

Otsego County Planning Commission

Proposed Minutes for October 17, 2016

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice Chairperson Jarecki, Secretary Arndt Mr. Borton, Mr. Hilgendorf, Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Caverson, Mr. Bauman, Ms. Corfis

Absent: None

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

Public Present: Tim Maylone, Cherry Capital Connection representative, Paul Slough, Ken Bradstreet, Wolverine Power, Randy Stults, Scott White

Approval of minutes from: September 19, 2016

Motion made to approve minutes as presented by Mr. Brown; Seconded by Mr. Klee.

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda:

Ken Bradstreet, Wolverine Power representative, was in attendance to answer any further questions or concerns related to the Alpine Power Plant. Elmira residents were not present to voice any.

Public Hearing:

Cherry Capital Connection LLC, representing Fleming Shaff Acres, owner has requested a Special Use Permit/Site Plan Review for property located in Elmira Township:

4264 Martindale Rd

Elmira, MI 49730

060-002-400-010-00

Property located in an AR/Agricultural Resource Zoning District

PZSU16-002-proposed use of the property is to locate a one hundred twenty-eight foot (128') internet communications tower

Chairperson Hartmann stated the case before them and opened the public hearing.

Public Hearing open: 6:03pm

Tim Maylone, Cherry Capital Connection representative, thanked the Planning Commission for amending the language to Wireless Communications. He stated the application was submitted with the request to waive the sealed site plan requirement as most items requested on the application were not applicable. They had contacted multiple architects requesting quotes but did not receive replies. They were requesting the waiver for this site only as it was so rural an area and not for future site plans. They also were requesting a waiver of surety.

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Chairperson Hartmann stated Fleming Farms was in the northwest corner of Elmira Township at the end of Martindale Rd on eighty (80) acres.

Vice Chairperson Jarecki questioned the eight foot (8') climbing barriers and the placement of the shed, with concerns about climbing access from the top of the shed.

Mr. Maylone stated the climbing barriers would begin three feet (3') from grade so there would be eleven feet (11') in total; they would place the barriers four feet (4') from the top of the shed.

Ms. Corfis questioned the site plan provided by Cherry Capital stating it was uncertain where things were located.

Mr. Maylone pointed out the different items on the site plan projected on the screen to the members.

Ms. Corfis stated she did not feel the site plan was adequate and more time and care could have been taken to provide the information clearly; she felt the site plan did not meet all the criteria of the Zoning Ordinance. She questioned if there was propane storage on the property.

Mr. Maylone stated there was a small tank but it was nowhere near the tower site.

Ms. Corfis stated that was one of items that needed to be depicted on the site plan.

Vice Chairperson Jarecki questioned the amount of trees to be cut.

Mr. Maylone stated they would cut as few as possible but any ash trees would be removed; they are susceptible to the ash borer and become a hazard.

Chairperson Hartmann stated the majority of trees on site were maples.

Chairperson Hartmann asked if there were any other questions or comments; hearing none, the public hearing was closed.

Public Hearing closed: 6:12pm

Advertised Case:

Cherry Capital Connection LLC, representing Fleming Shaff Acres, owner has requested a Special Use Permit/Site Plan Review for property located in Elmira Township:

4264 Martindale Rd

Elmira, MI 49730

060-002-400-010-00

Property located in an AR/Agricultural Resource Zoning District

PZSU16-002-proposed use of the property is to locate a one hundred twenty-eight foot (128') internet communications tower

Mr. Hilgendorf stated waiving of the sealed site plan requirement should be made very clear it was for this site plan only so as not to set precedence for any future towers.

Chairperson Hartmann stated he had contacted a couple of engineers and a distinction was made between a plot plan and site plan as noted in the minutes from the Elmira Planning Commission meeting.

Ms. Corfis requested discussion on waiving the surety stating the Ordinance read; 'The application **shall** include a description of security.'

Chairperson Hartmann questioned if that could be waived also.

It was stated that would be a variance of the Zoning Ordinance and only the Zoning Board of Appeals could grant a variance.

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Mr. Schlaud stated the security was required. He read aloud Section 23.2.4 and cautioned the Planning Commission on setting precedence; that section referred to site plans in general but Section 21.46.2.11 was a requirement for all wireless towers.

Chairperson Hartmann stated he would recommend that Land Use verify the site to what is being shown on the plot plan.

Mr. Brown questioned why a sealed site plan was not provided as plenty of time had elapsed for one to be produced.

Ms. Corfis stated she would like to see some quality of work to the site plan and was unsure if waiving the sealed document constituted the same thing.

Mr. Caverson stated they were the same, the only difference being the engineer or architect's seal. He stated the site plan could be better and should be better.

Ms. Corfis stated she liked to see a complete site plan included in the packet.

Mr. Schlaud stated a sealed site plan was requested of the applicant but they chose to move forward to try having the requirement waived.

Mr. Arndt suggested dealing with the surety first since that could not be waived; he did not think it would require very much to remove the tower and suggested \$500.

It was cautioned that the cost should be based on the life span of the tower and reviewed in a set time period.

Chairperson Hartmann questioned Mr. Maylone of the \$500 surety amount.

Mr. Maylone thought ten percent (10%) of the cost was fair.

Chairperson Hartmann made a motion to approve PZSU16-002 with the required conditions of a \$500 surety with a ten (10) year review and an improved site plan to be reviewed by Land Use with the waiving of the sealed site plan requirement.

It was stated the final site plan needed approval by the Planning Commission; it should not be delegated. It was suggested to include what provisions were being met for the waiver also.

Mr. Arndt stated a list of conditions should be made to be sure nothing was missed in the motion.

Mr. Brown cautioned members on setting the ground work to protect the process for future towers.

Ms. Nowak stated a \$1,000 surety bond should be requested to insure the necessary equipment could be set up for removal of the tower.

Mr. Arndt stated there might be a minimum for a bond; a letter of credit or escrow account could also be set up for the security.

Mr. Schlaud stated if the sealed site plan requirement was waived, it was important that all other items be included on the drawing.

The Planning Commission requested a better drawing from Cherry Capital before approval could be granted.

Motion made by Mr. Hartmann to postpone a decision on PZSU16-002 until additional site plan work was completed and reviewed by the Planning Commission; Seconded by Mr. Arndt.

Case PZSU16-002 postponed.

Unfinished Commission Business: None

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New Business:

1. 2016 Objective List update

An updated list was presented to Planning Commission members depicting items completed in 2016 to date.

Mr. Brown departed 7:00pm.

2. 2017 Objectives

Forms were distributed to members for input on updating zoning ordinance items in 2017. The list will be prioritized and presented for member approval.

3. Elections

Chairperson Hartmann requested nominations for Planning Commission officers.

Mr. Hilgendorf nominated Mr. Arndt for Planning Commission secretary; Vote unanimous.

Ms. Nowak nominated Mrs. Jarecki for Planning Commission vice chairperson; Vote unanimous.

Mr. Arndt nominated Mr. Hartmann for Planning Commission chairperson; Vote unanimous.

2017 Planning Commission officers:

Chairperson: Mr. Hartmann

Vice Chairperson: Mrs. Jarecki

Secretary: Mr. Arndt

4. Expiring terms:

- a. Willard Brown
- b. Jason Caverson
- c. Nora Corfis

Members with expiring terms agreed to continue for another term as Planning Commission representatives for their township.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Mrs. Jarecki, Otsego County Parks and Recreation Committee representative, stated the County Park's scheduled Halloween weekends were a success; the showers at the campground will be redone before next season; the monies received from the Building Healthy Communities Grant were used to purchase benches, a duo drinking fountain for people and pets, trash cans, signs and a split rail fence for the DNR property near the dog park, along with a wind screen for the tennis courts, landscape materials and additional recreational equipment; it was also determined the trees in front of the Community Center are dying and will need to be removed, the City will assist; and the meeting for November has been changed to November 7th at the Courthouse downtown.

Mr. Bauman stated Livingston Township was working on a recreational area on a tract of land in the Five Lakes area for resident usage and was pursuing grant monies to purchase.

Ms. Nowak stated Chester Township's Planning Commission was on an on-call basis.

Ms. Corfis stated Otsego Lake Township had approved their Master Plan and had submitted it for distribution.

Mr. Hilgendorf stated the University Center continued to work with the County on the agreement with Kirkland.

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Mrs. Jarecki stated Corwith Township was waiting to hear about the grant applied for.

Mr. Arndt stated because a new supervisor and trustee will be joining Bagley Township, their Master Plan has been put on hold for the new members to review.

Mr. Borton stated the County had balanced the budget for 2017, new windows and doors had been installed at the County building and Judge Morris will retire the end of the year which means the County will lose the District Court per State decision; court cases will be heard elsewhere. Judge Morris would still help out with Drug Court on a part time basis.

Mr. Schlaud stated business at Land Use Services was still busy and would probably remain busy through November.

2. Sign Regulation – Zoning Ordinance Review/Zoning Information

Chairperson Hartmann adjourned the meeting.

Adjournment: 7:35pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary