

Minutes – Planning Commission October 7, 2019

Present: Elliot, Lewis, Porter, Ottke, Sanford, Cottrell

Guests: JoAnn Velting, Jim Huguelet

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Call to order by Ottke @ 7:00

Approval of the Agenda – agenda approved

Approval of the Minutes from September 9th meeting – minutes approved

Parks and Property Plan by Velting: Information regarding the City of Perry Parks and Recreation committee and the copy of Parks and Property plan – required by state of the city is to do any grant writing to obtain funds for parks within the city. Written in June 2013, June 2018 expired, so no plan currently. New plan must be submitted to the council, approved and then submitted to the state for approval by March 2020 to be eligible for grants in 2020. Resident surveys, public involvement, and two public hearings are required. The City of Perry Master Plan is a separate document.

Chris Powell, George Dunn Terry Wood are City of Perry Parks and Rec Perry committee representatives, wanted the issue to go before the Planning Commission (PC).

Activities and programs can be done with other local municipalities. Dr. Charles Nelson and his grad students at MSU, Brad Sharlow and the PC put together the last one.

Asking for assistance in writing the updated Parks and Property Plan. Ottke offers support, as does the rest of the council. Velting believes there is more State dollars available during the coming year, and encourages support. Sanford stated since much of the information is the same, updating the existing document should be less burdensome than creating the original. Sanford recommends contacting Dr. Nelson again to see if they are willing to help us. Porter states Blue Cross Blue Shield may also have grants available. Velting will contact Cottrell if assistance at MSU is needed.

Concrete crushing by Huguelet: Comment on the letter sent to the City attorney by the PC requesting information regarding Mosher concrete crushing. Mayor presented mediated agreement. Questions from the PC broadly included: how Mosher's were able to obtain a temporary operating permit with an incomplete site plan via the Mayor's office, how the Mayor planned to hold Mosher's to that agreement, and what will be the actions taken by the City if Mosher's fails to comply. Specifically, what section of the ordinance allows I-2 development to proceed without review and approval of the Planning Commission. Mayor explained the temporary restraining order and mediation process.

Cottrell rephrased to specify information regarding the lack of site plan review process and portion of Zoning Ordinance that allowed the process to move forward. Mayor states the site plan was rejected by the Zoning Administrator, but Mosher's went ahead anyways. Also states the Mayor's office was willing to issue a temporary permit, but did not have the opportunity to do so. At mediation, Mayor and Zoning Administrator felt the mediation agreement offered by the judge addressed the concerns of the citizens of Perry.

Elliot summarizes that since the concrete crushing was "temporary", it could skip the permitting process. Cottrell states that a PC review of section 3.26 of the Zoning Ordinance at the September meeting, it was the conclusion of the PC that the Mosher issue did not fit the conditions under which a temporary permit can be issued.

Questions for the City attorney:

1. Can section 3.26 of the zoning ordinance be amended to specifically exclude proposed I-1 and I-2 development from obtaining a permit without a site plan review?

2. Can Chapter 12 of the zoning ordinance be amended to have all I-1 and I-2 development undergo a site plan review?

Porter states he wants clarity for the City and future businesses so no development can use 3.26 or Chapter 12 to skirt important legal and environmental concerns of the citizens and to avoid costly legal battles for the City. Mayor agrees; states he has retained a professional planner for the Zoning Administrator to consult on complex site plans in the future.

Ottke asks if Mosher's has provided a performance bond – Mayor says not as of today. Mayor states they do have the required insurance coverages required by the mediation agreement.

Cottrell asks if the provisions for moving crushing equipment and concrete piles off the residential property of the agreement have been met by the September 30th deadline – Mayor states no, will send a letter to their attorney and may require another review by the Judge. No date given for enforcement by Mayor's enforcement team, but Mosher's has been informed they are not in compliance.

Question for City attorney:

3. What is the correct term for a performance bond, so the zoning ordinance can be amended appropriately?

Cottrell asks what happens if the 9 months limit for crushing is reached and not completed. Mayor states that enforcement would be considerably easier to close the operation.

Ottke asks if the City has monitored the site for noise issues, as he can hear it on his property line 1.5-2 miles away. Mayor states they have not, but that a police officer has to witness the infraction; a report or recording by a citizen is not enough to issue a civil infraction.

Cottrell states that the PC may look at amendments of other possible land uses that may require a special land uses such as junk yards, incinerators, chemical processing plants (table 12.02 of the zoning ordinance). Porter asks if all I-1 and I-2 activities should never be issued a temporary use permit and all be required to go through site plan review.

Question for City attorney:

4. Can PC recommend a zoning ordinance that would not allow temporary use permits to be issued in I-1 and I-2 zones and site plan reviews are required in these areas?
5. Can review of all temporary permits be required to go through review by the PC?

Mayor states the professional planner can assist the City in modifying the zoning ordinance in the future.

Ottke opens the floor to further questions/discussions. Ottke is concerned that 5 months to put together the updated Parks and Property plan is a short deadline. Elliot states the statistics need to be updated, survey needs to be redone. Sanford stated the previous survey was sent by the city to taxpayers of the city; that data was collated by the graduate students at MSU. Unsure if a survey must be part of the plan, but some public input appears to be required. More clarification is needed by Velting. Sanford states a March 2021 may be a more prudent goal. Discussion by Porter about landscaping and public perception of current park properties.

Justin English will be the new city attorney as of January 1, 2020 per the Mayor

Meeting adjourned 7:48pm