

Planning Commission Minutes

Regular Meeting January 12, 2010

Planning Commission Chairman Dunham called the meeting to order at 7:00 PM.

Members Present: Boyd, Grey, Gloden, and Dunham

Members Excused: Kenney, Mortier, and LaPointe

Grey requested that an item be added to the agenda as New Business #1 "Signs." The agenda was approved as amended without objection.

The minutes from the December 8, 2009 meeting were approved as presented.

Reports were received from the Village Manager, the Village Council, and the Zoning Board of Appeals.

Public Hearings

- None

Public Comments

- Mike Scherba of Lincoln Drive: stated that he felt the Village got a good deal on the truck purchase.

Existing Business

1. Master Plan Survey

The Planning Commission reviewed the draft of the survey for the Master Plan. There was discussion over library services and the need to include it on the survey as the Chippewa River District Library would no longer operate out county libraries, including the Weidman location.

2. ZBA Ordinance

The Planning Commission marked-up the proposed wording for the variance expiration section of the ZBA Ordinance. Wolff also presented the Planning Commission with several procedural questions for their feedback regarding the ZBA process. The proposed changes to the procedures involve making applicants take an oath before providing factual testimony, placing a time limit on presentations, and increasing the time by which the ZBA has to act once a public hearing is held.

New Business

1. Signs

Grey discussed whether or not the Village should pursue placing message boards in the community as the LIPOA is planning on placing them this year. The Planning Commission felt that this was not a matter to come before the Planning Commission but for the Council and the budget process.

Public Comments:

- Dave McGrath of Queens Way: Commented that he favors the proposed changes to the ZBA procedure which would set a time limit for presentations and require anyone providing factual testimony to take an oath.

With no further business the Planning Commission adjourned at 8:41 PM.

X

Jeffrey P. Grey
Village Clerk

Village of Lake Isabella

**1010 Clubhouse Drive
Lake Isabella, MI, 48893**

Planning Commission Minutes

Special Meeting March 30, 2010

Planning Commission Chairman Dunham called the meeting to order at 7:00 PM.

Members Present: Boyd, Grey, Gloden, Kenney, LaPointe and Dunham

Members Absent: Mortier

A report was submitted detailing the ZBA meeting of March 29, 2010. The Village Manager also submitted a report discussing 2009 permit totals, 2009 Central Dispatch service calls, and Medical Marijuana.

Business

1. Introduction of Proposed Ordinance 2010-02

Proposed ordinance 2010-02 was introduced a public hearing set for April 13th. The proposed ordinance would conditionally rezone a parcel of land commonly known as "Parcel K," which is located between the airport and Baseline Rd.

There was discussion between the Planning Commission and the developers requesting the conditional rezoning. Specifically, the Planning Commission questioned what the height of the building would be, any discharges, and the storage of bulk materials. The developers responded that the building would be about 18 to 20 feet, with a steam vent 8 feet above that. The developers also stated that with the operation that they are seeking to establish, the material could not be stored outdoors; as they need to ensure that it does not get saturated with moisture. They also stated that their project would have zero emissions, no smoke or other discharges in the atmosphere.

There was discussion over the preliminary site plan filed by the developer. The Planning Commission directed the applicant to work with the Zoning Administrator to prepare a final site plan in accordance with the zoning code and proposed conditional rezoning agreement.

Public Comments:

- None

With no further business the Planning Commission adjourned at 7:45 PM.

X

Jeffrey P. Grey
Village Clerk

Planning Commission Minutes

Regular Meeting April 13, 2010

Planning Commission Chairman Dunham called the meeting to order at 7:00 PM.

Members Present: Boyd, Kenney, LaPointe, Gloden, and Dunham

Members Excused: Grey

Members Absent: Mortier

The agenda was accepted as presented without objection.

The minutes from the January 12, 2010 meeting were approved as presented without modification or objection.

The minutes from the March 30, 2010 meeting were approved as presented without modification or objection.

Reports were received from the Village Manager Wolff, the Village Council, and the Zoning Board of Appeals.

Public Hearings

1. Public Hearing for Proposed Ordinance 2010-02

Dunham opened the public hearing at 7:08 PM.

Public Comment: None

Dunham closed the public hearing at 7:09 PM.

A motion was made by LaPointe, seconded by Kenney, to recommend adoption of proposed ordinance 2010-02 to the Village Council. Roll Call Vote: YEAS: Boyd, Kenney, LaPointe, Gloden, and Dunham; NAYS: None; MOTION CARRIED UNANIMOUSLY (5-0-0).

Public Comments

- Mike Scherba of Lincoln Drive: asked where the access was for Parcel K. Wolff explained that there is a 66' access between parcel 22-036-30-001-13 and parcel K-1.

Existing Business

1. Master Plan Survey

The Planning Commission reviewed the Master Plan survey results. There was discussion regarding the desires for more recreation and convenience businesses.

2. Proposed Ordinance 2010-03: Zoning Board of Appeals

Proposed ordinance 2010-03 was introduced. A public hearing was scheduled for the next meeting.

Boyd questioned whether a definition for "dimensional non-use variance" should be included.

Dunham questioned whether the ordinance should cover absent ZBA members submitting letters of support for an application.

New Business

1. 2009 Planning and Zoning Report

The 2009 Planning and Zoning report was accepted as presented without objection.

2. Digital Packets & Submissions

The Planning Commission discussed having materials supplied to them in a digital packet form in the same manner that the Village Council has been receiving packets. There was also discussion over requiring certain projects to submit plans and elevations via digital means. Wolff also discussed the plans to have all pervious site plans and maps converted to digital files, and the likelihood of the Village adding a server to the office in the new budget year.

Public Comments:

- Dave Ochander of Fairway Drive: Discussed the LIPOA annual meeting set for May.

With no further business the Planning Commission adjourned at 7:46 PM.

X

Jeffrey P. Grey
Village Clerk

Planning Commission Minutes

Regular Meeting May 11, 2010

Planning Commission Chairman Dunham called the meeting to order at 7:00 PM.

Members Present: Boyd, Kenney, Grey, LaPointe, Gloden, and Dunham

Members Excused: None

Members Absent: Mortier

The agenda was accepted as presented without objection.

The minutes from the April 13, 2010 meeting were approved as presented without modification or objection.

Reports were received from the Village Manager Wolff and the Village Council.

Public Hearings: None

Public Comments: None

Existing Business

1. **Site Plan Review: PWGG, LLC 6900 Baseline Road**

The Planning Commission reviewed a site plan submitted by PWGG, LLC to develop a 9,600 square foot molding extrusion facility. Mr. James Gutierrez was present as the applicant.

There was discussion over how trucks would enter and exit the site, and how that would be accommodated for with the parking lot as proposed.

Grey questioned why the elevations showed the height of the steam vent at a maximum of 50 feet, he recalled the last meeting with the applicant that it would be only about 8 above the peak. Gutierrez replied that the vent is based on the dryer, and the one they ~~have~~ **have** a purchase order in place for only needs about 8 feet above the peak, however if for some reason there was a problem with the company which supplies the dryer, the next option does have a taller vent pipe.

Boyd asked if there were other permits needed beside the Village and County. Gutierrez stated that there were no MDNRE permits needed.

A motion was made by LaPointe, seconded by Kenney, to conditionally approve the proposed site plan with the following conditions:

1. A copy of the approved well and septic permit be submitted.
2. All exterior lighting be shielded and directed downward in accordance with the Village's light pollution ordinance.
3. The proposed dumpster be constructed and screened in accordance with section 1212.11 of the zoning code.

4. The developer is required to pave Baseline Road to the proposed drive, and the driveway and parking area. All required paving is to be completed by September 30, 2011, and the phrase “paving to be done by others” removed from the site plan.
5. A cross-cut illustration is provided to show that the required paving conforms to Village standards.
6. At the northwest intersection of Baseline Road and the proposed drive that corner radius be curbed.
7. A detailed drawing of the parking area is submitted showing spaces and loading areas to accommodate the number of proposed employees.
8. All required changes be made and submitted on a final copy of the site plan.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY 6-0-0.

2. Proposed Ordinance 2010-03: Zoning Board of Appeals

The Planning Commission reviewed the mark-up of the draft returned by the Village Attorney. Wolff stated they did not have time to publish a notice of a public hearing to make this month’s agenda, as such he will post it for the following month.

3. Michigan Medical Marijuana Act

The Planning Commission reviewed the discussion of the Village Council with respect to adopting an ordinance to address the MMMA. Specifically adopting an ordinance similar to Grand Rapids whereby allowing caregivers (as defined in the MMMA) to operate as a home occupation. There was discussion over how to best process applications. Wolff stated that he feels it would be in the best interest of public safety to allow staff approval and treat such applications confidentially as to not create a public record of locations where marijuana may be present. In doing so the Village would need to address and update the home occupation section of the zoning code as part of the ordinance. There was no objection to this.

Grey questioned whether it would be more fitting to hold a public hearing and notify surrounding residents that somebody was proposing to operate as a caregiver. Wolff replied that while the MMMA was poorly written, it does grant caregivers the right to operate and conduct business, the issue is with how to best ensure the public’s safety in a community with minimal police presence. He also stated that if a caregiver is operating within the guidelines of the MMMA there is little chance that anyone will notice.

New Business: None

Public Comments: None

With no further business the Planning Commission adjourned at 8:04 PM.

X

 Jeffrey P. Grey
 Village Clerk

Planning Commission Minutes

Special Meeting August 2, 2010

Planning Commission Chairman Dunham called the meeting to order at 9:00 AM.

Members Present: Boyd, Shannon, Kenney, Grey, McGrath, Gloden, and Dunham

Members Absent: None

Public Hearings:

1. Proposed Ordinance 2010-04: Home Occupations and Medical Marijuana

Dunham opened the public hearing at 9:02 AM

Wolff provided a summary of the ordinance and the changes it makes to the zoning code.

Public Comments/Questions: Elmer Ledbetter of Red Fox Court commented that he agrees the Village needs to address the issue to protect against dispensaries locating in the Village.

Dunham closed the public hearing at 9:07 AM.

Dunham stated that in one of the review articles there was a discussion over how voters in have reacted to medical marijuana ballot questions, and that if the issue was supported in a community that the leaders of the community should take that into consideration when adopting regulations. Wolff replied that county-wide the 2008 ballot question was supported by a margin of about 65% to 35%. He also reported that in the two townships that comprise the Village, the margin was about 63% supporting the 2008 ballot question in Sherman Township, and 61% in Broomfield Township.

Gloden discussed that the MMMA is very narrow and only addresses the matter of patients and caregivers. And that dispensaries were not included in the law.

Boyd commented that he is troubled by the position the Village is in with having to regulate something that is in conflict with federal law. He discussed the CNBC documentary and the review materials where this is a problem many other communities are struggling with. Wolff commented that the current position of the Justice Department is that in states where voters have adopted Medical Marijuana laws, the DEA is not to intervene. He also noted that just recently the Department of Veteran's Affairs clarified how to handle patients using medical marijuana who also are in need of prescription pain medicine.

Boyd also asked that a 1,000 foot radius of exclusion be added for bars, taverns, and houses of worship in addition to the proposed 1,000 foot radius for schools, child care centers, and public parks.

McGrath discussed whether or not there could be a means for tax revenue to be generated from businesses which provide medical marijuana services.

Shannon discussed that the MMMA was intended to provide for people with a legitimate medical need to obtain treatment. And that the proposed ordinance allows people to seek assistance within the provisions of the MMMA while addressing the areas which were not covered by the MMMA.

A motion was made by Grey, seconded by Kenney, to recommend ordinance 2010-04 to the Village Council for adoption. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 7-0-0

Public Comments: None

With no further business the Planning Commission adjourned at 9:40 AM.

X

Jeffrey P. Grey
Village Clerk

Planning Commission Minutes

Special Meeting August 2, 2010

Planning Commission Chairman Dunham called the meeting to order at 9:00 AM.

Members Present: Boyd, Shannon, Kenney, Grey, McGrath, Gloden, and Dunham

Members Absent: None

Public Hearings:

1. Proposed Ordinance 2010-04: Home Occupations and Medical Marijuana

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Public Comments/Questions: Elmer Ledbetter of Red Fox Court commented that he agrees the Village needs to address the issue to protect against dispensaries locating in the Village.

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Shannon discussed that the MMMA was intended to provide for people with a legitimate medical need to obtain treatment. And that the proposed ordinance allows people to seek assistance within the provisions of the MMMA while addressing the areas which were not covered by the MMMA.

A motion was made by Grey, seconded by Kenney, to recommend ordinance 2010-04 to the Village Council for adoption. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 7-0-0

Public Comments: None

With no further business the Planning Commission adjourned at 9:40 AM.

X

Jeffrey P. Grey
Village Clerk

Planning Commission Minutes

Regular Meeting September 14, 2010

Planning Commission Chairman Dunham called the meeting to order at 7:01 PM.

Members Present: Boyd, Shannon, Kenney, Grey, McGrath, Gloden, and Dunham

Members Absent: None

The agenda was accepted without modification or objection.

The minutes of the August 2, 2010 meeting were approved as corrected. The minutes of the July 13, 2010 meeting were approved as presented.

Reports:

- The Village Manager gave a report detailing proposed changes to the site plan for PWGG for their factory at 6900 Baseline Road, the adoption of the medical marijuana ordinance, the adoption of the sign ordinance, paving bids, permits, the upcoming blood drive, and changes to the speed limit on Queens Way and El Camino Grande.

Public Hearings: None

Public Comments: None

Existing Business:

1. Fence Ordinance

The Planning Commission reviewed the draft of the proposed fence ordinance and the comments submitted regarding the draft from the Village Council. In summary the Planning Commission reviewed the following with changes noted:

- The Planning Commission felt the proper level of regulation were for items that are 3 feet or more in elevation above grade.
- The Planning Commission reviewed the regulation of fences in the right-of-way. The Planning Commission agreed with the Council's concern regarding enforcement and requested the draft be modified to reflect allowing limited sizes and types of fences provided the fence's "owner" releases all liability from the Village.
- The Planning Commission asked to have the regulations moved to a table style. They also requested the definitions be moved to the general definitions of the zoning code.
- The Planning Commission removed the section dealing with garden fences.
- A lengthy discussion occurred over how to allow fences in the rear and side yards with respect to the distance to property lines. After discussion the Planning Commission requested the draft be amended to reflect that fences generally should not extend past the footprint of the primary structure and/or any accessory structure with a footprint over 200 square feet in residential districts. If they do, they should be required to fence to the property line.

New Business:

1. Attached Single-Family Dwelling Ordinance

A proposed ordinance was introduced to amend the zoning code to clarify the section discussing multi-family structures. The ordinance clarifies that this deals with attached single-family dwelling units such as duplexes, triplexes, condos, and other such buildings, and does not permit multiple families from occupying the same dwelling unit.

Public Comments: None

Without further business, the meeting adjourned at 8:51 PM.

X

Jeffrey P. Grey
Village Clerk

Planning Commission Minutes

Regular Meeting November 9, 2010

Planning Commission Chairman Dunham called the meeting to order at 7:01 PM.

Members Present: Boyd, Kenney, Grey, McGrath, and Dunham

Members Excused: Shannon & Gloden

The agenda was accepted without modification or objection.

The minutes of the September 14, 2010 meeting were approved as presented.

Reports:

- Grey gave a report detailing the previous Village Council meeting.
- The Village Manager Wolff gave a report. He discussed a pending zoning permit on property split by Wendel Lee at the end of Queens Way. He informed the Planning Commission that while the splits were approved by the Village in 2003, no approval was ever granted for the road/easement. He also stated that since that time the Village has changed the requirements for access on a private road or easement. He also discussed new features on the Village's website, and reviewed the permits issued for 2010.

Wolff also updated the Planning Commission on the outstanding permit items for the Isabella Pellet Factory on Baseline Road, specifically the need for a copy of the well and septic permit. He also discussed the pros and cons of working towards an MDOT Category A grant to help cover the costs of paving Baseline Road.

Wolff also brought the Planning Commission up to speed on the attempt to acquire Phase I of the Whispering Pines Cove Condo project. The Village had attempted to secure an agreement with Independent Bank to allow the Village to pursue grant funds to purchase the property and keep it in a preserved status. He informed the Planning Commission that due to TARP, Independent Bank was unable to accept the Village's proposal.

Wolff also discussed a recent permit issue faced by the LIPOA relating to the floodplain. He noted that new floodplain maps can be found on the Village's website. He informed the Planning Commission that he would work on an ordinance to set uniform standards for development on properties impacted by the floodplain.

Wolff also briefly gave an update regarding the unbuildable lots. He informed the Planning Commission that he was waiting on a report from Rowe on cost estimates for the south end of the lake.

Finally, he discussed economic development ideas for the Master Plan draft. He mentioned his recent training via the MML and Siroli Institute and also MSU's Land Use Council's recent "New Economy" sessions.

- The Chairman discussed the Council report during his report. He questioned what the intent of the Village President was with respect to a committee to study the lake, and he offered to be part of the committee.

Public Hearings: None

Public Comments: None

Existing Business:

1. Attached Single-Family Dwellings Ordinance

The Planning commission reviewed the progress on the draft that Wolff has been working on. Wolff asked for specific feedback on several items. Those items were as follows:

- Should attached garages be required? *The Planning Commission felt they should be.*
- Should standard be included on whether garages are on the ends or the middle of duplexes? *The Planning Commission felt that it would be better to set standards that buildings need to not be the same basic pattern built in repetition.*

The Planning Commission also expressed a desire for landscaping requirements and paving of drives and walkways. The Planning Commission also discussed the need to have setback not only from property lines, but from other units in developments of multiple buildings.

New Business: None

Public Comments: Mike Scherba of Isabella Vista commented that Acme Township near Traverse City was on 9&10 News before the meeting and have a similar issue with a private road they are dealing with.

Without further business, the meeting adjourned at 9:03 PM.

X

 Jeffrey P. Grey
 Village Clerk

Planning Commission Minutes

Regular Meeting December 14, 2010

Planning Commission Chairman Dunham called the meeting to order at 7:00 PM.

Members Present: Boyd, Kenney, Gloden, Grey, McGrath, Shannon, and Dunham
Members Excused: None

The agenda was accepted without modification or objection.

The minutes of the November 9, 2010 meeting were approved as presented.

Reports:

- The Village Manager Wolff gave his monthly report to the Planning Commission. He provided the Planning Commission with year-to-date case totals for the Code Enforcement Department. He also updated the Planning Commission on the possible change in building inspectors to the Joint Construction Code Authority from Isabella County. Wolff updated the Planning Commission on the work being done at the wood pellet factory. Lastly Wolff discussed training for the ZBA in 2011. He noted that he would be working with Tony Kulick to generate mock cases for the ZBA to work through.

Site Plan Review: Wendel Lee – Establish Private Road

Wolff gave a report and presentation on the proposed private road that Wendel Lee applied for. Dunham asked if anyone was present on behalf of Mr. Lee, seeing no response from the audience Dunham asked if the Planning Commission had any questions for Wolff.

There was discussion over the approval history and the documents submitted by Mr. Lee. Wolff noted that there are no records with the Village, township, or register of deeds showing that the easement/private road was ever created.

A motion was made by Boyd, seconded by Kenney, to reject the site plan submitted by Wendel Lee for the following reasons:

1. The required application fee of \$200, plus the required deposit of \$500 into a Site Plan Escrow Account has not been done.
2. The application was not signed.
3. The applicant has failed to submit a notarized maintenance agreement for the upkeep and care of the private/road easement as required by §1212.41B of the Codified Ordinances of the Village of Lake Isabella.
4. The applicant has failed to provide a suitable name for the private road that conforms to the Village's adopted naming policy, and is also approved by Isabella County central dispatch.
5. The applicant has failed to submit any details on how storm water drainage will be managed as required by §1252.11 of the Codified Ordinances of the Village of Lake Isabella.

6. Mr. Lee's submission is insufficient or totally missing with respect to at least eight of the required criteria established in the ordinance, based on his desire for us to use the drawings submitted in 2003. Those are specifically:
 - # 7 The location and surface type of all existing and proposed drives, sidewalks, curb-cuts, parking areas, and loading areas.
 - # 8 The location of all easements, right-of-ways, and alleys that are existing, proposed, or abutting.
 - # 9 The current zoning of all abutting properties.
 - # 11 The location of all existing and proposed drainage facilities.
 - # 13 The topography of the site in 10' intervals as currently existing and proposed final grades.
 - # 14 Copies of all required permits are to be submitted. This includes permits from the Central Michigan District Health Department, State of Michigan, Isabella County Road Commission, or Isabella County.
 - # 17 The height, style, and shielding of all proposed external lighting fixtures.
 - # 19 The location of proposed utilities including electrical boxes, natural gas, propane, telephone/data boxes, antennas, water supply, and wastewater disposal.
7. No details have been provided which detail information on the type of surface of the private road. Likewise, no information has been provided with respect to the construction standard of the proposed private road. As such the Village is unable to ascertain if the proposed private road will be built to the minimum requirements established by the Village.
8. Due to the deficiencies detailed in items 1 - 7, the applicant has not demonstrated that the movement of vehicular and pedestrian traffic within the site and in relation to ingress and egress to the site will be safe and convenient.
9. Due to the deficiencies detailed in items 1 - 7, the applicant has not demonstrated that the site plan is harmonious with, and not injurious or objectionable to, existing and projected uses in the immediate area. Specifically, adjacent properties and topographical features are protected through appropriate placement of structures and landscaping.
10. Due to the deficiencies detailed in items 1 - 7, the applicant has not demonstrated that the site plan shows the use will be adequately served by the following necessary improvements, storm water drainage, lighting, road surface, electrical service, natural gas service, telephone service, and other utilities.
11. Due to the deficiencies detailed in items 1 - 7, the applicant has not demonstrated that the site plan is adequate to provide for the health, safety and general welfare of the persons and property on the site and in the neighboring community.

VOICE VOTE: MOTION CARRIED UNANIMOUSLY 7-0-0.

Public Comments: None

Existing Business:

1. Attached Single-Family Dwellings Ordinance
The Planning commission reviewed the progress on the draft that Wolff has been working on. Wolff took the Planning Commission through the changes since the last meeting and manner in which he incorporated the items discussed last

month. This included the sizes of attached garages, landscaping requirements, setbacks, and universal access/design.

The Planning Commission set a public hearing for their meeting in January, 2011 to receive public comments and questions on the proposed ordinance.

2. Floodplain Ordinance

The Planning commission received a draft of a proposed ordinance to incorporate site standards into the zoning code regarding the flood plain. Wolff told the Planning Commission he based the language on the wording found in the LIPOA's building and use restrictions for Platinus Point and a sample ordinance.

The Planning Commission set a public hearing for their meeting in January, 2011 to receive public comments and questions on the proposed ordinance.

New Business:

1. Chapter 1212 Amendments

The Planning commission received a draft of several proposed ~~modifications~~ modifications to section 1212 of the zoning code. Included in the proposed changes are amendments to front yard exceptions, two sections being removed as they are duplicated in the blight code, changes to the uses not defined section, and regulations of private drives and access easements.

The Planning Commission set a public hearing for their meeting in January, 2011 to receive public comments and questions on the proposed ordinance.

Public Comments: None

Without further business, the meeting adjourned at 8:32 PM.

X

Jeffrey P. Grey
Village Clerk