

Village of Lake Isabella
Planning Commission Minutes
Regular Meeting – September 12, 2017

1010 Clubhouse Drive
Lake Isabella, MI, 48893
989.644.8654

The Meeting was called to order at 7:00 PM by Chairman McGrath. The Pledge of Allegiance was recited by all in attendance.

Members Present: Preuss, Simon, Schofield, Grey, Tafreshi, Laraway, and McGrath

Members Absent: None

The Chair called for any changes to the Agenda. Seeing none, he ruled that the Agenda was accepted as presented without objection.

There was a correction to the August 8, 2017 minutes. A motion was made by Tafreshi, seconded by Simon, to approve the corrected August minutes. VOICE VOTE: MOTION CARRIED 7-0-0.

Reports:

- **Chairman:** Thanked Schofield for running the August meeting.
- **Manager:** Wolff discussed Code Enforcement and the process to apply for funding to recover expenses from the June flood.
- **Village Council:** Grey discussed the Council's discussion on a Single Hauler Refuse License Ordinance. He stated one of the main reasons it is being looked at is in order to help preserve streets by cutting down on the number of heavy trucks on Village streets. He also stated that it could also be a cost savings to residents if a single company is awarded an exclusive contract to service the community.

Public Hearings:

1. **Proposed Ordinance 2017-03**

Preuss requested to be excused from discussion and voting on this matter as he owns a lot in the proposed Overlay District and feels his involvement may be seen as a conflict of interest. The Planning Commission briefly discussed the request. A motion was made by Tafreshi, seconded by Grey, to excuse Planning Commissioner Preuss from discussion and voting on Proposed Ordinance 2017-03 due to a possible conflict of interest. VOICE VOTE: MOTION CARRIED 6-0-0.

McGrath opened a Public Hearing at 7:13 PM.

Public Comments:

- John Sherub submitted an email before the meeting in support of the proposed Overlay District.
- Marc Forrest submitted a letter (attached) before the meeting in opposition of the proposed Overlay District.
- Galen Voss spoke in favor of the proposed Overlay District, and thanked the Village for the work they have done in recent years to get to this point.

- Carrie Eritano spoke in favor of the proposed Overlay District. She stated that her and her sister inherited their property from their grandparents and currently can only use the property for day use. She stated that it would be a dream come true for her family to finally be able to build on the property.
- Doris Sherwood spoke in support of the proposed Overlay District and stated she was impressed with the work of the Village and the forward thinking that has went into addressing possible development issues before they arise. She also stated that she feels any impact on the lake will be minimal as many vacant lot owners are currently using the lake, boating, and maintaining their lots.
- Janet Suriano stated that she was concerned about whether smaller homes would have a negative impact on the value of her existing home.
- Skip Curtiss stated that he was opposed to the proposed Overlay District.

McGrath closed the Public Hearing at 7:38 PM.

McGarth asked Wolff to address a comment that he has heard claiming that people in this area of the Village purchased property knowing it was unbuildable. Wolff stated that he strongly disagrees with that view.

Wolff stated that through the items he has researched, he feels it is safe to say that when the property was originally developed it was done so with a system the intended to allow everyone the ability to build at some point in time. He stated some were allowed to build immediately and utilize on-site septic systems. The reason for this he stated was that it was needed to build up the number of users to support the operation and maintenance costs for the sewer system that was supposed to be built in the late 70s and early 80s.

Wolff stated that documents from the original developer reference when a sewer would be built, not if a sewer would be built. This was further reinforced by requiring lot purchasers to pay into an escrow fund to provide capital to build the sewer system. He also stated that the governmental entities that mandated the restrictions also included an opt-out if that original plan failed. The recorded restrictions allow for further development upon a written agreement being reached by the stakeholders after reviewing the progress of developing a sewer system. It is under that option that the Village has been working with the original stakeholders since 2008.

The Planning Commission discussed reviewing several items in the draft. Specifically, it was discussed about limiting the ability to utilize the Overlay District to parcels of single lots to be consistent with the requirements for single T-lots. It was also discussed to increase the minimum size to 1,000 square feet to be consistent with the recorded Building & Use Restrictions. Members discussed if there were additional design or features that could be required for homes developed via the Overlay District to ensure they do not have a negative impact on the area.

A motion was made by Schofield, seconded by Laraway, to post-pone action until the October meeting to allow staff to present options for consideration on the points discussed after the close of the Public Hearing on development size, limiting the ability to utilize the Overlay District, and additional design requirements. VOICE VOTE: MOTION CARRIED 6-0-0.

2. Proposed Ordinance 2017-05

Preuss rejoined the Planning Commission from his seat in the audience at this time.

McGrath opened a Public Hearing at 7:54 PM.

Public Comments:

- Doris Sherwood stated that she feels placing a high standard on aesthetics is a good thing to include in the zoning code.
- Carrie Eritano stated that she supports higher standards for construction.
- Mike Scherba stated that he supports the proposed change to clarify where Manufactured Homes can be located in the zoning code.

McGrath closed the Public Hearing at 8:04 PM.

A motion was made by Simon, seconded by Tafreshi, to recommend Proposed Ordinance 2017-05 to the Village Council for adoption. VOICE VOTE: MOTION CARRIED 7-0-0.

Public Comments:

- Galen Voss stated that one thing that should be considered with the proposed Overlay District is the limit of 26 feet in height to the peak for homes built via the Overlay. He feels that this may be too low.

Existing Business:

1. Proposed Ordinance 2017-05

The Planning Commission continued its review and mark-up of Ordinance 2017-02. The following numbered uses were reviewed and discussed in the draft:

75. The following conditions was added to the development requirements. “The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors which leave the site.”
76. The following conditions was added to the development requirements. “The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors which leave the site.”
77. No changes were made to the draft text.
78. No changes were made to the draft text.
79. The word “may” was changed to “shall” in development conditions “B.”
80. No changes were made to the draft text.
81. No changes were made to the draft text.
82. The following conditions was added to the development requirements. “The proposed uses, activities, processes, materials, equipment, and conditions of operation will not be detrimental to any persons, property, or the general welfare by reason of smoke, fumes, glare, noise, vibration, or odors which leave the site.”

83. The wording of the title of the use was changed from “Mobile” to “Manufactured” to reflect the changes in Proposed Ordinance 2017-05.
84. No changes were made to the draft text.
85. No changes were made to the draft text.
86. No changes were made to the draft text. It was discussed at this point that the draft should reflect that when there is a distance required to be maintained between uses, that it applies across jurisdictional boundaries. It was also discussed to add an isolation distance to marijuana businesses which may be located either inside or outside the Village’s boundaries.
87. No changes were made to the draft text.
88. No changes were made to the draft text.
89. No changes were made to the draft text.
90. No changes were made to the draft text.
91. No changes were made to the draft text.
92. The minimum parcel size was reduced from 5 acres, to 3 acres. The requirement for permanent bathrooms was changed to reflect that only bathroom facilities are required during events.
93. No changes were made to the draft text.
94. No changes were made to the draft text.

The Planning Commission also reviewed Exhibit B and Exhibit C of the draft. After completing its review, the Planning Commission asked for a clean draft to be prepared for the October meeting reflecting the past months of discussion and work, and to have a Public Hearing scheduled as part of the next meeting.

Public Comments: None

The meeting was adjourned at 8:39 PM.

[Approved October 10, 2017] _____
Jeffrey P. Grey
 Jeffrey P. Grey, Village Clerk

Public Comment Letter from Mr. Marc Forrest:

Mr. Tim Wolff, Village Manager
Ms. Jessica Manley, Deputy Village Manager
C/O The Village of Lake Isabella
1010 Clubhouse Dr.
Lake Isabella, MI 48893
(989) 644-8654

September 11, 2017

Re: Public Hearing #1: Proposed Ordinance 2017-03 - "Chalet Overlay District"

Please accept this correspondence as public comment submission for the Village of Lake Isabella Planning Commission regular meeting scheduled to occur on Tuesday, September 12, 2017. This correspondence is regarding Public Hearing #1: Proposed Ordinance 2017-03 – Chapter 1258 of the Zoning Code titled "Chalet Overlay District." I would like to go on record requesting the Planning Commission and, if necessary, the Village Board to reject the proposed ordinance 2017 - 03; asking that no additional Village resources or time be spent on a proposal that I believe to be riddled with concerns; including disparate treatment of the selected area over other Lake Isabella land holders, the potential of providing individuals on the Board and the Planning Commission financial or building advantages from the work product of these entities, and other community liabilities.

Initially, and certainly most concerning from a public administration standpoint, I found this project objectionable as public policy. Because the scope of this ordinance is so limited and, within that narrow scope, the Planning Commission and the Board is entertaining a proposed ordinance that specifically benefits members of the Village Board and Planning Commission, this brings to light a cause for concern regarding the motivation of enacting this measure. Please note, I bear no animus towards any individual; however, that any village officials, closely linked to the creation, enforcement, or passage of the ordinance, would potentially derive

personal benefit, either through real estate valuation increases or with building freedom's not offered to the balance of the Lake Isabella community, is, in my opinion, simply unacceptable and should be abandoned as being potentially rife with moral, policy, or legal conflicts. Notwithstanding any voting or participatory abstention on the part of any beneficiaries, at any step in the approval process, the limited scope of the ordinance (impacting an estimated 47 +/- lots) impacts a relatively high proportion of individuals linked to the Village Board and/or Planning Commission. This is concerning with regards to motivation, impartiality, and may, to some, give an appearance of malfeasance or abuse of power with regards to enacting an ordinance that would provide such personal gain for members of the Board or Commission from a policy decision.

Additionally, I find it concerning that this overlay provides a disparate treatment for property owners in the affected areas; providing potential financial opportunities, or building opportunities, not afforded to others in the community where building restrictions impact similar development and allowances. In full disclosure, I own Lots #482, #483, #484, #485, and #490 in Golf Estates #2; so this overlay would impact one of my parcels. Notwithstanding my personal desire that we not over build in the community, to keep the rural feel that has endeared Lake Isabella to me and my family, I do not feel that land owners with unbuildable lots should be afforded the power and the resources of the Village government to provide disparate opportunities over others in the community. It would seem, to me, that allowing such small structures, detached garages, and other modifications that are prohibited for the rest of the Lake Isabella population, for no reason other than an attempt to provide building opportunities on land and lots that were known to be unbuildable and have ties to Board and Commission members, is an egregious abuse of zoning powers.

Lastly, as a community, I believe we would be naïve to think that these land owners will not take full advantage of this misguided overlay opportunity; turning vacant lots, with limited value, into vacation homes, spec homes, or other such value driven paradigms. Traditionally, chalets of this size are reserved for vacation homes or retreats. It is then reasonable to extrapolate the follow up to such colonization may be houses lined up, side by side, crowding the shoreline. This ordinance has potential for generating overcrowding, and lake congestion, similar to other resort lakes addled by such zoning – grandfathered or otherwise. Also, the effluent and lawn care

byproducts, that would reasonably be expected to be precipitated by such growth, would add to the already growing concern of uncontrollable weed growth in Lake Isabella; a concern that citizens already pay LIPOA to struggle with on a continuous basis.

As a homeowner in the area, I share the very real concern that property values in my area would be negatively impacted were such a small chalet community come to fruition in my front yard. Opening the door to smaller homes, detached garages, and potentially unoccupied vacation homes may negatively impact the value of the surrounding area in terms of providing comparable values to existing homes, negatively impacting the lake sightlines/views, and deteriorating the rustic beauty of GE-II while adding to traffic congestion, on the roads and the lake, during holiday periods. Vacation or resort chalets are often unoccupied the majority of the year; putting additional burden on the resources on the local governing bodies to enforce blight ordinances, upkeep, and yard maintenance. Currently, the Village and LIPOA struggle to properly administer a number of existing rules, regulations, ordinances in a fair and consistent manner; overlooking some and tenaciously enforcing others in, what may appear to be, an incongruent and capriciously manner. Opening the door to more homes with these issues, under the proposed ordinance, would seem to be counterintuitive to the best interest of the citizens already living, working, and voting in the community.

Thank you, in advance, for the opportunity to open the door for discussion on an ordinance proposal that I consider to have the potential to be so very damaging to our community; one that would likely cast a pall over the existing Board if approved. I ask the Planning Commission and the Village Board to please reconsider this matter and discontinue on the path of attempting to change zoning in an area that would benefit a limited few, while creating hardship for others, and deny the passage of Proposed Ordinance 2017-03 - "Chalet Overlay District"

Respectfully,

Marc Forrest