

# Otsego County Planning Commission

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Approved Minutes for May 18, 2015

**Call to Order:** 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

**Roll Call:**

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

Absent: Mr. Klee

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

Others Present: Erma Backenstose, Otsego County Commissioner

Public Present: Tom Dahlman/DTE representative, Jason Caverson/Wade Trim, Randy Stults

**Consent Agenda:** None

**Approval of minutes from:** March 16, 2015

Mrs. Jarecki requested the 'would' be corrected to '*could*', page four (4) under Reports and Commission Member's Comments, Parks and Recreation report.

Mr. Mang suggested adding the name of the site referenced by Mr. Ernst on page one (1) under Public participation not on the agenda, so '*Alpine Power Plant site*' was added.

Motion made to approve minutes with corrections by Mr. Hendershot; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

**Other:** DTE/Tom Dahlman, representative, Jason Caverson, Wade Trim/117 Old State Rd

Mr. Caverson stated the original survey completed in 1972 for property located at 117 Old State Rd belonging to DTE was in error. A mistake was made in the location of the 1/8<sup>th</sup> line and with this correction the property is larger than originally thought. A couple of parcels were sold off to M&M Excavating previously. When County zoning was put in place, it was DTEs understanding that the B3 zoning encompassed all of the property. The zoning map depicts a B3/Business & Light Manufacturing of what was thought to be the original property and the rest as a B2/General Business Zoning District. They were seeking verification of the zoning to proceed with their special use permit.

Mr. Dahlman stated a B3/Business & Light Manufacturing Zoning District was needed for the interconnect project DTE was pursuing to extend natural gas usage to the Gaylord area and to the north.

After discussion, it was determined that the zoning of the entire parcel should be B3/Business & Light Manufacturing per Zoning Administrator authority. Staff will have the zoning map updated to reflect the decision.

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

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**Public Hearing:** None

**Advertised Case:** None

**Unfinished Commission Business:**

1. Agricultural Equipment Auctions-*Proposed language/ Township Input*

Mr. Schlaud read the proposed language that had been sent to townships concerning agricultural equipment auctions as a comparable use to livestock auctions, Section 9.2.4 per Zoning Board of Appeals decision. *SEE ATTACHMENT 1*

Township response was positive. A public hearing will be held.

2. Article 17/Schedule of Dimensions/AR/FR front setback change-*Proposed language/Township Input*

Mr. Schlaud read the proposed language that had been sent to townships concerning the front setback for residential properties in the AR/Agricultural Resource and FR/Forest Recreation Zoning Districts per Article 17/Schedule of Dimensions.

Township response was mixed. Mr. Mang stated he did not agree with the response that had been sent from Livingston Township. He felt the change in setback **did not** coincide with the Master Plan vision as did Elmira Township and Otsego Lake Township.

Motion made by Mr. Brown to recommend approval of the addition of *'Note m: Minimum front setbacks only for residential single family dwellings (SFD) shall be twenty-five feet (25')*, to the Otsego County Board of Commissioners; Seconded by Mr. Hilgendorf.

Roll call vote:

Ayes: 4

Nays: 6

Motion defeated.

3. Article 17/Schedule of Dimensions/HX/Highway Interchange/Maximum building height-*Proposed language/Township Input*

Mr. Schlaud read the proposed language that had been sent to townships concerning the addition of the HX/Highway Interchange Zoning District to *'note g'*, maximum height of buildings, per Article 17/Schedule of Dimensions. *SEE ATTACHMENT 2*

Mr. Mang suggested adding a semi colon to *'note g'* after...HX district to differentiate between the two (2) maximum building heights.

Township response was positive. A public hearing will be held.

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## **New Business:**

1. Proposed language/Wireless Communications Towers timeframe/Township Participation

Proposed language for Article 21/Section 21.46 Wireless Communications and Article 27 Township Participation in County Zoning was presented to members to update and amend per Senate Bill No 1064.

Language will be sent to townships for input.

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

1. Otsego County Parks & Recreation report

Vice-Chairperson Jarecki reported the pavilion at Irontone Springs would be rented out and fees had been agreed upon; the bridge would also be repaired. It was decided not to charge a fee for the use of Libke Field and a request for the tennis courts for the months of June and July for lessons had been approved. Mrs. Jarecki also reported twenty-five (25) free season passes for low income families had been requested by the Northwest Michigan Health Department and approved and the website and Facebook pages would be updated.

Mr. Mang asked about the approval of the Master Plan and requested it be updated on the website as such.

Mrs. Jarecki stated Corwith Township and Vanderbilt was still working on the Gateway Trail Head.

Mr. Arndt stated Bagley Township was discussing the use of property at Johnson and Krys Roads to be used as a park. The boy scouts would volunteer for some of the clean-up work at the site. He also stated there was continued discussion on the private roads issue.

2. Periodic Review and Updating the Zoning Ordinance/Zoning Training

**Adjournment:** 7:17 pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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## ATTACHMENT 1:

\*The Otsego County Planning Commission is submitting a proposed amendment to ARTICLE 9 AR/Agricultural Resource zoning districts per the Zoning Board of Appeals decision on a comparable use:

### **ZBA Motion:**

*The Zoning Board of Appeals makes the determination that Agricultural Equipment Auctions are a comparable use to Article 9.2.4 'Livestock Auction Yards' and therefore, under Article 9.2.24 and Article 18.44, Agricultural Equipment Auctions are a permitted use subject to special conditions and the conditions of Livestock Auction Yards in the Agricultural Resource District (AR).*

*Agricultural Equipment Auction Yards:*

## **ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT**

### **SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of [Article 19](#) and only after the review and approval of the site plan by the Planning Commission. [See [Article 21](#) for applicable Specific Requirements for Certain Uses, if any and [Article 23](#) for Site Plan Requirements.]

*Current language:*

**9.2.4** Livestock auction yards with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.

*Proposed language:*

**9.2.4** Auction yards for livestock and/or agricultural equipment with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.

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**ATTACHMENT 2:**

\*The Otsego County Planning Commission would like your input in reference to the Highway Interchange Zoning District and ‘note g’. A detail was omitted when previously presented concerning ‘note g’ and the maximum building height. It was referenced in the chart below but was not clarified in ‘note g’ itself as to the possible percentage to exceed.

**ARTICLE 17 SCHEDULE OF DIMENSIONS**

17.1 Table 1 - LIMITING HEIGHT, DENSITY, AND AREA BY ZONING DISTRICTS (See also [Article 21.1 Accessory Buildings](#) and [Article 22 General Exceptions for Area, Height, and Use](#))

<i>Zoning District</i>	<b>R1 &amp; R2</b>	<b>R3</b>	<b>RR</b>	<b>FR &amp; AR</b>	<b>Reserved for future use</b>	<b>Reserved for future use</b>
Min. Lot Area (Sq. feet)	20,000 .46 acre	40,000 .92 acre	20,000 .46 acre	88,000 2.02 acre		
Min. Front Setback (b)(j)	25 ft	25 ft	25 ft	50 ft		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft	10 ft	10 ft	20 ft		
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a)		
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft AR 300 ft Duplex		
Max. % lot coverage	25%	25%	25%	30%		
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)		
Min. Ground Floor area of principal structure (Square feet)	720 (i)	720 (i)	720 (i)	720 (i)		
Min. Width of principal structure	20 ft (i)	11ft (i)	20 ft (i)	11 ft (i)		
<i>Zoning District</i>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>I</b>	<b>HX</b>	<b>Reserved for future use</b>
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	
Max. Front Setback	NA	NA	NA	NA	NA	
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	
Min. Rear Setback	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	150 ft	
Max. % lot coverage	NA	NA	NA	NA	NA	
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	
Min. Width of principal structure	NA	NA	NA	NA	NA	

Minimum front, side and rear setbacks, and maximum lot coverage modifications of up to twenty-five percent (25%) may be approved by the Zoning Administrator for nonconforming lots, as described in [Article 21.26.1](#) and [21.26](#).

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- 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 and HX.
- 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.
- 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, B2 and **HX** 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 (PUD), 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 a 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 Limits](#), of this ordinance