

Otsego County Planning Commission

Approved Minutes for January 16, 2017

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. Caverson, Mr. Bauman

Absent: Mr. Klee, Ms. Corfis

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

Public Present: Walter Moore, Marlene Dobrzelewski, Ted Freeland, Karen Franckowiak, Josh Dobrzelewski, Ryan Dobrzelewski, Rosalie Makarewicz, Ken Bradstreet, Wolverine Power representative

Approval of minutes from: December 19, 2016

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

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 questions or concerns in connection with the Alpine Power Plant. He stated the building constructed to enclose the gas intake valve was complete and sound levels would definitely be lower now than previously reported; Wolverine continues to make improvements to be a good neighbor.

Public Hearing:

*Walter Moore, property owner, has requested a Rezone for property located in Bagley Township:
60 Little League Dr
Gaylord, MI 49735
010-003-100-060-00*

*Property is currently zoned R2/General Residential with a request to be rezoned to B2/General Business
PZRZ16-001-proposed purpose of the rezone is to create consistency with adjoining properties and uses*

Chairperson Hartmann stated the case and opened the public hearing.

Public Hearing open: 6:02pm

Mr. Arndt, Bagley Township representative, stated the case had been heard at the Bagley Township Planning Commission meeting December 27th. The current use had been discussed and it had been determined a special use permit would still be required if the rezoning was approved; any conditions could be placed on it at that time and the property could be utilized as such. The members thought it made sense to rezone the single parcel for consistency with the surrounding parcels.

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Ted Freeland stated he was against rezoning because his request for a rezone for properties from Little League Dr to Krys Rd had been denied years ago. He had issues with vehicles driving down Little League Dr to drop off garbage and did not understand why the current businesses were not screened. He thought Mr. Moore's property was an eyesore.

Chairperson Hartmann read a portion of the letter received from Dr. Harbin, adjacent property owner, stating rezoning the single parcel made sense but the current business would need to follow zoning rules to prevent the property from being offensive.

Marlene Dobrzelewski stated she was against the rezone with having the Little League fields down the road and did not understand why the cars were there in the first place. She stated she thought there was a citation given at that location.

Mr. Schlaud stated no citations had been issued for properties in that area; it was an enforcement that had been placed on the property. The reason the hearing was being held tonight was to rectify the issue through compliance with the zoning ordinance and rezoning the property was the first step.

Ms. Nowak read a portion of Dr. Harbin's letter stating his property concerns were the existing poor aesthetics and the location on a main thoroughfare; she agreed with his concerns.

Discussion ensued concerning the existing vehicles, repairing of those vehicles and site contamination.

Mr. Schlaud stated any used car lot had to meet the guidelines of the state and work done within the building would need to meet the requirements of a special use permit and site plan review before it could open as a legal business. As a commercial business, state building codes would also need to be met.

Mr. Borton questioned the amount of vehicles on site and why they were being serviced.

Mr. Moore stated the property was not a junk yard; he did not pull motors or transmissions and did not work on the vehicles mechanically. He did not repair vehicles for the public and only did body part replacement and sheet metal work. The vehicles were sold once repaired and junk vehicles removed from the property; there were no dismantled vehicles on site.

Mr. Arndt questioned the location of the vehicles for sale.

Mr. Moore stated he would not have more than one (1) vehicle for sale at a time and it would be on the front parcel with a For Sale sign on it.

Mr. Schlaud questioned if he intended to utilize the property as a used car lot because a B2 Zoning District permitted the use with a special use permit.

Mr. Moore stated he had no intention of opening a used car lot.

Mr. Borton questioned the current state of the property and was concerned with the future condition should the rezone be granted.

Mr. Arndt stated it was being assumed the property would get worse instead of better; without rezoning and a special use permit there was no framework for zoning enforcement and the only choice would be to limit any exterior car parking on the R2 site or force the owner to abandon the site.

Mr. Freeland stated if the property was left R2, the problem was solved.

Chairperson Hartmann stated there were not any other R2 zoned properties around it and did not feel that was fair to the applicant.

Mr. Schlaud stated that even if the property was rezoned, the use would still be in violation of the Zoning Ordinance until a special use permit was retained. He felt if obtaining a special use permit was Mr. Moore's intent in order to run his business, then the parcel should be rezoned.

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Mr. Moore stated all the vehicles were titled to him; he owned them all. He was not repairing cars for anyone that walked through the door so did not consider it as running a business.

Mr. Schlaud stated even though he was not advertising it that way, repairing and selling vehicles was considered a business. If he sold the vehicles on the property, he would need to follow the guidelines for a used car lot.

Chairperson Hartmann closed the public hearing.

Public Hearing closed: 6:36pm

Advertised Case:

*Walter Moore, property owner, has requested a Rezone for property located in Bagley Township:
60 Little League Dr
Gaylord, MI 49735
010-003-100-060-00*

*Property is currently zoned R2/General Residential with a request to be rezoned to B2/General Business
PZRZ16-001-proposed purpose of the rezone is to create consistency with adjoining properties and uses*

Mr. Brown stated he thought going through the process was correct but wondered why Mr. Borton was so concerned with moving that process forward.

Mr. Borton stated his concern was the current violation and questioned why it had not been corrected.

Mr. Schlaud stated this was part of the process of enforcement. Mr. Moore was given options and decided to have the property rezoned so he could move forward with a special use permit. It did take him a considerable amount of time to get all the required information to Land Use but this is the process to correct the violation.

Mr. Moore stated the property had been used as a business prior to his buying it; the parcel to the south was already zoned B2 and had a commercial pole barn on it.

Mr. Arndt stated if the property is rezoned, Mr. Moore would have to submit application along with a site plan meeting the requirements of the Zoning Ordinance and it would be heard at Bagley Township first; everyone was welcome to attend. Then it would come before the County Planning Commission.

It was questioned if the existing residence would have to be removed.

Mr. Schlaud stated an existing residence was permitted in the zoning district and could still be rented out.

Chairperson Hartmann requested a motion for PZRZ16-001 and read the Finding of Fact aloud. *SEE ATTACHMENT*

Motion made by Mr. Arndt to approve case PZRZ16-001, the rezoning of parcel number 010-003-100-060-00 from a R2/General Residential Zoning District to a B2/General Business Zoning District; Seconded by Mr. Brown.

Motion approved by majority.

Mr. Borton abstained in lieu of voting privilege at the Board of Commissioner's meeting.

Unfinished Commission Business: None

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New Business:

Mr. Arndt stated the committee had met to review Section 21.38 Signs and Billboards and decided to address items in the section one by one. He presented members the items worked on thus far, discussed reasons for changing and requested input from members. The next scheduled committee meeting is February 14th at 9:00am at Land Use Services.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Mrs. Jarecki, Otsego County Parks and Recreation Committee representative stated the Community Center continues to be busy; a snowshoe event was being held on February 25th at the Groen Preserve by the Headwaters Land Conservancy; a grant for removable stairs into Otsego Lake at the County Park was being researched; bid information for the two (2) new cabins and relocation of the existing is still be gathered; Otsego County Parks & Recreation no longer has authority over the property at Wah Wah Soo since an easement granted by the Road Commission was discovered, the Road Commission is now in charge; the Committee has two (2) openings and has had multiple applicants.

Mr. Bauman stated Livingston Township was in the final stages of their recreation plan and application for grants from the state.

Mr. Brown stated Charlton Township's Master Plan was submitted to the Township Board for review and approval.

Mrs. Jarecki clarified that a Conservation Easement is a legal document transferring the rights to the easement; ownership is retained subject to the easement. If the property is sold, the easement follows the land; compliance is checked yearly.

Mr. Arndt stated Bagley Township's new supervisor seemed eager to work with the Township Planning Commission.

Mr. Borton stated the contribution to the Iron Bell Trail had been voted on in Bagley Township and had been approved. The trail will extend through the County along the snow mobile trail. Originally, the trail through Gaylord was to be paved with asphalt but after discussion with different entities it was decided to pave the entire trail with the crushed limestone. The monies saved ~~will~~ *could possibly* be used at the trailheads. A resolution was made to ensure the change. A maintenance plan has also been set up.

2. Signage - Michigan Billboard Cases/Zoning Information

Chairperson Hartmann adjourned the meeting.

Adjournment: 7:25pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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ATTACHMENT 1:

Revised:

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZRZ16-001
REZONE
010-003-100-060-00**

Exhibit List

- Exhibit #1:* Application for case PZRZ16-001 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended September 2016
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended September 2016
- Exhibit #4:* Copy of Otsego County Equalization Department record card/Warranty Deed 1321/789
- Exhibit #5:* Site Plan for case PZRZ16-001 submitted by Applicant
- Exhibit #6:* Survey 188/496
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Bagley Township Planning Commission dated December 5, 2016
- Exhibit #9:* Response from Bagley Township Planning Commission dated January 3, 2017/December 27, 2016
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01311541
- Exhibit #12:* Finding of Fact/PZRZ16-001
- Exhibit #13:* Otsego County Future Land Use Map
- Exhibit #14:* Letter from Adjoining Property Owner dated January 9, 2017

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Revised:

OTSEGO COUNTY PLANNING COMMISSION

PZRZ16-001
REZONE
010-003-100-060-00

FINDING OF FACT

1. This is a proposal for a rezone of a single parcel located in Bagley Township at 60 Little League Dr Gaylord. *Exhibit #1, Exhibit #5*
2. The property is currently zoned R2/General Residential with a request to be rezoned B2/General Business. *Exhibit #2*
3. Adjoining properties are zoned B2/General Business, properties to the east of Little League Dr are zoned R2/General Residential and properties to the north of M-32 are part of the City of Gaylord and a PUD/Planned Unit Development. *Exhibit #2*
4. The proposed property is currently under the ownership of Walter Moore, applicant. *Exhibit #4*
5. Mr. Moore owns the parcel directly to the south already zoned B2/General Business. *Exhibit #4, Exhibit #2*
6. Approval of the proposed rezone would be consistent with the adjoining properties and Otsego County Future Land Use Map. *Exhibit #13*
7. The Public Hearing Notice was published in the Herald Times on December 30, 2016. *Exhibit #7*
8. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
9. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
10. The Planning Commission has the authority to approve a *Rezone* request after review and compliance with the Otsego County Zoning Ordinance, Future Land Use Map and Master Plan. (Section 25.7) *Exhibit #3, Exhibit #13, Exhibit #14*
11. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*

***Motion made by Mr. Arndt to approve case PZRZ16-00, the rezoning of parcel number 010-003-100-060-00 from a R2/General Residential Zoning District to a B2/General Business Zoning District; Seconded by Mr. Brown.

Motion approved by majority