

Otsego County Planning Commission

Approved Minutes for April 16, 2018

Call to Order: 6:05pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Secretary Arndt, Mr. Borton, Mr. Brown, Mrs. Norton, Mr. Bauman (*arrived 6:20 pm*), Mr. Klee (*arrived 6:21pm*)

Absent: Vice Chairperson Jarecki, Mr. Hilgendorf, Mr. Caverson, Ms. Corfis

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

Public Present: Carl Warnement, Alan O'Dell, Bill Syfert, Brian Clark, Dave Drews, Northern Michigan Engineering, representing CALDS Properties, Dave Delaney, attorney, John Jenkins, City of Gaylord Mayor, David & Cynthia Chaffin

Chairperson Hartmann stated a quorum was not present and requested a recess in order to contact members to see if they were delayed by the weather. Chairperson Hartmann requested the members in the audience introduce themselves.

Land Use staff members left the room to make phone calls and returned stating Mr. Bauman and Mr. Klee would arrive shortly.

Mr. Bauman arrived 6:20 pm.

Mr. Klee arrived 6:21pm.

Chairperson Hartmann resumed the meeting.

Approval of minutes from: March 19, 2018

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

Motion approved unanimously

Consent Agenda: None

Other: None

Public participation for items not on the agenda:

Public Hearing:

1. *CALDS Properties LLC, owners, represented by Northern Michigan Engineering Inc, David Drews, request a Special Use Permit/Site Plan Review for property located in Elmira Township:
3650 Parmater Rd
Gaylord, MI 49735
060-013-300-060-00
Property is located in a FR/Forestry Recreation Zoning District
PZSU17-002—proposed use of the property is to create a residential cluster development for the construction of five (5) single family dwellings*

Chairperson Hartmann stated the case before them and opened the public hearing requesting comments from Mr. Mouch.

Otsego County Planning Commission

Approved Minutes for April 16, 2018

Public Hearing Open: 6:24pm

Mr. Mouch stated a cluster development was proposed for property on Porcupine Lake; the case had been reviewed, letters had been received from the Soil Conservation District and Health Department and if approved it would be a conditional approval requiring permits from the departments stated. He then referred the conversation to Dave Drews, representative of CALDS Properties LLC, owners of the proposed project for further explanation.

Mr. Drews thanked Land Use staff for their help with this process. He stated this was the first cluster development in Otsego County to his knowledge and felt this option was a good fit for this project because it was designed for residential use while also promoting the preservation of open space by clustering the homes together thus increasing the open area. The proposed project is located on Porcupine Lake, a small non-motorized lake and will abide by the same rules as a site condominium. Once approved, the only construction will be road improvements and monuments marking the lots. To further move forward with home construction, each single-family dwelling will be required to obtain a well and septic permit from the Health Department along with a Soil Erosion permit from the Soil Conservation District before any construction takes place. He stated the project contained 13.22 acres and 79% of that land would remain open space, only the lots themselves would be developed. Without the cluster development, the 13.22 acres could possibly be divided into six (6) home sites taking into consideration the minimum 2.02-acre parcel size of the FR/Forestry Recreation Zoning District. With the development in place, the maximum number of lots would remain at five (5) while permanently setting aside the remainder of land for open space and shared ownership by the five (5) home sites. Land divisions were discussed but this seemed a better option for the property, nestling the cottages amongst the white pines. With the approval for smaller lot sizes, the homes would be limited in size as well in order to include well and on-site septic. Initial hand soil borings had been done along with soil cuts with a back-ho before consulting the Health Department. No ground water problems were found and they were satisfied with the sandy soil samples presented. The owners are aware that additional items along with permits will be required but before moving forward and accruing more expense, a conditional approval was being sought from the Planning Commission. Once the conditional approval is in place, the project will move forward and they will return with approval from the Health Department, permits from the Soil Conservation District, the constructed road will be in place as required along with a drafted Master Deed incorporating all the requirements of the Health Department and the requirements of the Planning Commission before final approval is granted. Mr. Drews restated this plan guarantees only five (5) homes will be built on this 13.22 acre parcel while preserving the remainder as open space.

Chairperson Hartmann thanked Mr. Drews and asked if there were any questions from the public present.

Mr. Warnement questioned the preservation of the lake with the addition of five (5) septic systems and stated he thought the DEQ (Department of Environmental Quality) had denied this.

Chairperson Hartmann questioned if the DEQ had been consulted.

Mr. Drews stated they had not gone to the DEQ directly but because this is classified as a site condominium or plat, the project is not solely reviewed by the local Health Department. There is a different review process that also involves the DEQ when a condominium or plat is being considered. The DEQ also reviews any project that may impact wetlands and those regulations would apply to anyone.

Mr. Mouch stated DEQ approval was one of the conditions along with permit approval from the Health Department and Soil Conservation District for each lot. Those permits could be applied for after the conditional approval is granted from the Planning Commission. The EMS and Fire Department had also been contacted and they do not have any objections to the project.

Mr. Warnement stated water levels were currently high but wondered what would happen with the addition of five (5) or six (6) more houses on the water.

It was questioned if five (5) additional docks would be allowed on the lake.

Otsego County Planning Commission

Approved Minutes for April 16, 2018

Mr. Drews stated all the lots were intentionally terminated before the high water mark. The owners only had riparian rights collectively. If the parcel were to be divided, the owners could own to the lake's lowest point and riparian rights would apply. With the cluster in place, the lot lines would remain the same; the common area may increase or decrease with the fluctuation of the water but lot lines would not. He stated five (5) docks would not be added.

As for a DEQ permit, Mr. Drews stated one is not currently required. If the cluster's association were to fill in or disturb any wetlands, then a permit would be required. The closest they would possibly come to disturbing anything would be constructing the road but they had no intention of building, digging or filling within the wetland area. They would have a soil erosion permit in place and the Soil Conservation District would ensure the wetlands were protected. Shoreland protection will also apply to the common area.

Mr. Warnement questioned what would happen to lake levels with the addition of five (5) wells.

Mr. Drews stated he did not feel water levels would be affected.

Mr. Mouch stated again that this was a conditional approval and all conditions would need to be met before final approval was given.

Chairperson Hartmann stated the Elmira Planning Commission and the Elmira Township Board recommended approval with conditions. Chairperson Hartmann read them aloud and asked Mr. Drews if he was aware of the conditions. (*ATTACHMENT 1*)

Mr. Drews stated he was aware but felt the condition concerning the cutting of trees was more restrictive than Article 18 by requiring an assessment of tree health by the County Conservation District Forester.

Chairperson Hartmann agreed and then questioned whether the new road could be connected to the existing road to allow access from Parmater Rd to the existing house.

Mr. Drews stated Dave and Cindy Chaffin purchased the existing house on the ten acres to the west and have chosen to access their property from an easement off of Shaff Rd. They have obtained a road name and approval and will use that road for access. There is also an existing pole barn with an apartment above on the Stanhope's parcel that will continue to have access off Parmater Rd; an easement will be drawn up to allow them continued use of that access. Mr. Drews continued stating there was a small existing road connecting to that easement that has not been maintained recently but is being proposed as emergency access for emergency purposes only. The Chaffin's have signed a letter of intent to allow emergency access to that easement so access to the proposed property will be from two directions.

Chairperson Hartmann asked if anyone had questions or comments.

Mr. Delaney stated the Planning Commission's job was to make sure the conditions of the zoning ordinance were complied with and if so, approval should be granted.

Chairperson Hartmann closed the public hearing.

Public Hearing Closed: 7:01pm

Advertised Case:

1. *CALDS Properties LLC, owners, represented by Northern Michigan Engineering Inc, David Drews, request a Special Use Permit/Site Plan Review for property located in Elmira Township:
3650 Parmater Rd
Gaylord, MI 49735
060-013-300-060-00
Property is located in a FR/Forestry Recreation Zoning District
PZSU17-002—proposed use of the property is to create a residential cluster development for the construction of five (5) single family dwellings*

Otsego County Planning Commission

Approved Minutes for April 16, 2018

Chairperson Hartmann asked for further discussion.

Mr. Mouch questioned Mr. Drews if the easement off Shaff Rd was accessible to the existing house.

Mr. Drews stated the easement off Shaff Rd needed some work and Mr. Chaffin would need to put in a driveway because the property had previously been accessed from Parmater Rd. It could become a condition to the approval.

Mr. Mouch questioned if the easement off Shaff Rd was accessible at this point in time.

Mr. Drews stated yes but there was some brush grown up.

Mr. Mouch questioned if the easement was accessible to the Fire Department or EMS.

Mr. Drews stated no, not right now.

Mr. Arndt questioned the type of housing allowed and asked what price point his clients were considering for the individual lots.

Mr. Drews stated his clients did not intend on selling anything right now; they would build the houses and rent them to vacationers but the cluster development would allow them to be sold individually in the future. The type of housing would be new construction, probably two or three bedroom homes, not mobiles. Minimum requirements would need to meet the County's; the Master Deed would be more specific.

Chairperson Hartman asked Mr. Mouch if he had any further comments.

Mr. Mouch stated he did not have an issue with the project but he did have concerns about the existing house being accessible from the new road and not land locked.

Mr. Drews stated the new road would end with a turnaround for emergency vehicles but the existing road would extend from that turnaround for access to the existing residence; that property would not be land locked.

Chairperson Hartmann asked Mr. Drews if he had an objection to adding a condition to allow the existing home access to the new road.

Mr. Drews stated no, they had already planned that. He stated on behalf of his clients with the conditional approval, they will meet all the Health Department requirements (Health Department requires the Master Deed to include all their provisions before giving final approval), they will obtain a soil erosion permit before the road is constructed and the emergency connection will be completed.

Chairperson Hartmann read aloud Article 19 Permitted Uses Subject to Special Conditions Section 19.7 to confirm conditions met. (*SEE ATTACHMENT 2*)

Motion made by Mr. Hartmann to give conditional approval to PZSU17-002 with the following conditions as placed on it by the Elmira Township Board and Otsego County Planning Commission:

1. Acknowledgement that individual sites are not Riparian Owners but only the owners collectively as an association.
2. That the private road serving this development (Porcupine Shores) will be improved prior to start of any building construction being started, and that both the lake and wetlands are protected and all permits are obtained prior to work commencing.
3. Further that this road surface shall be adequate to allow fire vehicles year round access.
4. The new road will allow the existing home access to Parmater Road.

Seconded by Mr. Arndt.

Motion approved unanimously.

Chairperson thanked Mr. Drews and Mr. Delaney and the neighboring property owners for their input.

Mr. Drews stated they would proceed with all the approvals, present to Land Use and understood final approval would not be granted until all conditions were met.

Otsego County Planning Commission

Approved Minutes for April 16, 2018

Public Hearing:

2. *Section 21.10 Fences Proposed Text Amendment*

Proposed amendments to the above section of the Otsego County Zoning Ordinance

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

Public Hearing Open: 7:23pm

No public remained for comment.

Chairperson Hartmann closed the public hearing.

Public Hearing Closed: 7:23pm

Advertised Case:

2. *Section 21.10 Fences Proposed Text Amendment*

Proposed amendments to the above section of the Otsego County Zoning Ordinance

Mr. Arndt explained the changes to Section 21.10 Fences stating the Michigan Residential Code and International Zoning Code were referenced as well as surrounding counties. Township input was also taken into consideration.

Mr. Mouch stated the Board of Commissioners approved removal of the permit fee for fences. He asked Mr. Borton to comment.

Mr. Borton stated ~~they and the Finance Committee especially,~~ *the Board of Commissioners* would reduce fees anywhere they could and felt this was one that could be eliminated.

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to recommend the amendments to Section 21.10 Fences to the Otsego County Board of Commissioners; Seconded by Mr. Brown.

Motion approved unanimously.

Unfinished Commission Business: None

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki
2. Land Use Services report/Jim Mouch

Mr. Mouch stated he had contacted the attorney concerning the deed restrictions for the subdivision referencing the Forwards case and is still waiting for a reply. The other reports are self-explanatory; just an overview of what's going on in the County.

Mr. Arndt stated additional sections of the ordinance were being looked into and suggested setting up committees to review Section 21.29 Pets and Other Animals, Article 18 concerning shoreland areas and Section 21.1 Accessory Buildings.

Chairperson Hartmann requested volunteers.

Otsego County Planning Commission

Approved Minutes for April 16, 2018

Mr. Brown and Mr. Arndt volunteered to review Section 21.29 and Mr. Brown and Mrs. Norton volunteered to review Article 18. Section 21.1 (accessory buildings) will be reviewed later.

Chairperson Hartmann adjourned the meeting.

Adjournment: 7:52pm by Chairperson Hartmann

Approved with minor clarification changes and edits made by the reviewer

A handwritten signature in black ink, appearing to read "Ken Arndt". The signature is written in a cursive, somewhat stylized font.

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

Approved Minutes for April 16, 2018

ATTACHMENT 1:

Otsego County Land Use Director
James Mouch
1322 Hayes Rd
Gaylord, Michigan 49735

April 12, 2018

Dear Jim:

The Elmira Township Board moved to accept the recommendation of the Elmira Township Planning Commission to send a recommendation of approval of the Application for Clustered development option on Property 69-060-013-300-060-00 called Porcupine Shores, a site Condominium.

That such approval requires that development of this special use is based upon:

1. Acknowledgement that individual sites are not Riparian Owners but only the owners collectively as an association. Thus keeping the 50 foot shore lands lake buffer intact and further requiring that cutting of trees are only done with permit required in zoning ordinances and that The Conservation District Forester will determine the health of trees.
2. That the private road serving this development (Porcupine Shores) will be improved prior to start of any building construction being started, and that both the lake and wetlands are protected and all permits are obtained prior to work commencing.
3. That the open space calculations have been met.
4. Further that this road surface shall be adequate to allow fire vehicles year round access.

Sincerely,

Susan Schaedig, Clerk

Otsego County Planning Commission

Approved Minutes for April 16, 2018

ATTACHMENT 2:

FINDINGS UNDER ARTICLE 19 / PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- 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 **CONDITIONAL**
- 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 **CONDITIONAL**
- 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 **CONDITIONAL**
- 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 **CONDITIONAL**
- 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 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 **CONDITIONAL**

Otsego County Planning Commission

Approved Minutes for April 16, 2018

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.

*** Motion made by Mr. Hartmann to give conditional approval to PZSU17-002 with the following conditions as placed on it by the Elmira Township Board and Otsego County Planning Commission:

1. Acknowledgement that individual sites are not Riparian Owners but only the owners collectively as an association.
2. That the private road serving this development (Porcupine Shores) will be improved prior to start of any building construction being started, and that both the lake and wetlands are protected and all permits are obtained prior to work commencing.
3. Further that this road surface shall be adequate to allow fire vehicles year round access.
4. The new road will allow the existing home access to Parmater Road.

Seconded by Mr. Arndt.

Motion approved unanimously.