

Village of Lake Isabella
Planning Commission Minutes
Special Meeting January 18, 2011

1010 Clubhouse Drive
Lake Isabella, MI, 48893

Planning Commission Chairman Dunham called the meeting to order at 5:01 PM.

Members Present: Boyd, Kenney, Grey, Gloden, McGrath, Shannon¹, and Dunham
Members Absent: None

The minutes of the December 14, 2010 meeting were approved with one correction.

Reports:

- Grey updated the Planning Commission on the December Village Council meeting, and the shared the agenda for the January meeting.
- Village Manager Wolff updated the Planning Commission on the proposed ordinances on the agenda for the Village Council meeting in January. He discussed the process that is being followed to change the building, electrical, mechanical, and plumbing inspectors from Isabella County to the Joint Construction Code Authority. Dunham expressed his support for the change and discussed that the Village was approached by the JCCA in 1998 after incorporation but at that time felt Isabella County would be more responsive to the community. He stated that from the County's action over the past year that was not the case.

Public Hearings:

1. Proposed Ordinance 2011-06: Attached Single-Family Dwellings

Dunham opened a public hearing for proposed ordinance 2011-06 at 5:22 PM.

Public Comments: None

Dunham closed the public hearing at 5:23 PM

Boyd asked for clarification on fire code requirements for assisted living facilities. Wolff replied that the Michigan Building Code only requires suppression systems for buildings over 30 feet in height, but the Centers for Medicare & Medicaid will require fire sprinkler systems in long-term care facilities by 2013.

A motion was made by Grey, seconded by Shannon, to recommend to the Village Council the adoption of proposed ordinance 2011-06. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 7-0-0.

2. Proposed Ordinance 2011-07: Floodplain Regulations

Dunham opened a public hearing for proposed ordinance 2011-07 at 5:26 PM.

Public Comments: None

Dunham closed the public hearing at 5:27 PM.

¹ Planning Commissioner Carol Shannon arrived at 5:20 PM, and was late due to poor road conditions.

Boyd stated that he shared the ordinance with the LIPOA's Architectural Control Committee and they were in favor of it.

There was discussion over whether or not to make the regulations pertain to basements.

There was further discussion regarding the possible cost to obtain a certificate of elevation. Wolff stated that he would verify the estimates with some local companies before the next meeting.

Action on proposed ordinance 2011-07 was tabled until the March 8, 2011 meeting.

3. Proposed Ordinance 2011-08: Chapter 1212 Amendments

Dunham opened a public hearing for proposed ordinance 2011-07 at 5:54 PM.

Public Comments: None

Dunham closed the public hearing at 5:55 PM

A motion was made by Grey, seconded by Boyd, to recommend to the Village Council the adoption of proposed ordinance 2011-08. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 7-0-0.

Public Comments: None

Existing Business: None

New Business:

1. 2010 Planning & Zoning Report

The Planning Commission received a report from staff detailing the planning and zoning activity for 2010. One correction was made to the cover to reflect the current roster.

A motion was made by Grey, seconded by Kenney, to approve the 2010 Planning Report and submit it to the Village Council as amended. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 7-0-0.

Public Comments: None

Without further business, the meeting adjourned at 6:17 PM.

X Jeffrey P. Grey
Jeffrey P. Grey
Village Clerk

Planning Commission Minutes

Regular Meeting April 12, 2011

Planning Commission Chairman Dunham called the meeting to order at 7:05 PM.

Members Present: Gloden, Grey, McGrath, and Dunham

Members Excused: Boyd, Shannon, and Kenney

The agenda was accepted with the addition of "Pellet Factory" under New Business #3 at the request of Commissioner Grey.

The minutes of the January 18, 2011 meeting were approved as presented.

Reports:

- The Village Manager Wolff gave his monthly report to the Planning Commission. He reported on the year to date plowing expenses, code enforcement data, and discussed the abatement process under Public Act 198.
- Wolff and Larry Hiither reported on the ZBA meeting of March 28th.
- Grey discussed the recent Council meetings, and the Council's approval of the Fence Ordinance.

Public Comments: None

Existing Business:

1. Floodplain Ordinance

Wolff reported to the Planning Commission that the Village Council had taken up this issue and a public hearing is scheduled for the April 19th meeting. He noted that under the Michigan Building Code, the state's floodplain regulations are contained in Appendix G of the code. He also reported that the Council would be considering joining the National Flood Insurance Program (NFIP) at the meeting on the 19th. He noted that the regulations in Appendix G cover the requirements for the NFIP, they do not address the concerns expressed by the Hammerlee's regarding the site placement of their neighbor's new home, or mirror the language in the LIPOA's building and use restrictions.

There was consensus among the members of the Planning Commission to take no further action on the language they had considered, and not interfere with the ordinance under consideration by the Council.

2. Land Use Moratoriums

Wolff presented a report to the Planning Commission about including language in the Zoning Ordinance to allow the Village to enact land use moratoriums. He shared an opinion from legal counsel detailing how this might work. The Planning Commission members were receptive to the language and asked Wolff to prepare an ordinance to allow them to formally consider making the change.

The method would follow the same general steps as is required under statute to enact a land use regulation.

3. Master Plan Update

Wolff shared what data the Village has from the 2010 Census. He also discussed with the members of the Planning Commission a complete streets training session on April 28th. All members present indicated that they would like to attend.

New Business:

1. Animals in Residential Districts

Wolff submitted information to the Planning Commission about the raising of chickens in residential districts. He was approached by a resident earlier in the year about raising chickens at his property.

Dunham voiced concern over the idea and noted that there many locations in the Village where this should not be allowed.

Gloden stated she liked the idea if it was done correctly.

2. Medical Marijuana Patient to Patient Transfers

The Planning Commission discussed the ongoing court case involving the dispensary in the City of Mt. Pleasant. The Planning Commission discussed possible amendments to the Village's ordinance to cover patient to patient transfers.

3. Isabella Pellet – Site Plan Follow-up

At the request of Commissioner Grey, this item was added to the agenda without objection. Grey voiced concern over the appearance of the pellet factory, specifically the dryer, bin, and electrical transformers on the north side of the building. He stated that in his opinion none of those items were on the site plan and needed to be.

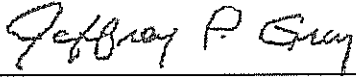
Gloden and Dunham both voiced concerns over the outdoor storage of materials. They both stated that they recall being told by the developers that no materials would be stored outside.

Wolff stated that he had discussed both of these items with owners of the Pellet factory and felt the Village should allow them the their full year for site development before formally approaching them with respect to items that need to be addressed. He noted that none of the landscaping had begun and that once that was done it would be in order to address any remaining concerns. He also stated that he would share the concerns of the Planning Commission with the Council and see if it were possible for the Village to include remedy for any of the concerns as part of the agreement for the PA 198 tax abatement.

Wolff also noted that two nearby property owners had complained about the noise. Grey stated that he recalls being told all of the equipment would be located indoors and doing so may have reduced the noise. Grey specifically asked for the developers to submit an updated site plan, but no formal action was taken by the Planning Commission with respect to the request.

Public Comments: None

Without further business, the meeting adjourned at 8:28 PM.

X 

Jeffrey P. Grey
Village Clerk

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Planning Commission Minutes

Regular Meeting May 10, 2011

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

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

The agenda was accepted as presented.

The minutes of the April 12, 2011 meeting were approved as presented.

Reports:

- The Village Manager Wolff gave his monthly report to the Planning Commission. He reported on the April Village Council meeting, inspection services with the Joint Construction Code Authority, and bills reviewed by his MML committee.

Public Comments: None

Existing Business:

1. Ordinance 2011-10: Zoning Moratoriums

Proposed ordinance 2011-10 was introduced and a public hearing set for the June meeting.

2. Census Data & Complete Streets

Wolff reviewed the latest Census data with the Planning Commission.

A motion was made by Gloden, seconded by Boyd, to recommend that the Village Council adopt a resolution in support of Complete Streets. VOICE VOTE: MOTION CARRIED UNANIMOUSLY

New Business:

1. Capital Improvement Plan

The Planning Commission reviewed the proposed Capital Improvement Plan. There was discussion over the projects. There was no objection from the Planning Commission with any items contained in the plan.

Public Comments: None

Without further business, the meeting adjourned at 8:14 PM.

X Jeffrey P. Grey
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Village Clerk

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Planning Commission Minutes

Regular Meeting June 28, 2011

Planning Commission Chairman Dunham called the meeting to order at 7:03 PM.

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

The agenda was accepted as presented.

The minutes of the May 10, 2011 meeting were approved as presented.

Reports:

- The Village Manager Wolff gave his monthly report to the Planning Commission. He reported on the June Village Council meeting, 2011-2012 budget, inspection services with the Joint Construction Code Authority, and proposed legislation reviewed by his MML committee.

Public Hearing:

1. Ordinance 2011-10: Zoning Moratoriums

Dunham opened a public hearing for proposed ordinance 2011-10 which would amend the zoning ordinance to allow for zoning moratoriums at 7:17 PM.

Public Comment: None

Dunham closed the public hearing at 7:18 PM.

A motion was made by Grey, seconded by Kenney, to recommend ordinance 2011-10 for adoption to the Village Council. ROLL CALL VOTE: YEAS; McGrath, Kenney, Grey, Gloden, Boyd, and Dunham, NAYS: None. MOTION CARRIED 6-0-0.

Public Comments: None

Existing Business: None

New Business:

1. 50% Rule for Non-Conforming Structures (§1230.13.2)

The Planning Commission discussed the "50% Rule" in section 1230.13.2 of the zoning code and the ZBA meeting from earlier in the day. Wolff presented a concept to the Planning Commission to modify this section to better accommodate situations like the one heard by the ZBA in case 2011-02.

Wolff's idea is to create an optional form based standard that people could elect to use and then build or rebuild under certain conditions. He offered the idea of this applying to older homes, chalet style homes, lots under 10,000 ft², or odd shaped lots.

In return for adding certain architectural or mechanical elements to the structure, the individual would be allowed to be to a smaller size than otherwise allowed.

Grey voiced concern over the idea and stated he would like to stay with the 50% rule of the ordinance.

Other members of the Planning Commission expressed interest in seeing a draft of the concept in ordinance form before forming an opinion.

2. Fence Ordinance Follow-up

Wolff discussed an omission in the Fence Ordinance. Specifically the ordinance did not take into account the allowed rear & side yard area to fence for single-wide mobile homes that are generally perpendicular to a public right-of-way. There was discussion about modifying the ordinance to allow for back yards to be fenced in on properties that fit this criteria.

3. Impervious Patios within 35' of the Lake or River

The Planning Commission discussed improved patio areas within 35' of the lake or river. Upon review of the Waterfront-Shoreland Overlay zone it was the consensus of the board that the current ordinance does not regulate this activity. The Planning Commission discussed the need to have permissible standards for patios provided that walls or landscaping which are included in these areas do not obstruct views of the water from adjacent properties. The Planning Commission also discussed the need to have appearance standards so that these areas are aesthetically pleasing.

4. Election of Officers

A motion was made by Grey, seconded by Boyd, to retain the current slate of officers. ROLL CALL VOTE: YEAS; McGrath, Kenney, Grey, Gloden, Boyd, and Dunham, NAYS: None. MOTION CARRIED 6-0-0.

Public Comments: None

Without further business, the meeting adjourned at 8:43 PM.

X Jeffrey P. Grey
 Jeffrey P. Grey
 Village Clerk

Village of Lake Isabella

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Planning Commission Minutes

Regular Meeting August 9, 2011

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

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

The agenda was accepted as presented.

The minutes of the June 28, 2011 meeting were approved.

Reports:

- The Village Manager Wolff gave his monthly report to the Planning Commission. He discussed the ZBA training session held in July and also on the outcome of recent litigation involving the Village regarding an illegal use of a structure on Par Drive.

Public Hearing: None

Public Comments: None

Existing Business:

1. **Proposed Backyard Chicken Ordinance**

An ordinance was introduced which would amend the zoning code to allow the keeping of backyard chickens under limited conditions. Boyd discussed that the building and use restrictions in many of the plats prohibit the keeping of poultry. Wolff noted that the Village is not the enforcing entity to the building and use restrictions.

There was also a lengthy discussion over the Right to Farm Act. It was discussed that anyone raising chickens in a manner consistent with Right to Farm could seek a total exemption from local zoning under the law. Wolff stated that his hope was to enact reasonable regulations and work with people seeking to raise chickens in order to avoid being preempted by Right to Farm.

A public hearing was set for the October 11th meeting.

2. **September Meeting**

Due to the Village Council election on the same night as the regular monthly meeting, the September meeting was canceled.

New Business:

1. **Proposed Rezoning**

The Planning Commission discussed a requested rezoning of a 35 acre parcel on Coldwater Road from LR-1 to Ag. Wolff stated that he would have the request ready for the October meeting.

2. Golf Carts & ORVs

Wolff discussed a recent change in state law that makes it permissible for local units of government in Isabella County to enact local ORV Ordinances. The Planning Commission discussed the impact of the legislation and risk that Village residents are taking by operating a golf cart or ORV on a Village street. The Planning Commission reviewed sample ordinances from 3 communities and asked Wolff to solicit participation from interested members of the community to serve in an advisory role to help draft an ordinance in accordance with State law.

Public Comments: None

Without further business, the meeting adjourned at 8:13 PM.

X Jeffrey P. Grey
Jeffrey P. Grey
Village Clerk

Village of Lake Isabella
Planning Commission Minutes
Regular Meeting October 11, 2011

1010 Clubhouse Drive
Lake Isabella, MI, 48893

Planning Commission Chairman Dunham called the meeting to order at 7:02 PM.

Members Present: Boyd, Grey, Laraway, McGrath, and Dunham
Members Excused: Shannon & Gloden

The minutes of the August 9, 2011 meeting were approved as presented.

Reports:

- Village Manager Wolff updated the Planning Commission on several items. He discussed concerns that have come in regarding the noise and odor from the pellet factory. He noted that he and Planning Commission Chairman Dunham have a meeting planned this week to go over remaining Site Plan items with the factory.

McGrath commented that they may need to have a taller stack for their dryer vent due to the elevation of that area of the Village.

Public Hearings:

1. Proposed Ordinance 2011-12: Backyard Chickens

Dunham opened a public hearing for proposed ordinance 2011-12 at 7:13 PM.

Public Comments: Scott Voight of Fairway Drive asked if the ordinance contained any prohibitions on the color or style of chicken enclosures. Wolff replied that the draft does not regulate color or matters such as that.

Dunham closed the public hearing at 7:15 PM

Boyd asked that the ordinance reflect that chickens have to be kept in accordance with GAAMP requirements. The draft was also amended to reflect that this was permissive of only chickens and not other fowl or livestock.

A motion was made by Grey, seconded by Boyd, to recommend to the Village Council the adoption of proposed ordinance 2011-12 as amended. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 5-0-0.

2. Proposed Ordinance 2011-14: Cook Property Rezoning

Dunham opened a public hearing for proposed ordinance 2011-14 at 7:27 PM.

Public Comments: None

Dunham closed the public hearing at 7:28 PM.

A motion was made by Grey, seconded by McGrath, to recommend to the Village Council the adoption of proposed ordinance 2011-14. VOICE VOTE: MOTION CARRIED UNANIMOUSLY 5-0-0.

Public Comments: None

Existing Business: None

New Business:

1. Election of Vice-Chair

A motion was made by Grey, seconded by Boyd, to nominate Dave McGrath as Vice-Chair. Voice Vote: Motion Carried.

Public Comments:

- Steve Recker of Remus Road commented that Village residents have been encroaching on his field at the south end of the Village and would like help in contacting them so that all parties can get a solid understanding of where the property line is.
- Larry Hiither of Queens Way commented on the LIPOA's Lake Management Study and the lake of implementation of it and asked if the Village could help in that effort.
- Mike Scherba of Isaella Vista commented on informational meeting held about conducting a winter draw down.

Without further business, the meeting adjourned at 7:47 PM.

X Jeffrey P. Grey
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Village Clerk