

OTSEGO COUNTY PLANNING COMMISSION

April 21, 2014
6:00 PM

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1322 HAYES ROAD

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From March 17, 2014 meeting
5. CONSENT AGENDA: None
6. OTHER:
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:

HX Highway Interchange District Zoning Map/Otsego Lake Township
9. ADVERTISED CASES:

HX Highway Interchange District Zoning Map/Otsego Lake Township
10. UNFINISHED COMMISSION BUSINESS:
 1. Otsego County Master Plan/Jim Hilgendorf/Committee meeting report
 - 2.
11. NEW BUSINESS:
 1. Discussion/Joint meeting with ZBA members
 - 2.
12. REPORTS AND COMMISSION MEMBER'S COMMENTS
 1. General Information Guide for a Planning Commission or Zoning Board of Appeals/Zoning Training
 - 2.
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for March 17, 2014

Call to Order: 6:00 pm by Vice-Chairperson Jarecki

Pledge of Allegiance

Roll Call:

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

Absent: Chairperson Hartmann, Mr. Arndt, Mr. Hendershot

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

Public Present: Gary Lytle, Pam Lytle, Pat Russell, Tom Russell, Bill Kern, Martha Kern, Chris Engle-Gaylord
Herald Times, John & Dalores Burau, Chris Dandeneau

Others Present: Erma Backenstose, Otsego County Board of Commissioner

Consent Agenda: None

Approval of minutes from January 20, 2014:

Secretary Stults requested an addition on page two (2), number two (2) second paragraph...to approve the 2014 Objective List *and as recommended by the Executive Committee* to the Otsego County Board...

Motion made to approve minutes with the addition by Secretary Stults; Seconded by Mr. Brown.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda: None

Public Hearing:

John & Dalores Burau

4458 Orchard Dr Gaylord, MI

Parcel #011-610-000-013-00/Section 28 T30N R3W

SUP/SPR14-001 request for a professional office building for financial services located in a R2/General Residential Zoning District

Public Hearing Opened: 6:07 pm

Mr. Burau stated he has lived in Oak Manor Subdivision for forty (40) years and operated a dental practice in that subdivision for thirty-five (35). The subdivision has Deed Restrictions placed on it but because the property was purchased before the covenants were in place, this lot (Lot 13) is one of three (Lots 1, 10 and 13) that are exempt from these covenants.

Mr. Burau said the structure has been vacant for approximately eight (8) years since his retirement and he and his wife Dalores, had been looking to lease the structure. They preferred someone quiet, with minimal signage and a

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low traffic flow because they lived next door. They were approached by an Edward Jones Investment representative, Chris Dandeneau; felt it was a good fit. He stated there would be even less traffic than with the dentist office.

Public Hearing Closed: 6:14 pm

Mr. Arndt arrived 6:15 pm.

Advertised Case:

John & Dalores Burau
4458 Orchard Dr Gaylord, MI
Parcel #011-610-000-013-00/Section 28 T30N R3W
SUP/SPR14-001 request for a professional office building for financial services located in a R2/General Residential Zoning District

Ms. Nowak questioned why Mr. Burau did not try to sell the building as a residence.

Mr. Burau stated the structure was set up as a business with an apartment upstairs. It had a separate entrance and he and his family had lived in it while he practiced downstairs for many years. He stated it would take extensive work to turn the building into a residence. He also stated the apartment would not be used by Edward Jones Investments.

Mr. Arndt, Bagley Township Planning Commission Chairperson, stated the case had gone before the Township Commission and SUP/SPR14-001 had been approved. He said a neighboring property owner attended the meeting and had questions concerning the Deed Restrictions on Oak Manor Subdivision. Mr. Arndt stated the Planning Commission had to abide by the Zoning Ordinance not the Deed Restrictions.

Secretary Stults questioned the parking area dimensions and the signage requirements for a R2/General Residential District.

Mr. Schlaud stated a separate sign permit is necessary and would have to meet the Zoning Ordinance requirements at that time of application.

Secretary Stults suggested taking the sign approval out of the site plan and the signage would be approved under a separate process.

Mr. Schlaud stated concerning the parking issue, at the time of application he had determined the parking space dimensions met the requirements of the Ordinance.

Secretary Stults stated he would like to see dimensions listed in order to determine if requirements have been met.

Mr. Arndt stated Bagley Township had determined the number of parking spaces needed by calculating the square footage of the building by the square footage of the space itself and came up with four and one half (4 ½) parking spaces needed (900 sq ft/200 sq ft = 4.5). Since there are five (5) spaces provided, they determined the requirements were met.

Secretary Stults requested the separate sign approval and the parking calculations be added to the Specific Finding of Fact.

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The Exhibit List was presented and Secretary Stults requested 'Site Plan Review' be added to Exhibit #1.

Mr. Mang requested the exhibit number be added to each exhibit for clarification.

Secretary Stults also requested all photos be added to the Exhibit List and labeled as part of the Site Plan.

Motion was made by Secretary Stults to accept the Exhibit List; Seconded by Mr. Hilgendorf. *(SEE ATTACHMENTS)*

Motion approved unanimously.

The General Finding of Fact was read aloud by Vice Chairperson Jarecki.

Secretary Stults requested the addition of... '*and posted as required.*' to number five (5) concerning the Public Hearing Notice.

Motion was made by Mr. Arndt to accept the General Finding of Fact; Seconded by Mr. Brown. *(SEE ATTACHMENTS)*

Motion approved unanimously.

The Specific Finding of Fact was read by Vice Chairperson Jarecki.

Secretary Stults requested adding the following comments to the Specific Finding of Fact:

Section 21.10 Fencing-No fences on the property

Section 21.27 Parking-Five (5) spaces required-Five (5) spaces provided

Section 21.38 Signs and Billboards-No signs approved as part of Site Plan/Separate permit for signage

Motion was made by Secretary Stults to approve the SUP/SPR14-001 Specific Finding of Fact as agreed upon; Seconded by Mr. Arndt. *(SEE ATTACHMENTS)*

Motion approved unanimously.

Motion made by Secretary Stults to approve the Site Plan for case SUP/SPR14-001 as reviewed ; Seconded by Mr. Hilgendorf. *(SEE ATTACHMENTS)*

Motion approved unanimously.

Mr. Arndt stated, for the record, he did not believe the letter received from the Nurski's concerning the Deed Restrictions was a negative response.

Mr. Mang requested the letter be noted as being received as part of the public hearing.

Unfinished Commission Business:

1. Otsego County Master Plan/Jim Hilgendorf/Committee meeting report

Mr. Hilgendorf stated the Committee had met a couple of times and planned a meeting for Monday, March 24th. It was the Committee's intent to go through the Master Plan and find all data that needed to be updated.

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Mr. Mang stated he and Chairperson Hartmann had met with Tom Deans, Otsego County Road Commission, and Mr. Deans had provided them with a map and additional information to assist in updating the Transportation Plan as part of the Master Plan.

Mr. Hilgendorf stated he had also talked to MDOT.

2. *Service Roads*' Definition sent to Townships/Definition revision

Mr. Schlaud read the definition of '*service roads*' as was previously sent to Townships, September 20, 2013 and already adopted by the Otsego County Board of Commissioners.

The revised definition is to be resent to Townships for input.

3. SUP/SPR13-001 North Gardens/Site Plan Update/Conditions met

Mr. Schlaud presented the revised site plan for SUP/SPR13-001 North Gardens stating the conditions for the Special Use Permit had been met.

4. HX Zoning District/Otsego Lake Township/Township Public Hearing held 1.9.14/Update

Secretary Stults stated after the Township public hearing, the Otsego Lake Township Planning Commission met and revised the Highway Interchange Zoning Map changing the eastern boundary of the Map. It was presented to the Township Board and approved. The County received a letter from the Otsego Lake Township Clerk confirming the approval of the revision.

It was agreed upon to present the revised Highway Interchange Zoning Map at the next scheduled public hearing.

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation Plan update

Secretary Stults stated the Parks & Recreation Plan was updated as proposed and was adopted by the Board of Commissioners.

He stated bids were opened for the cabins at the County Park but action was delayed due to frost. Further research is being done. Secretary Stults also stated there are moisture issues with the gymnasium floor at the Community Center. They are not sure where it is coming from but the issue will be looked into further in the middle of May to pin point the problem. Depending on what is found, it's possible the Community Center could be closed for the summer.

2. Frederic Township Master Plan update

Mr. Schlaud stated Land Use Services had received a copy of Frederic Township's updated Master Plan and after reviewing it, he did not find any major changes.

3. Periodic Review Updating the Zoning Ordinance/Zoning Training

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Mr. Arndt stated Bagley Township was beginning a review of their Master Plan.

Adjournment: 7:39 pm by Vice-Chairperson Jarecki.

Christine Boyak-Wohlfeil, Recording Secretary

Randy Stults, Planning Commission Secretary

PROPOSED

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OTSEGO COUNTY PLANNING COMMISSION

SUP/SPR14-001
011-610-000-013-00

Exhibit List

- Exhibit #1:* Applications for case SUP/SPR14-001 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended August 2013
- Exhibit #4:* Copy of Warranty Deed-L0179/P503
- Exhibit #5:* Site Plan for case SUP/SPR14-001 with photos submitted by Applicant
- Exhibit #6:* Public Hearing Notice
- Exhibit #7:* Letter to Bagley Township Planning Commission dated January 13, 2014
- Exhibit #8:* Letter received March 5, 2014 from Bagley Township Planning Commission
- Exhibit #9:* Map and list of parties notified
- Exhibit #10:* Receipt #01303010 dated January 6, 2014
- Exhibit #11:* General Finding of Fact/SUP/SPR14-001
- Exhibit #12:* Specific Finding of Fact/SUP/SPR14-001
- Exhibit #13:* Letter from neighboring property received February 19, 2014

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**OTSEGO COUNTY
PLANNING COMMISSION**

**SUP/SPR14-001
011-610-000-013-00**

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 21:

SECTION 21.10 FENCING

21.10.1 Fences designed to enclose property in any district shall be subject to the following conditions:

21.10.1.1 Fences in R1, R2, R3 or RR Districts, or any platted subdivision, site condo or PUD shall not contain barbed wire or be electrified.

21.10.1.2 No fence shall exceed six (6) feet in height in the side or rear yard. No fence in the front yard setback shall exceed four (4) feet in height and shall be of a design and material that does not obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.

21.10.2

Specific Nonresidential Uses Requiring Fences	Minimum height for fence or wall	Function(s)	
		Screen/protect	Obscure
Drive-in restaurants, gasoline stations and vehicle repair	6'0"	X	X
Hospital and funeral home service entrances	6'0"		X
Institutional playgrounds	6'0"	X	X
Parking lots	6'0"		X
Utility buildings and substations	6'0"	X	X
Public swimming pools	6'0"		X
Junk yards	8'0"	X	X
Open storage areas of any use	6'0"		X

Note: These uses in 21.10.2 are required to be fenced or screened in all cases regardless of the use orientation to residential zoning districts or residential uses.

21.10.3 Protective and adequate fencing shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.

21.10.4 All plans for fences or walls must be approved by the Zoning Administrator for construction specifications designed to fulfill the primary function of protection and/or screening. All fences shall be maintained in a pleasing appearance.

21.10.5 The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where general welfare concerns are not served by compliance with these standards, such as the existence of permanent natural features, where there is sufficient visual or protective separation, or where there is nothing to separate. Waivers shall not be granted where such characteristics are of a temporary nature or because the adjacent area is not yet developed.

 HAS NOT BEEN MET

Exhibit #12

Otsego County Planning Commission

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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 21.27 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

FIVE (5) SPACES REQUIRED/FIVE (5) SPACE PROVIDED

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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 - **NOT APPLICABLE**

NO SIGNS APPROVED WITH SITE PLAN/SEPARATE PERMIT FOR SIGNAGE

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 used 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)

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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 no rate of discharge leaving the property based on 25-year storm criteria, (v) shall 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

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.

NO CONDITIONS ARE IMPOSED

Exhibit #12

**OTSEGO COUNTY
PLANNING COMMISSION**

**PUBLIC HEARING NOTICE
April 21, 2014**

The Otsego County Planning Commission will hold a public hearing on April 21, 2014 at 6:00 pm in the Land Use Services Planning and Zoning Meeting Room located at 1322 Hayes Rd Gaylord, Michigan.

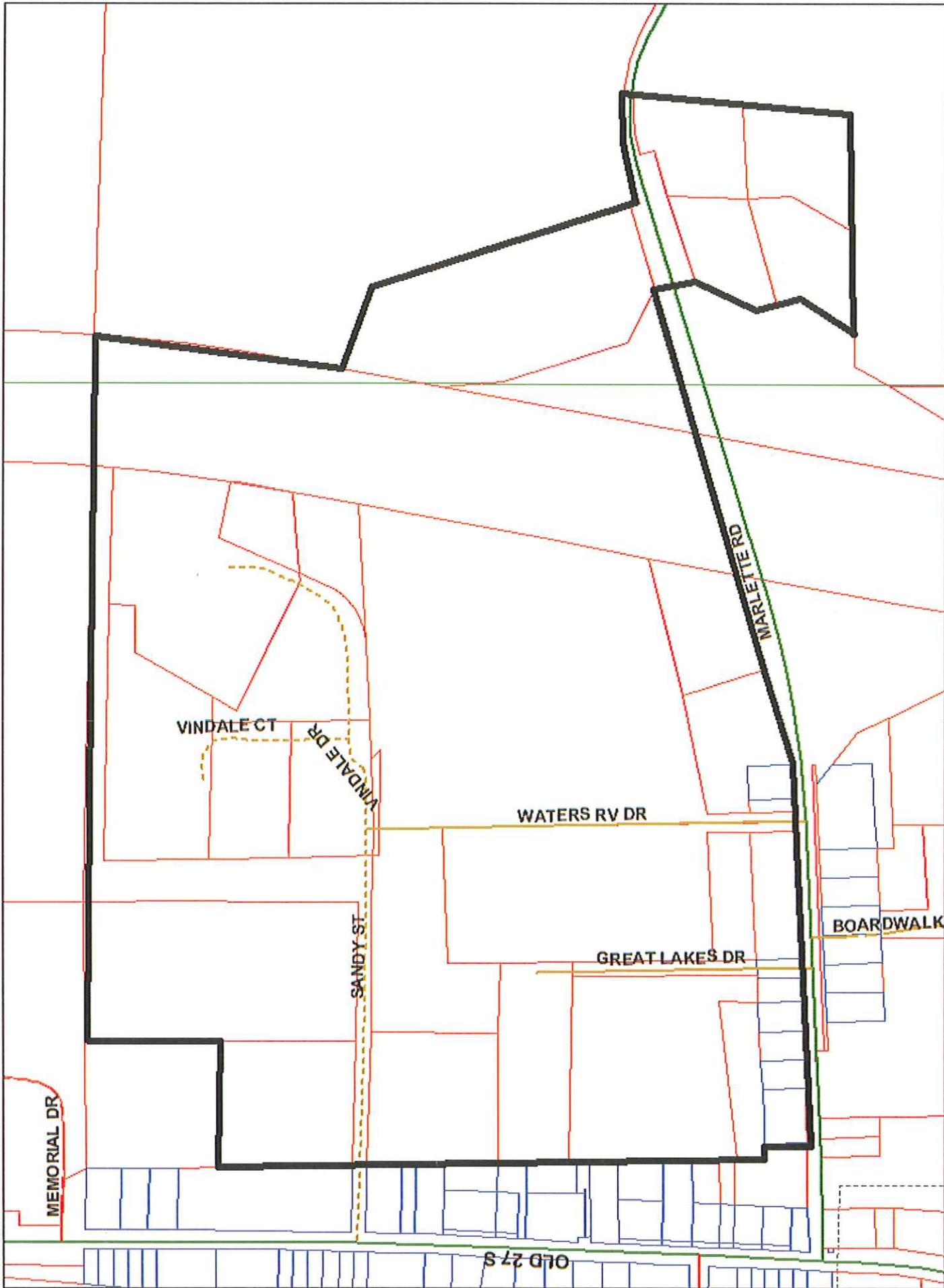
The purpose of the public hearing will be to obtain citizen comment on the following:

Highway Interchange Zoning District (HX) Map

...The proposed addition of a Highway Interchange Zoning District to the Otsego County Zoning Ordinance as a separate zoning district. A revised version of the zoning map is attached depicting the proposed district.

All citizens are welcome to attend the meeting or provide written comment. If written comments are provided, the comments must be received at the Otsego County Land Use Services Office by noon (12:00 pm) the day of the meeting.

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at (989) 731-7420.



Otsego Lake Township



(989) 732-6929 • (989) 732-6923 • Fax (989) 731-0926

10584 South Old 27 • P.O. Box 99 • Waters, MI 49797

March 11, 2014

Department of Land Use Services
1322 Hayes Road
Gaylord, MI 49735

To: Vern Schlaud, Director

The Otsego Lake Township Board met at a regular meeting on February, 20 2014 and listened to the recommendations of the Otsego Lake Township Planning Commission on the proposed Highway Interchange Zoning District. After discussion and taking into consideration all of the work done by the township planning commission a motion was made by Supervisor Wagar to follow the recommendations of the planning commission for rezoning the I-75 Highway Interchange Commercial Zoning District which was to leave the boundaries to the west of I-75 as proposed and for the boundary to the east to include the Johnson property on the north side of Marlette Road and the four Gelow parcels on the South side of Marlette Road. The motion was seconded by Trustee M. Brown and carried unanimously.

Thank you;

Lorraine Markovich, Clerk
Otsego Lake Township

Christine Boyak-Wohlfeil

From: Vern Schlaud
Sent: Thursday, January 16, 2014 8:39 AM
To: Christine Boyak-Wohlfeil
Subject: FW: Otsego Lake Township Planning Commission Comment on Interchange District

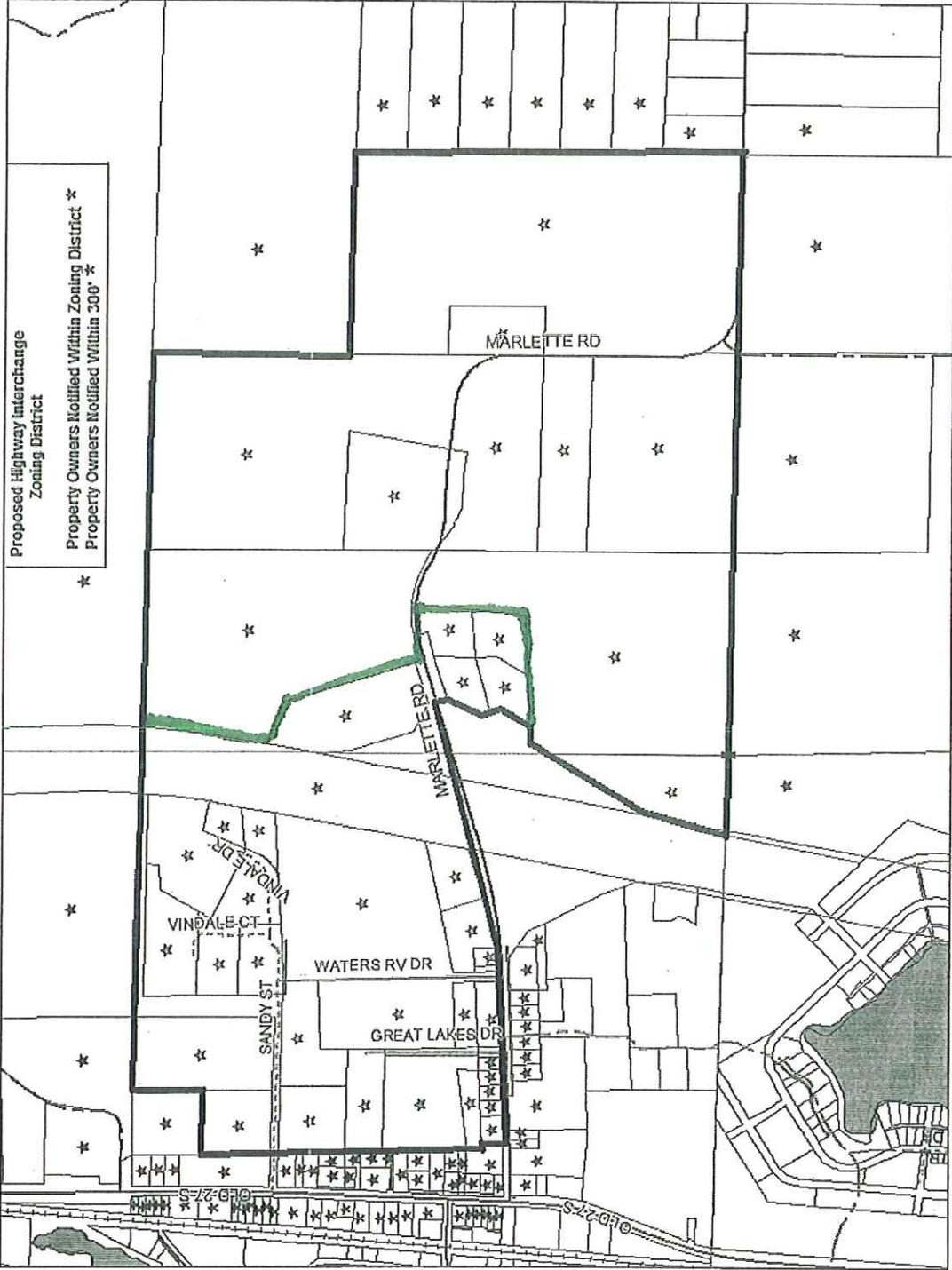
Follow Up Flag: Follow up
Flag Status: Flagged

From: nora corfis [<mailto:noraholly@sbcglobal.net>]
Sent: Wednesday, January 15, 2014 9:58 PM
To: Vern Schlaud
Subject: Otsego Lake Township Planning Commission Comment on Interchange District

Dear Mr. Schlaud,

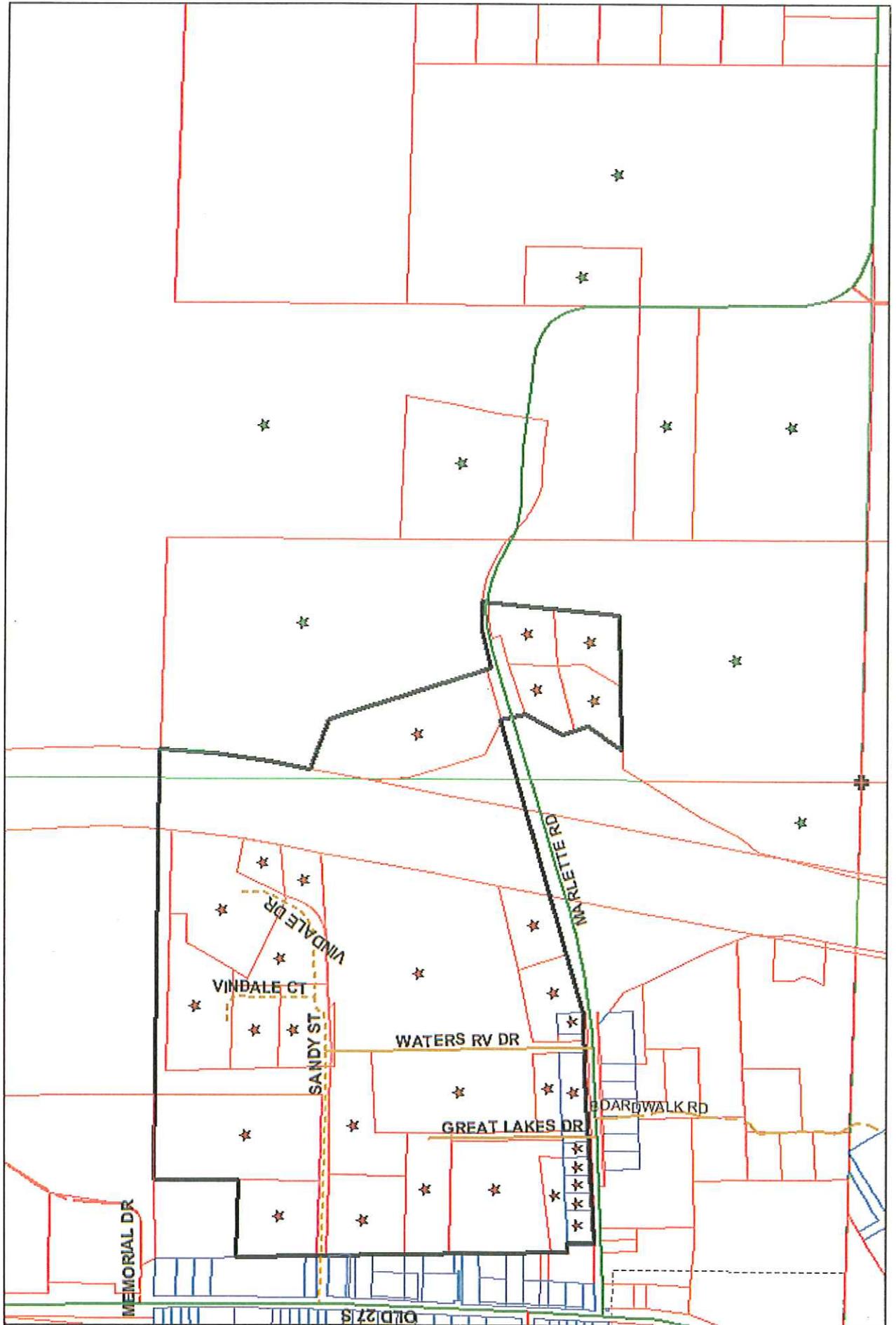
The Otsego Lake Township Planning Commission held its public hearing regarding the boundaries for the proposed Highway Interchange District on January 9, 2014. Based upon the public comment received, the Planning Commission will be reevaluating the boundary running east along Marlette Road. We will have this on the agenda for our February 2014 meeting. Therefore the Otsego Lake Township Planning Commission will not be returning comment on the proposed district until after our upcoming meeting in February.

Sincerely,
Nora Corfis
Secretary
Otsego Lake Township Planning Commission.



REVISED HX Highway Interchange Zoning Map

- ★ Parcels within the new proposed zoning district
- ☆ Parcels removed from proposed zoning district



OWNERS WITHIN PROPOSED ZONING DISTRICT

PID	PROPERTY ADDRESS	OWNER	OWNER ADDRESS	CITY	STATE	ZIP CODE
090-029-100-020-01	1470 Sandy St	Gouin, Thomas	5571 Blackfoot Ct	Gaylord	MI	49735
090-029-400-010-08 /	1473 Sandy St	Welded Construction LP	PO Box 470	Perrysburg	OH	43552
090-029-400-010-13						
091-180-000-008-03 /						
090-029-400-010-20 /						
090-029-400-010-15 /						
090-029-400-010-09	10498 Great Lakes Dr	Waters RV & Storage Center LLC	PO Box 25	Waters	MI	49797
090-029-400-010-19 /						
091-180-000-007-00	10380 Great Lakes Dr	Great Lakes Energy	PO Box 70	Boayne City	MI	49712
090-029-400-010-17 /						
091-180-000-001-01 /						
091-180-000-003-00 /						
091-180-000-004-00 /						
091-180-000-005-00 /						
091-180-000-006-00	1492 Marlette Rd	Opalinski, Vincent	PO Box 141	Waters	MI	49797
090-029-100-030-00		Swarthout, Burnell K Et Ux	PO Box 147	Gaylord	MI	49734
090-029-100-020-03 /						
090-029-100-020-04 /						
090-029-100-020-05 /	10474 Vindale Ct	Opalinski-Dale J Smith Trust	PO Box 309	Gaylord	MI	49734
090-029-400-010-05	10719 Waters RV Dr	Catt Realty	829 W Main St	Gaylord	MI	49735
090-029-400-005-02 /						
091-180-000-013-00		Blarney Castle Oil Co	PO Box 246	Rear Lake	MI	49614
090-029-400-005-01	1250 Marlette Rd	Fam B Inc	PO Box 391	Waters	MI	49797
090-028-300-010-01	906 Marlette Rd	Johnson Oil Company	PO Box 629	Gaylord	MI	49734
090-028-300-005-04 /						
090-028-300-005-03 /						
090-028-300-005-02 /						
090-028-300-005-01		Gelow, Gary L	PO Box 4085	Gaylord	MI	49734

OWNERS REMOVED FROM PROPOSED ZONING DISTRICT / REVISED MAP

PID	PROPERTY ADDRESS	OWNER	OWNER ADDRESS	CITY	STATE	ZIP CODE
090-028-100-005-01		State of Michigan	PO Box 30028	Lansing	MI	48909
090-028-100-005-02	784 Marlette Rd	State Building Authority	530 W Allegan St	Lansing	MI	48909
090-028-400-015-00		Gentry, Vila J	23452 Irving St	Taylor	MI	48180
090-028-400-010-01	414 Marlette Rd	Coonrod Jr Trust-Coonrod Trust	PO Box 69	Waters	MI	49797
090-028-300-020-01	643 Marlette Rd	Luck, Mary L	643 Marlette Rd	Frederic	MI	49733
090-028-300-020-02	717 Marlette Rd	Lytle, Gary M	11164 Fascination Dr	Frederic	MI	49733
090-028-300-015-00 /						
090-029-400-035-00		Jaruzel, Theresa & Anna Trust	4157 McCoy Rd	Gaylord	MI	49735

OWNERS WITHIN THREE HUNDRED (300) FEET

PID	PROPERTY ADDRESS	OWNER	OWNER ADDRESS	CITY	STATE	ZIP CODE
090-029-100-025-00 / 091-460-000-190-03 / 091-460-000-190-04	10281 Old 27 S	Superior Property Ventures LLC	PO Box 875	Suttons Bay	MI	49682
091-460-000-190-01 / 091-460-000-178-00	10255 Old 27 S	Christian Rentals	1433 E Heart Lake Dr	Gaylord	MI	49735
091-460-000-190-05 / 091-460-000-135-01	10397 Old 27 S	Gouin, Thomas & Wendy	5571 Blackfoot Ct	Gaylord	MI	49735
091-460-000-185-00 / 091-180-000-021-00 / 091-180-000-020-00 / 091-180-000-019-00	1521 Sandy St	Opalinski-Stewart	PO Box 141	Waters	MI	49797
091-460-000-182-00 / 091-460-000-184-00	10493 Old 27 S	Blackmore, Rodney A Et Ux	PO Box 127	Waters	MI	49735
091-460-000-181-00 / 091-460-000-181-01 / 090-029-100-005-00 / 091-460-000-149-00 / 091-460-000-155-00	10499 Old 27 S	Otsego Lake Township	PO Box 99	Waters	MI	49797
091-460-000-179-01 / 091-460-000-179-02 / 091-460-000-179-03 / 091-460-000-179-05 / 091-460-180-00	10565 Old 27 S	Waters Inn LLC	3720 Crestwood Dr	Auburn Hills	MI	48326
091-460-000-175-00 / 090-029-400-010-01	10623 Old 27 S	Courtright, Gary L Et Ux	PO Box 145	Waters	MI	49797
091-460-000-170-00 / 091-460-000-173-00 / 091-460-000-171-00 / 090-029-400-010-02	10683 Old 27 S	Karp, Dennis	PO Box 74	Waters	MI	49797
091-460-000-168-00 / 091-460-000-167-00 / 091-460-000-165-00 / 090-029-400-010-07	10703 Old 27 S	Blarney Castle Oil Co	PO Box 246	Bear Lake	MI	49614
090-029-300-005-00	10769 Old 27 S	Star Development	7470 Crystal Beach Rd	Rapid City	MI	49676
090-029-300-015-02 / 090-029-400-015-00	1481 Marlette Rd	Quall, Albert L Trust	1496 Luna Vista Cove	Gaylord	MI	49735
090-029-400-020-00		Furiat, Frank Et Ux	1217 Weiss St	Saginaw	MI	48602
090-029-400-025-00		Opalinski, Matthew V	PO Box 164	Waters	MI	49797

PID	PROPERTY ADDRESS	OWNER	OWNER ADDRESS	CITY	STATE	ZIP CODE
091-180-000-018-00 / 091-180-000-017-00 / 091-180-000-016-00 / 090-029-400-030-04		Opalinski, Vincent	PO Box 141	Waters	MI	49797
091-180-000-014-01 / 090-029-400-030-08	1351 Marlette Rd	Opalinski-Gautreau Et Al	1023 Hayes Rd	Gaylord	MI	49735
090-029-400-030-01		Pavey, Doris L	PO Box 201	Waters	MI	49797
090-032-100-005-00	Occupant:	Dzepsinski, Chris	9242 Sag Harbor Ct	Rockford	MI	49341
090-033-200-010-01 / 090-028-100-005-01	11322 Hartwick Rd	Brewster, Joseph C & Angie	11322 Hartwick Rd	Frederic	MI	49733
090-033-200-005-00	11116 Hartwick Rd	State of Michigan	PO Box 30028	Lansing	MI	48909
090-033-100-035-00		Barnard-Popp	11116 Hartwick Rd	Frederic	MI	49733
090-033-100-030-00	219 Marlette Rd	Giffin Trust-Giffin	3451 Foxhollow Ct	Washington	MI	48094
090-28-400-005-02		Sehl, Ricky A	PO Box 397	Waters	MI	49797
090-028-400-005-07 / 090-028-400-005-12		Pawlanta, Eugene J & Ilona A	PO Box 85	Waters	MI	49797
090-028-400-005-09 / 090-028-400-005-08	10744 Sherman Rd	Fraley, Gaius J & Loretta	3412 Hemlock Ct	China	MI	48054
090-028-400-005-10 / 090-028-400-005-11		Fraley, Paul	1660 Delano St	St Clair	MI	48079
090-028-100-010-00	10185 Kenyon Trl	Fraley, James J & Paula J	1710 S Range Rd	St Clair	MI	48079
090-029-100-015-00		McKone Trust-Jory	8377 Gallant Fox Trl	Flushing	MI	48433
091-460-000-120-01	10241 Old 27 S	Disabled American Veterans	ALP CH 98 Box 133	Waters	MI	49797
091-460-000-126-01	10330 Old 27 S	Watershed Investments Inc	PO Box 99	Waters	MI	49797
091-460-000-127-00 / 091-460-000-128-00 / 091-460-000-129-00	10346 Old 27 S	Richards, Margaret R Trust	5028 Oley Lake Rd	Gaylord	MI	49735
091-460-000-130-00 / 091-460-000-131-00 / 091-460-000-132-00	10406 Old 27 S	Heiser, John	1951 John St	Gaylord	MI	49735
091-460-000-137-00	10490 Old 27 S	Stuckman, Frank & Joelle	PO Box 670	Gaylord	MI	49734
091-460-000-191-00	10516 Old 27 S	Janssens Jr-Janssens Goosman, Thomas L & Brenda J	18121 E 8 Mile Rd	Eastpointe	MI	48021
			10664 Passenheim Rd	Gaylord	MI	49735

PID	PROPERTY ADDRESS	OWNER	OWNER ADDRESS	CITY	STATE	ZIP CODE
091-460-000-140-00 / 091-460-000-141-00	10530 Old 27 S	Sygo, Richard M & Joelann Trust	11549 White Ash Trl	Vanderbilt	MI	49795
091-460-000-143-00	Occupant: 10568 Old 27 S	Goosman, Thomas L & Brenda J	10664 Passenheim Rd	Gaylord	MI	49735
091-460-000-145-00	10586 Old 27 S	Teodecki Investments LLC	500 Barrington Rd	Grosse Pointe	MI	48230
091-460-000-147-00	10606 Old 27 S	Jenks-Jenks	PO Box 670	Waters	MI	49797
091-460-000-157-00 / 091-460-000-158-00 / 091-460-000-159-00		Oldenburg, Karl Lee & Heather	1762 Big Lake Rd	Gaylord	MI	49735
091-460-000-161-00 / 091-460-000-160-00	10740 Old 27 S	Montgomery, Sandra Schwarz, Ronald & Michelle	4900 Vacationland Rd PO Box 311	Gaylord Waters	MI MI	49735 49797

OTSEGO COUNTY PLANNING COMMISSION MASTER PLAN COMMITTEE

Proposed Minutes March 17, 2014

PC MEMBERS PRESENT: Jim Hilgendorf, Chairperson
Paul Hartmann, Secretary
Judy Jarecki
Randy Stults
Mike Mang

STAFF PRESENT: Vern Schlaud
Christine Boyak-Wohlfeil

Meeting opened 9:00 am by Committee Chairperson Hilgendorf.

Minutes: Motion made by Mr. Stults to approve minutes from February 10, 2014; Seconded by Mrs. Jarecki.
Minutes approved.

Mr. Hartmann and Mr. Mang met with Tom Deans from the Otsego County Road Commission stating the meeting was very informative and Mr. Deans was quite helpful. He had provided them a Michigan Geographic Framework map classifying the roads in the County by color. Mr. Hartmann stated it was a good tool but would not be cost effective for printing.

Mr. Stults stated the map should be included in the Master Plan in color as it would be viewed mostly electronically.

It was also stated the Road Commission's road plan was done township by township with their input and was continually changing due to need, funding, weather...

Committee Chairperson Hilgendorf stated the Committee needed to focus on the Transportation Plan and bringing any statistics and/or dates current. He proceeded to go through the Plan page by page to note where changes needed to take place.

Mr. Stults recommended locating the Fact Book, put together by LIAA (Land Information Access Association) to clarify references in the Master Plan.

Mr. Mang suggested getting bids to update all the statistics and stated he would contact Rick Duell at NEMCOG (Northeast Michigan Council of Governments) to get a ballpark figure as to the cost of such a project.

Mr. Stults stated funding would need to be checked into for availability.

**OTSEGO COUNTY PLANNING COMMISSION
MASTER PLAN COMMITTEE**

Proposed Minutes March 17, 2014

Mr. Schlaud stated he would talk to John Burt, County Administrator, to find out if this was possible and what the process was for obtaining bids. He also stated Land Use could put together charts, township by township, for permits issued in the map section of the Master Plan.

It was also stated the Executive Summary would need to be updated after the Master Plan revision. Chairperson Hilgendorf requested the members look over the summary before the next scheduled meeting.

The next Master Plan Committee meeting is scheduled for Monday, April 7th, 9:00 am in the conference room of Land Use Services. A second meeting was set up as a back-up plan for Monday, April 21st, 5:00 pm before the regular Planning Commission meeting should the first meeting prove inconvenient.

The Master Plan will be presented to the Planning Commission at the next regular scheduled meeting depicting where changes are needed as well as funding information and bid process.

Meeting adjourned 11:18 am by Committee Chairperson Hilgendorf.

Paul Hartmann, Committee Secretary

Christine Boyak-Wohlfeil, Recording Secretary

General Information Guide for a Planning Commission or ZBA

General Hearing Procedure

The following general hearing procedure is suggested as a guide to developing one in your community. Whatever procedure is developed, the procedure should be made clear to all in attendance and adhered to consistently. A simple handout sheet or large board visibly displaying the hearing procedure will serve this purpose well. Hearings should begin at the time advertised in the public notice although they may simply be one element of the agenda. Typically, the hearing procedure is as follows:

1. The chairperson announces the subject of the public hearing, as advertised.
2. The public hearing procedures are summarized for all present by the chairperson. A suggested opening statement might be:

"This public hearing to receive public input on the following matter _____ in accordance with official notice, is now open. The (name of hearing body) would like to make clear that it is bound by rules and laws when making a decision on this application. In order to conduct the hearing within a reasonable time and to keep to the subject at hand, you are asked to observe the following rules:

- *After the staff presentation, the applicant will state his/her case fully and furnish us with pertinent information concerning the property.*
- *Those who favor the proposed change will be heard next, and those who are opposed will be heard last.*
 - *Each person making a statement will be asked to state his or her name and address.*
 - *Please refrain from repeating what has been said before you, and please do not make comments on personalities or the character of any person involved.*
 - *Be as factual as possible.*
 - *We (name of hearing body) reserve the right to question any speaker.*

All statements or questions must be directed to me (the chairperson) at the appropriate time.

We (name of hearing body) will (or will not if that is the case) make a decision on this matter at today's meeting following the close of the hearing. "

3. The staff is then asked to present the substance of the application and of any staff reports and to answer technical questions of the hearing body.
4. Individuals wishing to speak in support of the subject of the hearing are recognized by the chairperson beginning with the applicant(s) or their representative(s).
5. Individuals wishing to speak in opposition to the subject of the hearing are next recognized by the chairperson. If there are numerous people in the audience who would like to participate on the issue, and it is known that all



General Information Guide for a Planning Commission or ZBA

represent the same opinion, it is advised that a spokesperson be selected to speak for the entire group. That person should be permitted to speak for a reasonable length of time and to present a complete case. If this arrangement cannot be made, it may be necessary for the chairperson to restrict each speaker to a limited time in order that all may be heard. If this is done, it must be according to previously adopted rules. The hearing body must permit comments from all interested or affected individuals and organizations (regardless of where they live or are located-even if it is outside the community), and it should be stressed that consideration will be given to all comments or suggestions made. Irrelevant and off-the-subject comments should be quickly and forcefully ruled out of order by the chairperson.

6. The chairperson may, within reasonable limits, allow questions, cross-examination or rebuttal. All comments should be addressed to the subject of the hearing through the chairperson and not be stated directly to any other individuals. The hearing body should refrain from debating or arguing with persons commenting. However, they should ask any pertinent questions at this point. The function of the hearing is to gather facts-not to carry on an adversarial relationship.
7. The chairperson should, upon his/her motion or the motion of any member, announce the close of the public portion of the hearing. Alternatively, the chairperson may announce the continuation of the public hearing to another specified date, time and place if the hour is late or additional pertinent information must be obtained.
8. The hearing body then deliberates on the matter. All deliberations must be conducted in an open public meeting.

BANANA, NIMBY and NIMTOO

Following are acronyms that are increasingly used to describe participants in the zoning process. While not helpful to rational discourse, they are humorous.

BANANA - Build Absolutely Nothing Anywhere Near Anything

BANY s - Builders Against NIMBY s CAVEMen - Citizens Against Virtually Everything

DUDE - Developer Under Delusions of Entitlement

NIMBY - Not In My Back Yard

NIMD - Not In My District

NIMEY - Not In My Election Year NIMFOS - Not In MY Field Of Sight NIMFYE - Not In My Front Yard Either NIMTOO - Not In My Term of Office NITL - Not In This Lifetime

NOPE - Not On Planet Earth

NORF - No Observable Redeeming Features

NOT - None Of That

NOTE - Not Over There Either PIITBY - Put It In Their Back Yard WIIFIVI - What's In It For Me? YIMBY - Yes In My Back Yard

General Information Guide for a Planning Commission or ZBA

Fact Finding and Deliberation

Deliberation typically revolves around fact finding before a motion is made. Facts are nothing more than information that is pertinent to making a decision. Important sources of facts include:

- The application
- Ordinance requirements
- Physical characteristics of the lot and adjacent parcels
- Staff reports and agency reports regarding impacts on:
 - Public services
 - Natural resources
 - Character of area
 - Streets, parking and traffic
- Input from neighbors.

Discussion

The purpose of discussion is to review pertinent facts from all information presented and to seek a majority viewpoint. In doing so remember:

- All discussion must occur in public.
- The public is not involved in the discussion unless you bring them into it (not a good idea-the public opportunity for comment was during the public hearing phase).
- The discussion should focus on ensuring conformance with ordinance standards.

The discussion should continue long enough for someone to feel confident in proposing a complete motion that embodies most of the important findings. Alternatively, action can be taken on findings of fact first, and then a separate motion would be made to approve the application, deny it, or approve it with conditions.

Motions

The motion to approve, deny or approve with conditions should state the conclusion, and the rationale for the conclusion. That is, it should indicate how the facts support the conclusion that was reached. It is okay to vote first on a set of findings of fact before making a motion to approve, deny or approve with conditions.

In some communities, either staff or legal counsel prepares a motion or several motions in advance with space for additions/deletions. This is not a good idea. It is too difficult for staff to anticipate relevant information that will appear at the public hearing.

Remember, the decision may have to withstand scrutiny by a court and should be carefully prepared. Be sure conditions are detailed so the zoning administrator knows what is expected. Minutes need to include relevant information including findings of fact, a motion, and discussion on the motion (see also *Hearing Records* on the next page).

General Information Guide for a Planning Commission or ZBA

Conditions

Conditions may be imposed providing:

- They are designed to protect natural resources; the health, safety and 'welfare; and, the social and economic well being of people.
- They are related to a valid exercise of the police power.
- They are necessary to meet the intent and purpose of the zoning ordinance, are related to the standards established in the ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards. (Section 504(2), MCL 125.3504(2)).

This last point is especially pertinent. It is not appropriate to impose conditions unrelated to specific ordinance requirements. The figure at the bottom of this page illustrates how conditions should relate to ordinance standards.

Performance Guarantees

The community can collect a performance guarantee to insure required improvements are built. Choices include:

- Cash,
- Certified check,
- Letter of credit, and
- Surety bond.

Improvements include (but are not limited to) roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the value of the entire project. (See definition of *improvements* in Section 102 (1) in the Michigan Zoning Enabling Act).

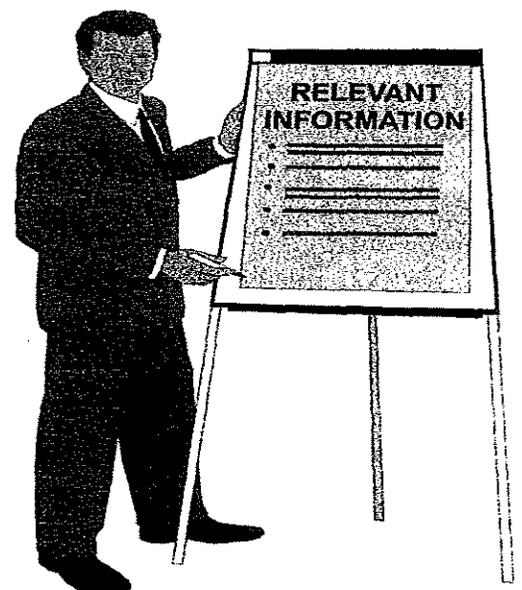
Any money collected must be rebated in proportion to the ratio of the work completed. The ordinance should detail the standards for collection, use and return of performance guarantees.

DECISION MAKING CONSIDERATIONS

In making zoning decisions it is always important to remember the following responsibilities:

- To *fairly and consistently apply* all adopted standards and regulations.
- To look out for the *best interests of the entire community*, not just the people at a public hearing, or an applicant or an opponent. In other words, decisions should not be made based on the *applause meter*.

Additionally, decisions must not be exclusionary of lawful land uses and must not result in irresponsible environmental degradation. Courts have held that planning commissions, zoning boards/commissions, ZBAs and legislative bodies have the same



General Information Guide for a Planning Commission or ZBA

responsibility as any other administrative body to ensure that their decisions do not have the effect of unlawfully polluting, impairing, or destroying the air, water, and other natural resources of the state and the public trust therein (see the Michigan Natural Resources and Environmental Protection Act, P.A. 451 of 1994, specifically Part 17, MCL 324.1701 - 324.1706; and Committee for Sensible Land Use v. Garfield Township, 124 Mich App 559, 1983).

Note: Section references in graphic below are hypothetical,

Relationship of a Site Plan to Ordinance Standards on Conditional Approvals

