

# Otsego County Planning Commission

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Minutes for November 28, 2011

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

Pledge of Allegiance

**Roll Call:**

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

Absent: Mr. Colosimo

Staff Present: Mr. Ferrigan

Others Present: Jeff Ratcliff, Economic Alliance Director

Public Present: Karen Darner, Rick Chelotti, Erma Backenstose, Bob Cooley, Tom Listvan

**Consent Agenda:** None

**Approval of minutes from October 17, 2011:**

Mr. Hendershot requested a spelling correction of transposed letters on page two (2), from 'NCRS' to 'NRCS.'

Motion made to approve minutes as corrected by Mr. Borton; Seconded by Mr. Hartmann.

Motion approved unanimously.

**Other:** None

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

**Unfinished applicant business:** None

**Public Hearing:**

Applicant: Rick Chelotti/Karen Darner

Owner: MDP Development LLC

SPR11-004/Special Use Permit

Parcel #080-210-000-051-00/080-210-000-062-00

Lot 51/Lot 62 West Gaylord Subdivision/Section 32/Livingston Township

1091 Anna Dr Gaylord, MI

The applicants stated they proposed to lease a ninety-seven hundred (9,700) square foot existing building located at 1091 Anna Dr Gaylord, MI for the purpose of recycling used mattresses and box springs. Their plan to recycle consists of dismantling, shipping materials (metal, cotton, and foam) to end users, selling or recycling (wood) and disposing of any remaining non-recyclable parts properly.

Materials will be received and stored inside the building until dismantled. Metal will be stockpiled inside and transported to A&L Iron and Metal periodically or stored in a container at the back of the building. Cotton and

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foam will be baled and stockpiled inside until shipped. Wood will be stored inside and periodically taken to Grayling to be used at the power station as fuel. Any remaining non-recyclable material will be stored in a commercial dumpster for disposal.

Jeff Ratcliff, Otsego County Economic Alliance Director, stated the proposed use is a permitted use under B2 zoning. He also considered it a good use of an existing building.

Public Hearing: Open: 6:06 pm

Mr. Cooley asked if any activities would be taking place outside the building. Mr. Chelotti stated the process would be done entirely inside with only dumpster use outside.

Mr. Listvan questioned if there were any plans for the vacant lot to the east of the building and Mr. Chelotti stated there was not.

Public Hearing: Closed: 6:10 pm

Number one (1) *SPR11-004 Special Use Permit* under **New Business** moved to follow public hearing.

SPR11-004/Special Use Permit Livingston Township/Section 32  
#081-210-000-051-00/081-210-000-062-00 1091 Anna Dr Gaylord, MI

Mr. Ferrigan read the following list of exhibits for the record:

- Exhibit 1:* Application for case #SPR11-004 including site plan and nine (9) photographs
- Exhibit 2:* Otsego County Zoning Map dated March 20, 2010
- Exhibit 3:* Otsego County Zoning Ordinance dated March 20, 2010
- Exhibit 4:* Permission letter from Penny Merry, resident agent of MDP Development LLC, dated October 28, 2011
- Exhibit 5:* Copy of Quit Claim Deed
- Exhibit 6:* Public Hearing Notice
- Exhibit 7:* Letter to Livingston Township Planning Commission dated October 27, 2011
- Exhibit 8:* Letter from Livingston Township dated November 2, 2011
- Exhibit 9:* Map and list of parties notified
- Exhibit 10:* Receipt #01101945 dated November 3, 2011
- Exhibit 11:* Application and Site Plan Review check list sent to Livingston Township

Chairperson Stults requested documentation stating Penny Merry was owner of MDP Investments LLC.

Motion made by Mr. Hilgendorf to approve the list of eleven (11) exhibits; Seconded by Mr. Mang.

Motion approved unanimously.

Mr. Ferrigan read the following General Finding of Facts of SPR11-004:

1. This is an existing building and the proposed use is to be a Specialized Recycling Center. (*Exhibit #1*)
2. The property is located in the B2 Zoning District. (*Exhibit #2*)
3. The proposed use is a permitted use subject to special conditions under B1 Zoning section 10.20.8 of the Otsego County Zoning Ordinance and also a permitted use subject to special conditions under B2 Zoning section 11.2.1. (*Exhibit #3*)

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4. The property is located at 1091 Anna Dr Gaylord, MI. (*Exhibit #1 & Exhibit #2*)
5. The minimum lot area in square feet in the B2 district is ten thousand (10,000) square feet. (*Article 14 Schedule of Dimensions*) (*Exhibit #2 & Exhibit #3*)
6. The Planning Commission has the authority to approve Site Plans after review and compliance with the Otsego County Zoning Ordinance. (*Section 20.5*) (*Exhibit #3*)
7. The Planning Commission has the authority to review and approve a special land use request. (*Section 16.6*) (*Exhibit #3*)
8. The requirements of Article 24 of the Otsego County Zoning Ordinance have been met. (*Exhibit #7 & Exhibit #8*)
9. The Public Hearing Notice was published in the paper. (*Exhibit #6*)
10. All property owners within three hundred (300) feet were properly notified of the Public Hearing. (*Exhibit #9*)
11. The required fees have been collected by Otsego County Land Use Services. (*Exhibit #10*)
12. The Otsego County Planning Commission has reviewed the site plan and the notes regarding the building not meeting the current setback requirements. Due to the fact that this is an existing building, it is considered a legal non-conforming structure under Section 18.26 of the current zoning ordinance and therefore, the requirements are waived. (*Section 18.26*) (*Exhibit #3*)
13. The Otsego County Planning Commission has reviewed the site plan and has found that the impervious surface is greater than fifteen thousand (15,000) square feet. However, since this application contains legal non-conforming lots with no changes to existing building development, the maximum of fifteen thousand (15,000) square feet of impervious surface is waived pursuant to Section 18.26 of the Zoning Ordinance. (*Section 18.26*) (*Exhibit #3*)
14. Bob Cooley spoke and was in favor of the project.
15. Tom Listvan spoke and was in favor of the project.

Motion made by Mr. Arndt to approve fifteen (15) general finding of facts; Seconded by Mr. Klee.

Motion approved unanimously.

The following Specific Findings were voted on individually:

## ***Section 16.7 Standards for Special Land Use Approval***

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

Standard met, agreed unanimously.

16.7.2 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.

Standard met, agreed unanimously.

16.7.3 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 accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.

Standard met, agreed unanimously.

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16.7.4 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.

Standard met, agreed unanimously.

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

Standard met, agreed unanimously.

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

Standard met, agreed unanimously.

16.7.7 The proposed special land use includes more than fifteen (15) thousand square feet of impervious surface...(additional conditions that do not apply.) *General Finding of Fact #13*

Standard waived, agreed by a consensus vote of the members with Mr. Mang being the only descending vote.

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

Standard met, agreed unanimously.

## ***Section 18.10 Fencing***

Requirement met, agreed unanimously.

## ***Section 18.18 Landscaping***

Requirement met, agreed unanimously.

## ***Section 18.19 Lighting, Outdoor***

Requirement met, agreed unanimously.

## ***Section 18.21 Loading and Unloading (Off-Street)***

Requirement met, agreed unanimously.

## ***Section 18.28 Performance Standards***

Performance standards met, agreed unanimously.

## ***Section 18.36 Recycling, Facilities and Solid Waste Haulers***

Requirements met, agreed unanimously.

## ***Section 18.38 Signs and Billboards***

Requirement met, agreed unanimously.

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Motion made to approve Specific Finding of Facts by Mr. Mang; Seconded by Mr. Hilgendorf.

Motion approved by voice vote.

## *Section 16.8 Conditions*

Mr. Ferrigan read the following conditions:

1. Provide Otsego County with a letter from land owner granting permission to make application.
2. Any future signage shall meet the requirements of the Otsego County Zoning Ordinance.
3. All outside storage shall be screened from public view.
4. All exterior lighting shall be brought in compliance with the Otsego County Zoning Ordinance.
5. Provide Otsego County with a letter regarding the permission to use off site sewer and water.
6. Existing landscaping shall remain.

Motion made by Mr. Klee to approve the six (6) conditions; Seconded by Mr. Hartmann.

Motion approved unanimously.

The following motion made by Mr. Borton; Seconded by Mr. Klee:

A motion based upon all evidence provided to the Otsego County Planning Commission including:

1. Applicant provided information including the application, site plan and site plan compliance check list and narrative describing the proposed use.
2. General finding of fact for SPR11-004.
3. Specific finding of fact for SPR11-004.

That SPR11-004 is approved with the conditions that were approved.

Motion approved unanimously.

Chairperson Stults requested moving item number six (6) *B3 Zoning district discussion* under **New Business** to follow SPR11-004.

Jeff Ratcliff, Otsego County Economic Alliance Director requested the consideration of rezoning the West Gaylord Subdivision from B2 to B3 based on the following findings:

1. Current and Historical Use:  
Nine (9) of the fifteen (15) businesses currently in the subdivision are B3 type uses. Two (2) are either B1 or B3 and four (4) are unclear.
2. Intent of the Zoning Ordinance:  
The intent of the B2 district is to provide more diversified business type than B1 and the intent of B3 is to provide sites for light manufacturing and wholesale storage and as a distribution area to retail stores or industrial uses. The location has very few uses under the current B1 and B2 permitted uses.
3. Changes in Zoning Ordinance Language:  
A district of non-conforming and illegal users has been created due to the Zoning Ordinance language change in permitted uses.

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4. Availability of B2 and B3 Zoned Land:  
Rezoning the West Gaylord Subdivision would not create a shortage of B2 or detract from existing B3 zoned areas. It would encourage occupancy of current and future vacant buildings in the area.
5. Impact on Future Development along West M-32:  
Rezoning will not impact future development in the area. Livingston Township has previously agreed to allow development in the area to come into the City under a 425 agreement which would fall under a C2 zone allowing for the broadest range of uses. County zoning does not affect the future use under City zoning.

Commission members requested a map depicting B1, B2 and B3 zoned areas in different colors to get an overall visual of existing zones.

Mr. Ferrigan stated he would have maps produced for all the members.

## **Unfinished Commission Business:**

1. Proposed mining language  
Mr. Ferrigan presented a final draft of the proposed mining language and requested Commission members review it before the next meeting.
2. Article 18 Table I: Planting Buffer Yard  
A revised table was presented by Mr. Ferrigan for review by members.
3. Article 14 Schedule of Dimensions  
Commission members were asked to also review the revised Schedule of Dimensions.
4. Article 18, Section 18.27 Parking  
Mr. Ferrigan stated he would recopy Section 18.27 Parking in color to clarify what new wording had been added and send to Commission members to further review.
5. Update Assisted Living Facilities  
Mr. Arndt was asked to meet with the Assisted Living Committee members and report at the next Planning Commission meeting.

## **New Business:**

2. Motion to require all Site Plan Approvals for Louis M Groen Nature Preserve to require Planning Commission approval.  
A motion to require each phase of the redevelopment of the Louis M. Groen Nature Preserve to be brought before the Otsego County Planning Commission for site plan approval prior to the commencement of redevelopment.

Motion made by Mr. Mang; Seconded by Mr. Klee.

Motion approved unanimously.

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3. Approval of 2012 meeting schedule.

Chairperson Stults requested an addition to the Resolution for Adoption 2012 Meeting Schedule at the end of the second paragraph following, 'Unless the third Monday should fall...*and further unless cancelled by the chairperson.*'

Motion made by Mr. Hilgendorf; Seconded by Mr. Arndt.

A roll call vote was taken:

Mr. Stults-yes, Mr. Arndt-yes, Mr. Borton-yes, Mr. Hilgendorf-yes, Mrs. Jarecki-yes, Mr. Hartmann-yes, Ms. Nowak-yes, Mr. Klee-yes, Mr. Mang-yes, Mr. Hendershot-yes

Resolution declared adopted.

4. Objectives for 2012

Mr. Ferrigan handed out worksheets to Commission members for input on prioritizing the 2012 agenda.

5. Representing important segments of the community

As required in Section 125.3815 (3) of the Planning Enabling Act, Planning Commission members shall be representative of important segments of the community. Commission members were asked to choose which segments of the community they would like to represent.

## Reports and Commission Member's Comments:

Land Use Director-Update on dumpsters, Highway Interchange  
Tabled

**Adjournment:** 9:25 pm by Chairperson Stults.

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary