

OTSEGO COUNTY  
PLANNING COMMISSION

AGENDA  
May 21, 2012  
6:00 PM

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1066 CROSS STREET.

1. CALL TO ORDER
2. PLEDGE OF ALLEGEANCE
3. ROLL CALL
4. CONSENT AGENDA:
5. APPROVAL OF MINUTES: From the 3-19-2012 meeting
6. OTHER:
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA  
(Please identify yourself for the record. All comments will be limited to two minutes)
8. UNFINISHED APPLICANT BUSINESS:

None

9. PUBLIC HEARINGS: **PZ12-040**

Lakeshore Lodge LLC (formerly known as El Rancho Stevens Resort) is proposing to construct a 26' x 60' Welcome Center located at 2332 East Dixon Lake Road.

Parcel identification number **010-014-100-025-08**

Legal Description:

COMM @ E1/4 COR, TH N02°32'00"W 100.27' FOR POB, TH N88°20'55"W 1544.08', TH N14°44'18"W 127.70', TH N23°34'25"E 378.16', TH N10°33'01"E 121.83', TH N04°19'15"E 100.21', TH S89°21'56"E 259.49', TH N04°41'00"W 100.43', TH S89°21'56"E 546.55', TH N05°57'15"W 100.66', TH N06°12'21"W 100.73', TH N02°32'00"W 200.27', TH S89°22'00"E 573.30', TH S02°32'00"E 1220.66' TO POB. SEC 14. T30N-R3W.

**APPLICANT HAS REMOVED THIS FROM THE AGENDA AND WILL RESUBMIT AT A LATER DATE**

10. UNFINISHED COMMISSION BUSINESS:

1. Planning Commission By-Laws
2. Mining
- 3.
- 4.

11. NEW BUSINESS:

**APPLICANT HAS REMOVED THIS FROM THE AGENDA AND WILL RESUBMIT AT A LATER DATE**

1. PZ12-040 Lakeshore Lodge LLC welcome center.

12. REPORTS AND COMMISSION MEMBER'S COMMENTS:

13. ADJOURNMENT:

# Otsego County Planning Commission

PROPOSED Minutes for March 19, 2012

**Call to Order:** 6:01 pm by Chairperson Stults

Pledge of Allegiance

Chairperson Stults welcomed Willard Brown to the Planning Commission. The Otsego County Board of Commissioners appointed Mr. Brown to represent Charlton Township, replacing Mr. Colosimo.

**Roll Call:**

Present: Chairperson Stults, Vice-Chairperson Arndt, Mr. Hilgendorf, Mrs. Jarecki, Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Mang

Absent: Secretary Borton, Mr. Hartmann, Mr. Hendershot

Staff Present: Ms. Boyak-Wohlfeil

**Consent Agenda:** None

**Approval of minutes from February 16, 2012:**

Motion made to approve minutes as written by Ms. Nowak; Seconded by Mr. Klee;

Motion approved unanimously.

**Other:** Correspondence from Village of Vanderbilt (Medical Marijuana Ordinance)

Chairperson Stults stated the Village of Vanderbilt submitted their ordinance for Medical Marijuana for informational purposes.

He also informed the Commission members Otsego Lake Township had forwarded their five (5) year Parks & Recreation Plan. It is available in the Land Use Director's office for viewing.

The Otsego County Board of Commissioners adopted the recommended changes to the Zoning Ordinance regarding Trash Receptacles/ Dumpster. The Gaylord Herald Times published the changes Saturday, March 17, 2012 and will become effective May 2, 2012.

**Public participation for items not on the agenda:** None

**Unfinished applicant business:** None

**Public Hearing:** None

**Unfinished Commission Business:**

1. Louis M. Groen Nature Preserve: Letter recommending approval to the Otsego County Board of Commissioners and the County Parks & Recreation Commission.

Mr. Mang requested the following added to the letter:

The Conservation District has approved the elements requiring their approval under the Conservation Easement.

# Otsego County Planning Commission

PROPOSED Minutes for March 19, 2012

Motion made by Mr. Hilgendorf to approve the letter with revision; Seconded by Mr. Klee.  
Motion approved unanimously.

2. Section 18.18 Table I: Planting Buffer Yard

Motion made to forward to Townships including 'Table II' by Mrs. Jarecki; Seconded by Mr. Mang.  
Motion approved unanimously.

3. Section 18.27 Parking

Motion made to forward to Townships with revisions by Mr. Klee; Seconded by Mr. Brown.  
Motion approved unanimously.

4. Article 14 Table 14.1

Motion made to forward to Townships by Vice-Chairperson Arndt; Seconded by Mr. Mang.  
Motion approved unanimously.

**New Business:**

1. Planning Commission By-laws update

Motion made by Mrs. Jarecki to approve By-laws update; Seconded by Ms. Nowak.  
Motion approved unanimously.

**Reports and Commission Member's Comments:**

Mr. Mang stated Livingston Township was holding a Public Hearing for input to their Master Plan revision.

Chairperson Stults announced the City of Gaylord was holding a Public Hearing for a *Use Variance* concerning an Adult Foster Care/Senior Housing Facility in a R1 district. The meeting will be Wednesday, March 28, 2012, 7:00 pm at the Gaylord City Hall.

**Adjournment:** 7:10 pm by Chairperson Stults.

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary

**HAYES TOWNSHIP, OTSEGO COUNTY  
MARY SANDERS, SUPERVISOR/ASSESSOR  
7200 HAYES TOWER ROAD  
GAYLORD, MI 49735**

March 7, 2012

Responses for 18.25 of Article 18, Mining, Gravel, Sand, Clay, Top Soil, Marl  
No additional time is needed

- 18.25.2.2 Does dust control include the roadways, public and private especially  
Gravel roads
- 18.25.2.3 Required that the trees, logs, etc not be buried or if buried what provisions  
Are made for that ground area
- 18.25.2.7 Does this include the work of Patricia Osburn with the County Conservation  
Dept? Did she review this section for accuracy?
- 18.25.5.3 d Was consideration/discussion given to possible adjacent owners whose  
property may need to be crossed to get to the site and protection for the  
return to satisfactory condition?
- 18.25.7 Length of time that the gravel etc would be stored on site  
Years ago we had contract with Road Commission to store  
Gravel for several years at the pit and they used it as needed.
- 18.25.10 Is this in good relationship with the actual costs of reclamation?  
With a 40 acre tract, is \$40,000 going to cover the necessary expenses?
- 18.25.12.2 see above with gravel being stored on site 25.7

Thank you for all the work that has gone into the review of this section.

Mary Sanders

April 12, 2012

Mr. Joseph Ferrigan  
Director Otsego Land Services Department  
1068 Cross Street  
Gaylord, Mi 49735

Dear Mr. Ferrigan,

At its April 5, 2012 meeting, the Otsego Lake Township Planning Commission reviewed the proposed ordinance changes, Section 18.25 Mining, Gravel, Sand, Clay, Top Soil, Marl. The Commission would like to provide the following comments:

1. A spelling correction in section 18.25.11, insure to ensure.
2. As changes to the Michigan Zoning Enabling Act (Public Act 113 of 2011) now allow mining in all zoning districts, the setbacks in residential zoning districts should be greater than 50 feet, and the minimal parcel size should be increased to 5 acres.
3. Article 15 Lots near Water does not address setbacks for mining operations. Setbacks for mining operations near lakes and flowable water need to be increased to at least 250 feet.

The Otsego Lake Township Planning Commission appreciates the thoroughness of the County's work in this area and the opportunity to comment on the proposed changes to the zoning ordinance.

Regards,



Nora Corfis  
Secretary  
Otsego Lake Township Planning Commission

**Joseph Ferrigan**

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**From:** Lou Ann Olsen [olsensup@gmail.com]  
**Sent:** Friday, April 13, 2012 2:05 PM  
**To:** Joseph Ferrigan  
**Subject:** Fwd: minutes of meeting

----- Forwarded message -----

**From:** Lee Olsen <lolsen989@gmail.com>  
**Date:** Thu, Apr 12, 2012 at 6:37 PM  
**Subject:** Fwd: minutes of meeting  
**To:** [olsensup@gmail.com](mailto:olsensup@gmail.com)

----- Forwarded message -----

**From:** Wanda Basinski <[wjbas@hotmail.com](mailto:wjbas@hotmail.com)>  
**Date:** Wed, Apr 11, 2012 at 9:15 PM  
**Subject:** minutes of meeting  
**To:** lou ann olsen <[lolsen989@gmail.com](mailto:lolsen989@gmail.com)>, [rjordan@glenergy.com](mailto:rjordan@glenergy.com), [larrystempky@yahoo.com](mailto:larrystempky@yahoo.com), [susanca.swellwitzman@gmail.com](mailto:susanca.swellwitzman@gmail.com)

Chester Township Planning Commission

Meeting held April 11, 2012

Called to order at 6:40 pm by Chairman Stempky

Present were: Basinski, Stempky, Jordan, and Nowak

Absent: Witzman

Minutes of January 12, 2012 were approved as presented. Motion by Nowak, 2<sup>nd</sup> by Jordan.

A discussion of the proposed changes to section 18.25 Mining, Gravel, sand, clay, topsoil, marb of the county zoning ordinance was held. It was felt that the proposed copy did not address the safety and welfare of the township's property and residents. The proposed copy took out way to much of the protection of the township and/or county.

Motion by Jordan that the proposed changes to Section 18.25 be rejected by this commission and remain with the existing 18.25 dated 11-21-11 (JSF). Nowak seconded the motion. Motion passed with all voting yes.

Meeting was adjourned at 7:50 pm.

Recommendation to the township board was given to LouAnn Olsen, Supervisor

1. Noise levels were not addressed

## Joseph Ferrigan

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**From:** Lee Olsen [lolsen989@gmail.com]  
**Sent:** Monday, April 16, 2012 9:00 AM  
**To:** Joseph Ferrigan  
**Subject:** Chester Twp.

Hi Joe,

I just wanted to let you know that I did go back and checked my email and did find the 2 page version of what is in the ordinance now on 18.25. I goofed up. I apparently printed that off and stapled it to your letter that you sent with the long new proposed draft and gave that to my planning commission thinking it was the new proposed language. So sorry for the confusion. I have notified the planning comm. and told them it was my mistake. At least you know they are definitely in favor of the your proposed language and have studied it well. We will correct this at our May meeting for the record.

Have a great week.

Lou Ann Olsen  
Chester Twp. Supervisor

## **Joseph Ferrigan**

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**From:** M. Mang [mangsmi1@gmail.com]  
**Sent:** Wednesday, May 09, 2012 10:34 AM  
**To:** Joseph Ferrigan  
**Subject:** Re: Mining Language

Good Morning Joe,

We talked about the mining language last night at our twp PC meeting. Two other members actually read it. I remember at our last county PC meeting that it was said that this was going to go to the townships to review. Was it sent out and I missed it? Maybe it just went to our clerk? At any rate, we did cover it last night.

Those who saw it thought it was written very well and seemed to be very thorough. There was a question if a statement should be made that, if applicable, zoning ordinance approval will not be given if any required state and federal permits are not obtained.

Additionally, in order to assist with satisfactory reclamation, it was suggested that in either section 18.25.2.1 or section 18.25.8 that a statement should be added requiring the reclamation plan to have photographs of the site before excavation. This would put the onus on the applicant to show the "before" of the site work and provide an idea of what the reclamation "after" should look like. Personally, I don't think the "after" is ever going to look like the "before" when thousands of cubic yards of material have been removed, but it may provide an idea of direction that the reclamation should go toward.

Mike Mang,  
Chair, Livingston Twp. PC

On Tue, May 8, 2012 at 7:59 AM, Joseph Ferrigan <[jferrigan@otsegocountymi.gov](mailto:jferrigan@otsegocountymi.gov)> wrote:

Mike

Mining will be on the County P.C. Agenda for the May 21 meeting.

Joe

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**From:** M. Mang [mailto:[mangsmi1@gmail.com](mailto:mangsmi1@gmail.com)]  
**Sent:** Monday, May 07, 2012 7:55 PM

**To:** Joseph Ferrigan  
**Subject:** Re: Mining Language

All uses with the exception of single family residential which are landscaped with live plants pursuant to this Section shall be equipped with a watering system which will provide sufficient water to maintain plants in a healthy condition.

18.18.2.2.1 Whenever the landscaped area required by Sections 18.18.3, 18.18.5 and 18.18.6 is 2,000 square feet or more of living plants whether or not the plants are contiguous, the site shall have a permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.

18.18.2.2.2 Whenever there is less than 2,000 square feet of landscaped area required by Sections 18.18.3, 18.18.5 and 18.18.6 on a site, there should be at least one reliable water source available during the growing season. The hose bib or other water source shall be within fifty (50) feet from a border of the plants.

18.18.2.2.3 All irrigation systems shall be maintained in good working condition.

18.18.2.2.4 Irrigation requirements may be adjusted in part or in whole by the Zoning Administrator for landscape areas having established healthy plant material, or where irrigation is deemed unnecessary for plant health and survival.

All plants required by this Section shall be maintained in a live and healthy state. Dead or unsalvageable unhealthy plants shall be replaced with the size and type of plants required on the site development plan and by this Section. Plant materials including grasses and herbaceous plants uses on berms, along road sides, etc. shall be routinely maintained during growing seasons. When growing in close proximity to residential land uses, grasses and common weeds shall be maintained at a height of ten (10") inches or less.

All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or other forms of deterioration shall immediately be replaced or repaired.

Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or salvageable plants shall be replaced within nine (9) months of the time the plants are clearly dead.

18.18.2.3 Existing Vegetation: If there is no practical alternative in terms of sighting buildings and other development, trees and other plants may be removed.

Significant shrubs, grasses and trees are to be preserved within areas not required for development.

Healthy, younger mature plants shall be preserved which would normally succeed older plants.

Natural vegetation shall be preserved within areas below an ordinary high water mark of a lake, stream or other water body.

Existing vegetation to be preserved shall be protected during construction with barriers as required and approved by the Zoning Administrator.

The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Zoning Administrator to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

18.18.2.4 Berms constructed pursuant to Section 18.18.3 shall be constructed with slopes not to exceed 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm,

**18.18.6 Parking Lot Screening:**

Unless otherwise required by Section 18.18.3 or 18.18.4, a no-building buffer strip not less than 10 feet wide shall be required on the perimeter of all parking lots containing twenty seven hundred (2,700) square feet or more of parking area where not adjacent to buildings. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

**Landscaping design standards:**

- 18.18.6.1 Any required planting strip shall be a minimum of ten (10) feet in width.
- 18.18.6.2 One street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage. (This requirement shall not duplicate the requirements of Sections 18.18.4 or 18.18.3.)
- 18.18.6.3 Where screens of non-living material are used, at least one shrub or vine shall be planted on the right-of-way or property line side for each ten (10) lineal feet of screen or fraction thereof.
- 18.18.6.4 Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.
  - 18.18.6.4.1 Landscaped areas shall be a minimum of 75 square feet with a minimum dimension of 10 feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one or more canopy trees based on the provision of one tree per each 100 square feet of interior landscape area.

18.38.2.7 Signs which overhang or extend into a dedicated public right-of-way, without the written consent of the government unit having jurisdiction.

### 18.38.3 Signs Not Requiring a Zoning Permit

18.38.3.1 Name Plates not to exceed two square feet.

18.38.3.2 Existing signs may be changed or altered so long as none of the provisions of the Zoning Ordinance are violated.

18.38.3.3 Bulletin Boards that do not exceed fifteen (15) square feet for churches, public and semi-public institutions, and/or schools.

18.38.3.4 Signs that have been approved in conjunction with a valid zoning permit for any principal use of use as detailed in a plot plan or site plan.

18.38.3.5 Street name signs and other signs established by state, county, or township units of government when necessary for giving proper directions or otherwise safeguarding the public in any district.

18.38.3.6 Non-advertising signs erected by any organization, person, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district.

18.38.3.7 Temporary signs not exceeding ten (10) square feet advertising a premises being for rent, for lease, and/or for sale in any district. All such signs shall be removed within fourteen (14) days of the consummated lease or sale of the premises.

18.38.3.8 Accessory signs on farms advertising stock, produce, and other farm products produced on the premises, provided the area of sign does not exceed thirty-two (32) square feet.

18.38.3.9 Accessory directional signs each not to exceed two (2) square feet in area on buildings, such as but not necessarily limited to: entrance, exit, loading dock, low clearance, garage, office, warehouse, boiler room, service, and the like.

18.38.3.10 Up to two (2) accessory property directional signs each not to exceed two (2) square feet in area, identifying or directing to the following: entrance, exit, visitors parking, no parking, other traffic flow directions, and similar functional signs.

It is intended that accessory property directional signs be included on the site plan for approval as to location and number by the Planning Commission.

18.38.4 Placement of Signs and Setbacks, Signs in any zoning district must be placed at least ten (10) feet back from any right-of-way or lot-line.

18.38.5 Off Premises Directory Sign – Private, Where a business use or tourist service facility is not located directly on a major tourist route, but is dependent upon passerby traffic for support, one (1) off the premises directory sign located on a County maintained road may be permitted in business or non-business districts, on each road or link or segment of road that affords access to the use, but entails a major change in the direction of travel.

Off premises directory signs shall not exceed an area of fifteen (15) square feet. Community directional signs serving more than one use may be permitted to a maximum size of 32 square feet.

18.38.6 Sign Variances, In order to provide relief for reasons of practical difficulty and to allow greater flexibility in property and use signing, the Zoning Board of Appeals may, after a public hearing, permit signs that:

18.38.6.1 Exceed the maximum number of signs permitted when there is more than one bordering street to serve the use.

## **SECTION 18.43 UNDERGROUND UTILITY WIRES**

Within the area of a plat or site plan, all distribution lines for electric, communication, or similar associated services shall be placed underground. Those electric and communication facilities placed in dedicated public ways shall be installed so as not to conflict with other underground utilities. All communication and electric facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

The Planning Commission may, by resolution, waive or modify any of the above requirements for underground line installations with respect to a particular plat or site plan when the strict application of the above requirements would result in unnecessary hardship. Prior to any such waiver or modification, a public hearing regarding the proposal shall be held by the Planning Commission.

## **SECTION 18.44 UNLISTED PROPERTY USE**

The County Zoning Board of Appeals shall have power on written request of a property owner in any Zoning District to classify a use not listed with a comparable permitted use in the District giving due consideration to the provisions of Article 16 of this Ordinance when declaring whether it is a use permitted by right or by special permit. If there is a comparable use, then the procedures established in this ordinance for approval of a permit for that use must next be initiated in order for the applicant to apply for the necessary permit(s). If there is no comparable use then the applicant shall be so informed and an amendment to the text of the ordinance or a rezoning would be necessary prior to establishing requested use on the property.

## **SECTION 18.45 VETERINARY HOSPITALS, KENNELS**

Veterinary hospitals and indoor kennels may be permitted by right in the B2, B3, AR & FR Districts provided all of the criteria noted in Section 18.45.2 are complied with.

### **18.45.1 Outdoor Kennels**

Special Use Permits may be granted by the Planning Commission for outdoor kennels in the B2, B3, AR, and FR Zones.

18.45.1.1 Minimum site size of 10 acres.

18.45.1.2 Facility shall be located at least 500 feet from the appropriate district boundary or any off-premises residence.

18.45.1.3 Documentation must be provided, by the applicant, to demonstrate that the County Animal Control Director has approved compliance with State and Local Animal Control and Health Regulations.

### **18.45.2 Veterinary Hospitals and Indoor Kennels**

- a. Veterinary Hospitals shall have a minimum lot size of one and one-half (1.5) acres.
- b. Indoor Kennels shall have a minimum lot size of Ten (10) acres.
- c. For both Veterinary Hospitals and Indoor Kennels buildings in which animals are kept, runs, and/or exercise areas shall be set back at least 100 feet from all lot lines.
- d. For both Veterinary Hospitals and Indoor Kennels documentation must be provided, by the applicant, to demonstrate that the County Animal Control Director has approved compliance with State and Local Animal Control and Health Regulations.

## **SECTION 18.46 WIRELESS COMMUNICATIONS:**

The Telecommunication Act of 1996, as amended February 8, 1996, sets forth provisions concerning placement, location and construction of towers and related facilities for wireless services. The purpose of this

- 20.2.2.10 Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), and fire lanes.
- 20.2.2.11 Location, size, and characteristics of all loading and unloading areas.
- 20.2.2.12 Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
- 20.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.
- 20.2.2.14 Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.
- 20.2.2.15 Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
- 20.2.2.16 Location, size and specifications of all signs and advertising features with elevation views from front and side.
- 20.2.2.17 Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
- 20.2.2.18 Location and specifications for all fences, walls, and other screening features with elevation views from front and side.
- 20.2.2.19 Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.
- 20.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities.
- 20.2.2.21 Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
- 20.2.2.22 Identification of any significant site amenities or unique natural features.
- 20.2.2.23 Identification of any significant views onto or from the site to or from adjoining areas.
- 20.2.2.24 North arrow, scale and date of original submittal and last revision.
- 20.2.2.25 Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the site plan.

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans: