the same general location as the reception in 2016.

Tafreshi noted that issues with noise would persist until the Fiorillos built a permanent structure to house events.

Laraway asked if the operation would be exempt from the Village's noise ordinance. Wolff stated that it would not be exempt from the Village's noise ordinance.

Wolff reviewed the conditions outlined in Section 1262.05 of the zoning code which regulates the approval of Special Land Use. Of the six conditions listed in the zoning code, Wolff continually stated that the biggest issue he sees with an approval is dealing with noise. He also noted that traffic may be an issue due to the nature of Coldwater Rd., but in his opinion whether or not the Planning Commission should approve the request is based on whether it feels there are sufficient safeguards in place to mitigate the noise concerns of the neighbors.

Schofield stated that she is in favor of approving the request with conditions to allow the Fiorillos to see if they can operate the business in a way that does not impact the neighbors.

McGarth stated that he felt if approved, one of the conditions needs to include the step down of noise at 10 PM as required by the Village's noise ordinance.

Preuss asked if it could be approved and revisited the following year to see what the impact was on the neighborhood. Wolff stated that the Planning Commission could place a condition on the approval that the Applicant is allowed to host only a certain number of receptions before having to return to the Planning Commission to review the impact of the use.

The Planning Commission discussed the number of receptions to allow the Applicant to host before requiring them to return to measure the impact on the neighborhood. Wolff suggested 2 receptions.

Laraway, Schofield, Tafreshi, and Preuss all stated that they felt 2 was too low and they would be in favor of something around a half-dozen. McGrath stated he was leaning more towards a lower number, but majority rules.

McGrath asked Mr. Fiorillo on his feedback regarding what the Planning Commission had discussed. Mr. Fiorillo stated that he would still like to pursue a permanent rezoning of the property to hopefully get it rezoned in next 4 to 6 months. Wolff stated that there would be two issues that if such a request were presented both the Applicant and Planning Commission would need to address. The first being that the Future Land Use Map of the Master Plan has the parcel located in an area for “detached single-family” development, not commercial activity. The second being that an “Outdoor Wedding Venue” is only treated as a Special Land Use in the LR-1 district. Meaning that if rezoned the Applicant and Planning Commission would need to find a zoning district where the use would be appropriate, and that if such district were to treat the use as a Permitted Use rather than as a Special Land Use the conditions imposed by the Planning Commission to this application would not be carried forward with the zoning change.

A motion was made by Schofield, seconded by Preuss, that Special Land Use Application 2017-01, Little Flower Events, at 565 N. Coldwater Road be approved as the request meets the general standards specified in the Lake Isabella Zoning Code as well as the requirements of Chapter 1262 of the zoning code applicable to Special Land Uses. The Special Land Use is approved subject to the following conditions:

1. Hours of Operation be limited to 8 AM to 9 PM Sunday through Thursday, and 8 AM to midnight, with a cutoff for music being 11 PM and guests gone from the property by midnight on Friday and Saturday.
2. The Applicant is granted the ability to host a total of 6 wedding receptions or events which require the use of a Temporary Structure to be approved by the Zoning Administrator under Section 1212.29 of the zoning code. Upon reaching the limit of 6 wedding receptions or events, the Applicant must return to the Planning Commission to evaluate the impact of the use on the neighborhood before any additional wedding receptions or events may be permitted which require the use of a Temporary Structure under Section 1212.29 of the zoning code. At which time if it is determined that noise has not been adequately mitigated that Special Land Use Approval may be revoked by the Planning Commission.
3. Portable Toilets shall be removed from the parcel within 48 hours of the event held.

4. Food provided for events shall not be prepared on-site unless a permit has been obtained from the Central Michigan District Health Department.
5. Damage done to the property from events shall be promptly repaired as to maintain the appearance of the property as a single-family dwelling when not in use as a wedding venue.
6. The use and consumption of alcoholic beverages on-site shall comply with State law.
7. The use of the site shall comply with the Village's adopted noise ordinance, specifically that adjacent residential properties shall not receive more than 40 decibels of noise originating from the Special Land Use.

Roll Call Vote: YEAS: Laraway, Tafreshi, Preuss, Schofield, & McGrath; NAYS: None. MOTION CARRIED 5-0-0.

2. Site Plan Amendment Application; PWGG, LLC (Isabella Pellet) 6900 W. Baseline Rd.

Chairman McGrath opened the Public Hearing at 8:08 PM.

A synopsis of the application was read by Wolff.

Public Comment:

- A letter was submitted in advance of the meeting by Mr. Rafael Dominguez. Mr. Dominguez expressed concern regarding noise from the factory and the excessive discharge of noxious odors from the factory.
- Ray VanderVelde discussed concerns over engine braking by the factory's raw material supplier. He also discussed problems with dust from site and odor especially when the wind is from the east.
- Mike Scherba stated that he feels the Village has given the factory a lot of leeway over the years to help them establish the business. He stated that it is clear the Village was misled by the original developer on what was going to transpire at the factory. He stated that he feels the Village needs to be more restrictive on the conditions required by the factory.

Applicant Comments:

Mr. Gary Glawe was present and discussed some of the concerns voiced over noise and dust. He stated that he would see if it was possible to convert the backup alarm on the loader from a high-frequency sound to a low-frequency sound. He also stated that he would contact the raw material supplier about the engine brake issue.

He stated that he was aware that the original developers promised that raw materials would not be stored outside, and that simply is not possible with the way in which the factory is configured. Mr. Glawe stated as part of the Site Plan being considered he is planning to add top soil to the berms to address the appearance concerns that have been voiced. He also stated that the factory is in compliance with their DEQ permit and that they had recently brought in two different groups of consultants to examine the configuration of their equipment. What they have determined is that the original developers have the dryer and cyclone configured wrong which requires it to run too hot.

This in turn produces more steam than is needed, and the plant is currently shut down to make adjustments to the dryer and cyclone which will reduce the amount of steam being discharged.

Chairman McGrath closed the Public Hearing at 8:31 PM.

Planning Commission Review & Discussion:

The Planning Commission reviewed the general conditions of the zoning code and the requirements of reviewing Site Plans as detailed in section 1214 .09 of the zoning code.

McGrath asked when Mr. Glawe could have the berms completed. Mr. Glawe stated that June 1st was a very realistic deadline.

Laraway asked why the access drive has not been graveled since being developed. Mr. Glawe stated that there have been more pressing priorities on where to invest capital on the site.

McGrath asked Mr. Glawe if there would be an issue with covering the raw materials with tarps to comply with the storage ordinance. Mr. Glawe stated that it wouldn't be an issue and he hoped to get an understanding reached on how they would store items until they are able to build an addition on their building or build a second structure.

Wolff reviewed his staff report with the Planning Commission. He noted that on the Site Plan prepared and submitted for this meeting there were three items which needed to be addressed before the Council could approve a final version. Those items are:

1. The Site Plan does not show a location for the bulk diesel fuel tank on-site.
2. The Site Plan shows parking spaces of 9 x 18 which does not meet ordinance requirements.
3. The stack height has already been addressed on a previous Site Plan approval and is not part of this application. That language needs to be removed.

A motion was made by Tafreshi, seconded by Schofield, to recommend Site Plan Application 2017-01, PWGG, LLC located at 6900 W. Baseline Rd. to the Village Council for approval as it satisfies the requirements contained in Chapter 1214 of the zoning code, and to the general provisions of the zoning code. This recommendation is based upon and subject to the following conditions:

1. While in production between the hours of 8 PM and 7 AM the overhead doors facing the west shall be kept closed, except as briefly needed for deliveries, removing finished product, and emergencies.
2. Landscaping for the berms, including trees as shown on the Site Plan and planting of a vegetative covering, shall be finished by June 1, 2017; all required landscaping shall be maintained and restored if damaged or destroyed.
3. Not more than 200 cubic yards of raw materials which are in the process of being used and all raw materials not planned for use in the next 48 hours

shall be covered as required by §618.03 to prevent dust and debris from leaving the site.

4. Exterior lighting shall be shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces, and all future lighting changes shall comply with the Village's External Lighting Ordinance.
5. The owner shall submit a list of hazardous materials to be kept on file and shared with local first responders and shall update the list as changes occur to keep first responders properly aware of hazards on-site.
6. The existing paved driveway is maintained and kept free from obstructions. Also, the "access drive" and gravel parking areas shown on the Site Plan are to be improved with gravel by June 1, 2017 and regularly maintained after that by grading and brining at least once every four months.
7. The on-site storage of raw materials and finished product shall be restricted to the areas shown on the Site Plan by October 1, 2017. In the interim period the Applicant may store raw materials and finished product on-site in areas not designated on the Site Plan provided such is not a nuisance to adjacent properties and the Applicant maintains the area in front of the overhead doors free from raw materials and finished product as shown on the Site Plan.
8. The Applicant submits an amended drawing addressing the following items:
 - a. A location designated for the bulk fuel diesel tank.
 - b. Removal of the size description of on-site parking spaces.
 - c. Removal of language relating to an additional extension of the stack height.

VOICE VOTE: MOTION CARRIED 5-0-0.

Public Comment:

- Ray VanderVelde asked about the status of the berm between his property and the Pellet Factory. He and Mr. Glawe discussed making it taller as it is not currently complete per the submitted Site Plan and how that would work regarding encroachment over their shared property line.

Existing Business: None

New Business:

1. **2016 Planning & Zoning Report**

A report detailing planning and zoning activity for 2016 was prepared by the Village Manager and submitted for review. The report detailed permit activity, enforcement activity, training, modifications to the zoning ordinance, and appeals requested to the ZBA.

A motion was made by Schofield, seconded by McGrath, to submit the report prepared by staff to the Village Council to satisfy the statutory requirements of making an annual report to the legislative body on planning and zoning activity for the previous year. VOICE VOTE: MOTION CARRIED 5-0-0

Public Comment:

- Mike Scherba thanked the Planning Commission for setting firm dates for items in the Site Plan review for the Pellet Factory.

With no further business, the meeting was adjourned at 9:22 PM.

[Approved, March 14, 2017]

Jeffrey P. Grey, Village Clerk