

Otsego County Planning Commission

Corrected Minutes for December 16, 2013

Call to Order: 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice-Chairperson Jarecki, Secretary Stults, Mr. Borton, Mr. Hilgendorf, Mr. Arndt, Mr. Brown, Ms. Nowak, Mr. Hendershot,

Absent: Mr. Klee, Mr. Mang

Staff Present: Mr. Schlaud, Ms. Boyak-Wohlfeil

Others Present: John Burt, Otsego County Administrator, Tammy LaBouf, Otsego County Board of Commissioner

Public Present: Dave Drews, Arnie Morse, Otsego County Sportsplex Board member, Mason Buckingham, Otsego County Sportsplex Board Chairman, Bill Michaels, Otsego County Sportsplex Executive Director, Jeff Ratcliffe, Otsego County Economic Alliance Director, James & Janet Flint, Ron Smith, Larry ?, Patrick Arndt

Consent Agenda: None

Approval of minutes from September 16, 2013:

Motion made to approve minutes as written by Mr. Borton; Seconded by Secretary Stults.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda: None

Public Hearing: 1. *North Star Gardens*
1354 M-32 East Gaylord, MI
Parcel #010-002-200-005-10/Section 2 T30N R3W
SUP/SPR13-001 request for a landscape/home improvement business in a B1 Zoning District

Public Hearing Opened: 6:05 pm

Mr. Drews presented the site plan for the proposed landscaping business and introduced Jeff Jakeway, president of North Star Gardens, to help answer questions. Mr. Drews explained the business would provide landscape materials such as trees, plants, mulch, pavers, fountains...as well as design and installation. It is a home improvement business for landscaping and North Star Gardens has been in business for over seventy-five (75) years. Mr. Drews stated permits have been applied for and approval received from MDOT, the Health Department and the Soil Conservation District. He stated they would like to start as soon as possible and are looking at a spring time opening.

Mr. Jakeway stated he and his wife were third generation landscape business owners and had three (3) current locations, two (2) in Indian River and one (1) in Wolverine. They were experienced in both wholesale and retail

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and he felt Gaylord was an ideal place and had a need for both sides of the business. They currently have thirty-nine (39) employees and would probably acquire ten (10) additional with the opening of the Gaylord store.

Public Hearing Closed: 6:11 pm

A motion made to suspend the rules of the agenda and deliberate the case following the public hearing by Secretary Stults; Seconded by Mr. Arndt.

Motion approved unanimously.

Advertised Case: 1. *North Star Gardens*
1354 M-32 East Gaylord, MI
Parcel #010-002-200-005-10/Section 2 T30N R3W
SUP/SPR13-001 request for a landscape/home improvement business in a B1 Zoning District

Secretary Stults questioned if the outdoor material bins were display or storage.

Mr. Drews stated the bins were designed for both.

Mr. Arndt stated it was discussed at the Township and it was thought that there would be gates to enclose the bins so materials would not be blowing around.

Mr. Jakeway said there would be no product blowing around and everything would be done tastefully. Everything on display would be for sale and was meant to be seen with access as needed.

The requirements of Article 21 were questioned. Vice Chairperson Jarecki asked specifically about the lighting of the greenhouses.

Mr. Jakeway stated the greenhouse operation would start in March, running through the summer months only. All lighting would be down lighting and grow lights would not be used.

Loading and unloading of materials was questioned and Mr. Drews stated the display materials would be unloaded in front and non-display items would be unloaded in the rear.

Secretary Stults questioned where the snow storage area was located.

Mr. Drews stated the storm water retention area could be used for snow storage.

Secretary Stults stated it needed to be designated on the site plan.

The signage was questioned and Mr. Drews said the design was not definite but it would comply with the Zoning Ordinance and would be approved by the zoning administrator before construction.

The landscaping was also questioned and Mr. Jakeway stated the back and east side of the property was already taken care of with existing landscape and trees could be tastefully planted along the road to meet the requirements.

Secretary Stults stated it needed to be indicated on the site plan.

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Mr. Arndt read the conditions agreed to be placed on the special use permit.

Exhibit list presented and added to the attachments (*SEE ATTACHMENTS/Public Hearing 1*).

The General Finding of Fact (*SEE ATTACHMENTS/Public Hearing 1*) were read and a motion was made by Secretary Stults to accept the General Finding of Fact; Seconded by Mr. Arndt.

Motion approved unanimously.

Secretary Stults stated Article 17/Schedule of Dimensions should be added to the Specific Finding of Fact showing setbacks had been met.

The Specific Finding of Fact (*SEE ATTACHMENTS/Public Hearing 1*) were read and a motion was made by Mr. Brown to accept the Specific Finding of Fact; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Motion made by Mr. Brown for approval of SUP/SPR13-001 Special Use Permit to North Star Gardens for a landscaping/home improvement business with the three (3) conditions placed on it; Seconded by Mr. Hilgendorf. (*SEE ATTACHMENT/Public Hearing 1*)

Motion approved unanimously.

SUP/SP13-001 Approved with conditions:

1. Snow storage area designated on site plan drawing.
2. Sign design submitted following Ordinance specifications
3. Required landscaping indicated on site plan.

Public Hearing: 2. Article 20/Section 20.2.6/Definition of '*service road*'
Proposed addition to Article 2/Section 2.2 Definitions and Article 20/Section 20.2.6 Definitions

Public Hearing Opened: 7:00 pm

Chairperson Hartmann read aloud the definition as proposed:

SERVICE ROAD: *Local roads that parallel an expressway or through street and that provide access to property near the expressway. (SEE ATTACHMENTS/Public Hearing 2)*

Public Hearing Closed: 7:00 pm

Advertised Case: 2. Article 20/Section 20.2.6/Definition of '*service road*'
Proposed addition to Article 2/Section 2.2 Definitions and Article 20/Section 20.2.6 Definitions

Motion made by Secretary Stults to recommend the addition of the definition to Article 2/Section 2.2 Definitions and also to Article 20/Section 20.2.6 Definitions to the Otsego County Board of Commissioners; Seconded by Mr. Arndt.

Motion approved unanimously.

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Public Hearing: 3. *2014-2019 Capital Improvement Plan*
Amended to include Otsego County Courthouse Plaza, City of Gaylord Downtown Streetscape Project and Otsego County Sportsplex Repair/Rehab

Mr. Burt conducted a power point presentation amending the 2014-2019 Otsego County Capital Improvement Plan with the addition of the Otsego County Courthouse Plaza and the City of Gaylord Downtown Streetscape Project. He stated the Plan was required by the Michigan Planning Act and was a prerequisite to be considered for grant funding. The initial proposal had to be included in the Plan but could be altered at a later date. He stated the Downtown Streetscape was a part of the City of Gaylord Capital Improvement Plan also because they were seeking their own funding.

The presentation depicted proposed ideas for both projects including reducing five (5) lanes to three (3), bump-outs and safety islands, interactive water features with the Alpine theme, mountains and headwaters (representing the five (5) headwaters in the area), places for activities, a mix of different tree species and different points of interest. He discussed costs and funding.

Mr. Hendershot questioned the reduction of the traffic lanes in conjunction with semi-trucks turning west off Old 27 North on to Main Street.

Jeff Ratcliffe, Otsego County Economic Alliance Director, stated it was a problem now and would still be a problem but semis did not use that intersection often and the east-west flow was not extensive. He also stated the points of interest were intended to slow traffic down to make the downtown area safer.

Ms. Nowak stressed her concerns over the ability of parking downtown and also the safety of people getting in and out of their vehicles.

Mr. Arndt questioned the route for trucks to follow.

Mr. Ratcliffe stated signage would be added to McCoy and Millblocker Roads to direct the truck traffic.

Mr. Burt concluded the presentation and allowed the Sportsplex representatives time to explain the repair and rehab amendment to the Capital Improvement Plan.

Arnie Morse, Otsego County Sportsplex Board member, introduced himself along with Mason Buckingham, Sportsplex Board Chairman and Bill Michaels, Sportsplex Executive Director. He discussed the needs of the Sportsplex presented to the Capital Improvement Plan Committee (*SEE ATTACHMENTS/Public Hearing 3*) stating the equipment was twenty (20) years old and although maintained, would need to be replaced at some point in the near future. An estimated cost of \$200,000 needed to be raised per year and was being sought with a 3/16th of a mill being added to the 2014 ballot. He stated it would be approximately \$12-\$15 per household for five (5) years. Mr. Morse also stated a large capital improvement fund was not in place when the Sportsplex was built.

Mr. Brown stated that when the Sportsplex was voted in around twenty (20) years ago, it was with the understanding that the usage fees would take care of the facility including necessary equipment replacement.

Mr. Michaels spoke and stated at the time the Sportsplex was built in 1994 and the millage was voted in, hockey was the number one (1) source of revenue because surrounding communities did not have their own facility. It was the belief this would continue. Within five (5) years, those surrounding communities had built their own facilities and that source of income dropped dramatically. Fees for ice usage can only be increased so much to

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try and recover that amount. Mr. Michaels stated the facility is now being developed as a recreational facility with a summer day camp program, yoga classes, fitness classes, the senior all night party and a multitude of other activities.

Mr. Morse spoke up and said the pool had previously caused a deficit with the ice rink making up the difference. The Board has changed business plans trying to amend the issue and the pool no longer loses money.

Mr. Buckingham stated they have been able to meet their operational expenses with the user fees and the current millage but the issue at hand is maintaining the facility. It was never thought the facility would last forever. They are looking at keeping the facility in good shape and safe for all users.

Ms. Nowak spoke saying she thought the County enjoyed the Sportsplex and it was truly appreciated.

Mr. Michaels stated the Catt family is a tremendous asset with their funding of the fourth grade swimming program and other communities pay the Sportsplex to be a part of the program.

Mr. Arndt stated the Boy Scouts sponsor a lock-in at the Sportsplex with scouts from thirteen (13) counties participating and over the years, the numbers have not decreased. They enjoy all the different activities available.

Mr. Michaels agreed there are so many activities that can be done at these events.

Mr. Morse stated that when the Sportsplex hosts a hockey tournament, the whole community benefits including hotels, restaurants, gas stations and so on.

Public Hearing Opened: 7:45 pm

James Flint, Gaylord resident, commented he was disappointed with the City for turning down sporting events brought forward by different organizations. He was all for the Sportsplex utilizing a community building and bringing in additional activities and monies and for a Master Plan prioritizing how monies should be spent. He stated the current Master Plan (2009) did not identify this. The Master Plan stated the library did not meet State standards and needed improvements, there were problems with the downtown traffic and re-routing was needed, our water system could possibly be an issue and none of these things have been taken care of.

He went on to say the City is proposing a downtown project for 4.4 million dollars originally because of noise pollution, speed-being an unsafe issue and air pollution without showing any actual studies having been done. He was not pleased with the idea of removing the green-space from the County courthouse lawn. Mr. Flint distributed a copy of the letter sent to the Otsego County Board of Commissioners and made comment about a CIP document signed by Mr. Burt. He stated money should be prioritized for items needed such as a jail. He also stated researching some communities that have attempted this strategy, has shown to be unsuccessful. He felt the projects were a poor job of planning and a poor job of spending money and contrary to the positive ninety-five percent (95%) questionnaire feedback received from the public, sixty percent (60%) of the citizens polled by the Herald Times were against the downtown project.

Mr. Burt stated the County was not part of the County Incentive Program (CIP), a state revenue sharing program and not required to be. The County provided information as transparency but was not required. His signature was on the City document.

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Ron Smith, resident of Corwith Township, stated he agreed with Mr. Flint the information presented was lacking other than costs. He had issues with safety, parking, narrowing of the street and the widening of the sidewalks. He questioned the amount of investigation into additional costs of equipment and operations to maintain snow removal in the bump-out areas along with the maintenance of additional trees in the summer and fall. Mr. Smith stated it was difficult to understand how traffic would be reduced and brought through faster. He also questioned the bus route during the school year.

Jeff Ratcliffe, stated with emphasis, downtown areas are the core of the community and when they die, the community dies; any healthy community has a thriving downtown. Although existing items were complimented on by Dan Burden during his assessment, there were still problems. Noise was an issue, it was unsafe to cross the street and costs would not be a burden on the taxpayer. Source funding would be used, along with monies being raised locally. He stated they had consulted with the school system and they did not have any issues; EMS did not have any issues; the Alpenfest Committee did have concerns and those issues were addressed. He felt the infrastructure of Alpenfest and other downtown activities would be improved. He reiterated this was the County plan and the City plan addressed the issues in more detail.

Janet Flint, Gaylord senior citizen, commented she felt very safe in Gaylord, did not think the streets needed to be narrowed and was not pleased the County courthouse green-space would be taken away with fountains and other items. She was concerned about the type of trees being proposed because of the zone Gaylord is located in.

Public Hearing Closed: 8:09 pm

Advertised Case: 3. *2014-2019 Capital Improvement Plan*
Amended to include Otsego County Courthouse Plaza, City of Gaylord Downtown Streetscape Project and Otsego County Sportsplex Repair/Rehab

It was suggested that each amended item be voted on separately. Chairperson Hartmann read aloud the Courthouse Plaza amendment as desirable.

Motion made by Secretary Stults to follow the recommendation of the Capital Improvement Plan Committee for the Courthouse Plaza as desirable to the Otsego County Board of Commissioners; Seconded by Mr. Hendershot.

Motion approved unanimously.

Motion made by Secretary Stults to follow the recommendation of the Capital Improvement Plan Committee for the City of Gaylord downtown streetscape as important to the Otsego County Board of Commissioners; Seconded by Mr. Arndt.

Motion approved unanimously.

Motion made by Mr. Arndt to add the Otsego County Sportsplex major renovation project to the 2014-2019 Capital Improvement Plan as priority to the Otsego County Board of Commissioners; Seconded by Mr. Hendershot.

Secretary Stults stated he understood the need for the maintenance but was not pleased with the fact of being asked for additional monies because capital had not been put aside knowing it would be needed one day.

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The members of the Otsego County Sportsplex Board defended the issue of being irresponsible with the monies and maintenance of the building stating the financial aspects were not there. Most years the operational millage barely covered operational costs.

Chairperson Hartmann called for a vote:

Ayes: 8

Nays: 1

Motion carried

The following items were postponed and will be added to January's Planning Commission meeting agenda:

Unfinished Commission Business:

1. Otsego County Master Plan/Jim Hilgendorf/Committee meeting report
2. Executive Committee report/2014 Objective List
3. Capital Improvement Committee report
4. HX Zoning District/Otsego Lake Township extension granted

New Business:

1. 2014 Planning Commission Meeting Schedule

Reports and Commission Member's Comments:

1. Sample Checklist to Guide Decisions on Special Land Use/Zoning Training
2. Library Strategic Planning meeting report/Chuck Klee
3. Crawford County Master Plan update

Adjournment: 8:27 pm by Chairperson Hartmann.

Christine Boyak-Wohlfeil, Recording Secretary

Randy Stults, Planning Commission Secretary

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ATTACHMENTS:

PUBLIC HEARING 1: North Star Gardens

SUP/SP13-001 Approved with conditions:

1. Snow storage area designated on site plan drawing.
2. Sign design submitted following Ordinance specifications
3. Required landscaping indicated on site plan

GENERAL FINDINGS OF FACT

1. This is a proposal to allow a sales and service landscaping/home improvement business. *Exhibit #1*
2. The property is located in a B1/Local Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B1 Zoning District. *Exhibit #3*
4. The property is currently under the ownership of North Star Gardens. *Exhibit #4*
5. The Public Hearing Notice was published in the Herald Times on... *Exhibit #7*
6. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
7. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
8. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
9. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*

The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #12, Exhibit #13*

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 21:

SECTION 21.10 FENCING

Open Storage areas of any use shall be fenced and screened

21.18.5 Screening of unsightly areas: The open storage of any equipment, vehicles and all materials including wastes, shall be screened from public view, from public streets, and from adjoining properties.

HAS – HAS NOT BEEN MET

SECTION 21.19 LIGHTING, OUTDOOR

Outdoor light fixtures are electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include search, spot and flood lights for buildings and structures, recreation areas, parking lot lighting, landscape lighting, billboards and other signs (advertising or other), street lighting, product display area lighting, building overhangs and open canopies.

All outdoor lighting fixtures including pole mounted or building mounted yard lights, dock lights, and shoreline lights other than decorative residential lighting such as low level lawn lights, shall be subject to the following regulations:

21.19.1 Lighting shall be designed and constructed in such a manner:

21.19.1.1 To insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property,

21.19.1.2 That all light sources and light lenses are shielded,

21.19.1.3 That any light sources or light lenses are not directly visible from beyond the boundary of the site,

21.19.1.4 That light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.

21.19.2 Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test. A United States flag, Michigan flag or a flag of a veteran's organization chartered by the United States Government shall be allowed to have light illuminating them from below

21.19.3 There shall be no blinking, flashing, or fluttering lighting, including changes in light intensity, brightness or color, except that lights may be controlled by a dimmer which can be periodically adjusted for conditions and signs as allowed in 21.38.2.1. Beacon lights are not permitted except where required by law.

21.19.4 No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

21.19.5 Decorative lights during holiday seasons shall be allowed.

21.19.6 Modification of these outdoor lighting standards may be permitted by the Zoning Board of Appeals for temporary uses of not more than ten (10) days per year, following these provisions as closely as possible.

HAS – HAS NOT BEEN MET

SECTION 21.21 LOADING AND UNLOADING (OFF-STREET)

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be computed separately from the Off-Street Parking Requirements and shall be provided as follows:

21.21.1 Within a B1 or B2 District, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building.

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21.21.2 Within an I District, loading spaces shall be laid out in the dimensions of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with durable and dustless surface. All spaces in I Districts shall be provided in the following ratio of spaces to floor area:

HAS – HAS NOT BEEN MET

SECTION 21.27 PARKING

There shall be provided in all districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.

21.27.1 Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

21.27.2 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

21.27.3 In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.

21.27.4 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.

21.27.8 For those uses not specifically mentioned in the Off-street Parking Schedule, requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.

21.27.9 Entrance drives to the property and off-street parking area shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District.

HAS – HAS NOT BEEN MET

SECTION 21.38 SIGNS AND BILLBOARDS

Accessory Signs - In B1, B2, B3 and/or I Districts may be permitted at the rate of two (2) per use, except that at least one (1) sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding or pylon sign.

1. Signs mounted on and parallel with the wall of the main building shall not exceed a total area of 2.5 feet times the length of the mounting wall.
2. Freestanding signs intended for local or passerby traffic shall not exceed a height of twelve (12) feet measured from the average grade at the base of the sign to the top of the sign. No freestanding sign shall exceed an area of thirty-two (32) square feet and no such sign shall be longer than three (3) times its width.
3. Pylon signs, designed and intended to attract traffic from a major expressway or highway, are approved but shall not exceed a height of thirty-five (35') feet and must be constructed and mounted by approval methods set forth in the State Construction Code provided they meet the Airport Zoning Ordinance standards.

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.

HAS – HAS NOT BEEN MET

FINDINGS UNDER ARTICLE 19:

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.

HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.

HAS – HAS NOT BEEN MET

19.7.4 The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.

HAS – HAS NOT BEEN MET

19.7.5 The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.

HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity or rate of discharge leaving the property based on 25-year storm criteria, (v) shall

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be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.

HAS – HAS NOT BEEN MET– NOT APPLICABLE

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.

HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all the following requirements.

19.8.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.

19.8.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

FINDINGS UNDER ARTICLE 17 SCHEDULE OF DIMENSIONS:

Setbacks for a B1 Zoning District

HAS – HAS NOT BEEN MET

<i>Zoning District</i>	B1
Min. Lot Area (Square feet)	10,000
Min. Front Setback	30 ft (e)
Max. Front Setback	NA
Min. Side Setback	10 ft (c)
Min. Rear Setback	20 ft (a, d, f)
Min. Lot width (k)	100 ft
Max. % lot coverage	NA
Max. Building height (l)	35 ft (g)
Min. Ground Floor area principal structure (Square feet)	NA
Min. Width of principal structure	NA

Note a: Lots within five hundred (500) feet of lakes, ponds, flowages, rivers, streams:

See [Article 18 LOTS NEAR WATER](#).

Note b: Where the front yards of two (2) or more principal buildings in any block, or within five hundred (500) feet in existence at the time of the passage of this Ordinance (or amendment thereto), in the same zoned district or the same side of the road are less than the minimum front yard setback, then any principal building subsequently erected on the same side of the road shall not be required to provide a greater setback than the average for the existing two (2) or more principal buildings.

Note c: On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the residential side in B1, B2 & B3 Districts.

Note d: Loading and unloading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards if screened or obscured from view from public streets and residential districts.

Note e: Off-street parking may be permitted in the front yard, except that a ten (10) foot wide landscaped buffer is maintained between the front lot line or right-of-way line, and the parking area.

Note f: No building shall be placed closer than forty (40) feet to the outer perimeter of such district or property line when said use abuts a residential district boundary.

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Note g: Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to fifty percent (50%) in R1, R2, R3, RR, B1 and B2 Districts, and up to one hundred percent (100%) in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development, or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and/or Zoning Board of Appeals cannot allow a WTG height greater than allowed in [Section 21.47](#) or Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS. [Also see [Article 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT AND USE.](#)]

Note h: [Section 21.1](#) allows a rear setback of ten (10) feet for accessory buildings.

Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to one (1) or more lots, the setback shall be measured from that right of way or ingress egress easement.

Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.

Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, [Article 21](#) and [Article 22, Section 22.3 HEIGHT LIMIT](#), of this ordinance.

Exhibit List

<i>Exhibit #1:</i>	Applications for case PSPR13-001 submitted by Applicant
<i>Exhibit #2:</i>	Otsego County Zoning Map Effective Date March 20, 2010
<i>Exhibit #3:</i>	Otsego County Zoning Ordinance Effective March 20, 2010/Amended August 2013
<i>Exhibit #4:</i>	Copy of Quit Claim-L1277/P95/Survey
<i>Exhibit #5:</i>	Site Plan for case PSPR13-001 submitted by Applicant
<i>Exhibit #6:</i>	Letter from Applicant representative, Northern MI Engineering Inc/Dave Drews
<i>Exhibit #7:</i>	Public Hearing Notice
<i>Exhibit #8:</i>	Letter to Bagley Township Planning Commission Dated September 27, 2013
<i>Exhibit #9:</i>	Bagley Township response letter dated October 28, 2013
<i>Exhibit #10:</i>	Map and list of parties notified
<i>Exhibit #11:</i>	Receipt #01301813 dated September 23, 2013
<i>Exhibit #12:</i>	General Finding of Fact/PSPR13-001
<i>Exhibit #13:</i>	Specific Finding of Fact/PSPR13-001
<i>Exhibit #14:</i>	Staff recommendations

Otsego County Planning Commission

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PUBLIC HEARING 2: Definition: Service Roads

SECTION 2.2 DEFINITIONS

ACCESSORY STRUCTURE:...

ROADSIDE STAND: An accessory and temporary farm structure operated for the purpose of selling local agricultural products.

ROADSIDE STAND: An accessory and temporary farm structure operated for the purpose of selling local agricultural products.

SERVICE ROADS: *Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street.*

SETBACK: The distance required to meet the front, side and rear yard open space requirements of this ordinance as measured from the lot lines or Road Right of Way to the fascia of the roof overhang or to the closest point of a deck or porch, not including steps, whichever is less.

SHOOTING RANGE: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting at targets.

SHORELAND: Land paralleling the lake shoreline, fifty (50) feet wide as measured from the ordinary high water level. And the land paralleling the banks of all rivers, streams and flowages of water in the County that appear on the most recent U.S. Geological Survey Quadrangle maps, one hundred fifty (150) feet wide, measured from the ordinary high water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

SIGN: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public. Accessory signs pertain to uses, activities or services conducted on the premises where located.

SIGN FACE...

SECTION 20.2 DEFINITIONS

Road ways are defined according to the following categories:

20.2.1 Local Roads -- Provide direct property access, do not serve through traffic.

20.2.2 Major Collectors -- Serve traffic traveling from Local Roads or Minor Collectors to Arterials; are public thoroughfares with a lesser degree of traffic than Arterials.

20.2.3 Minor Arterials -- Serve as primary routes for travel within and between community sub-areas and augment the Major Arterial system; accessed primarily from the Collector system.

20.2.4 Major Arterials -- Serve as primary routes for travel between areas of principal traffic generation and major urban activity centers, and for trips between non-adjacent areas.

20.2.5 Regional Arterials -- Freeways and principal routes that move traffic and do not provide direct access to land use activities.

20.2.6 Service Road s -- *Local roads that parallel an expressway or through street and that provide access to property near the expressway r through street.*

Otsego County Planning Commission

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PUBLIC HEARING 3: Amended 2014-2019 Capital Improvement Plan

Otsego County 2014-2019 Capital Improvement Plan Committee

Proposed Minutes November 18, 2013

Call to Order: 9:00 am

Approval of Minutes: August 27, 2013

Motion to approve minutes; Seconded.

Motion approved unanimously.

Capital Improvement Plan Committee members present:

John Burt, Otsego County Administrator

Paul Hartmann, Planning Commission Chairperson

Randy Stults, Planning Commission Secretary

Vern Schlaud, Otsego County Land Use Services Director/Vice-Chairperson, Secretary

Capital Improvement Plan Committee members absent:

Otsego County Board of Commissioners representative

Mike Mang, Planning Commission member

Others present:

Arnie Morse, Otsego County Sportsplex Board Chairman

Mason Buckingham, Otsego County Sportsplex Board member

Bill Michaels, Otsego County Sportsplex Executive Director

Jim Hilgendorf, Planning Commission member

Discussion Items:

Mr. Burt presented the following three (3) additions to the 2014-2019 Capital Improvement Plan:

2014-2019 Capital Improvement Plan/Amended to include Otsego County Courthouse Plaza, City of Gaylord Downtown Streetscape Project and Otsego County Sportsplex Repair/Rehab

1. Otsego County Courthouse Plaza

Mr. Stults requested changes on page ten (10)...**Otsego County Courthouse Plaza to Otsego County Courthouse Lawn**; ...to create a citizen friendly ~~plaza lawn~~ and ...various plans for the Courthouse Plaza...

Mr. Stults questioned the benefit and funding of the project and placement in relation to the Memorial and Courthouse front entrance.

Mr. Burt replied the project would help access the downtown improvements and raise the tax base. He stated a percentage of money had been set aside, screening would be in place to protect the Memorial and there would be signage for the Courthouse entrance. The space would be controlled by the County. Motion by Mr. Hartmann to recommend the 2014-2019 Capital Improvement Plan addition of the Otsego County Courthouse Lawn Project to the Planning Commission as desirable; Seconded by Mr. Stults.

Motion passes by unanimous voice vote.

Otsego County Planning Commission

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2. *City of Gaylord Downtown Streetscape Project*

Mr. Stults asked if a request for government funding had been made and what other sources were sought.

Mr. Burt replied there was no request as of yet and outside funding would also be looked into.

Mr. Stults also questioned the extent of repaving and the project return?

Mr. Burt said road work would be necessary and there would be an overall County return. He also stated a truck route would be defined to help with safety and help prevent accidents. The work could be done in phases.

Mr. Hartmann stated this was desirable to important.

Motion made by Mr. Stults to recommend the 2014-2019 Capital Improvement Plan addition of the City of Gaylord Downtown Streetscape Project to the Planning Commission as desirable; Seconded by Mr. Hartmann.

Motion passes by unanimous voice vote.

3. *Otsego County Sportsplex Repair/Rehab*

Mr. Morse stated the following items were in need of repair or replacement:

Dectron Unit /pool repair \$20,000/No capital fund for replacement

Compressor replaced/Ice rink largest source of funding w/walkers coming daily

Entry-way roof repairs \$25,000

Boiler replaced

He stated the Board of Commissioners set a five (5) year plan for a 3/16th millage sought, with an election slated for May 2014.

Mr. Stults inquired about any conflicts with Public Act 261 of 1965.

Mr. Burt stated he would research and consult the County attorney.

Motion made by Mr. Stults to recommend the 2014-2019- Capital Improvement Plan addition of the Otsego County Sportsplex Repair/Rehab subject to legal-council of Public Act 261 to the Planning Commission as prioritized by the Sportsplex Board; Seconded by Mr. Hartmann.

Motion passes by unanimous voice vote.

Mr. Burt requested a public hearing for the Capital Improvement Plan additions be added to the Planning Commission's December meeting agenda.

Adjournment: 10:01 am