

Otsego County Planning Commission

Minutes for March 21, 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, Mr. Hartmann, Ms. Nowak, Mr. Klee, Mr. Mang, Mr. Hendershot

Absent: Mrs. Jarecki, Mr. Colosimo

Staff Present: Mr. Ferrigan, Christine Boyak-Wohlfeil

Public Present: Dave Drews, Sue Topp, Chris Paffin, Owen Harris, Colleen Jozwiak

Consent Agenda: None

Mrs. Jarecki arrived 6:07 pm

Approval of minutes from February 28, 2011:

Corrections to the minutes are as follows:

Mr. Hendershot asked to be added as present, Mr. Borton requested a spelling correction on page two (2) in the word “incompliance” to “in compliance”, Mr. Mang asked for changes on page two (2) under ‘*The Township would like included:*’ from ‘new drawings’ to ‘revised drawings’ and also requested the addition of the following statement be inserted concerning the definition of a kennel:

Mr. Mang spoke of the commonly accepted definition of a kennel differing from the definition of a kennel in the Zoning Ordinance. The Zoning Ordinance limits a “kennel” to a commercial facility. Using the common definition of kennel, the township passed a motion suggesting that the Zoning Board of Appeals may need to make a ruling regarding a dimensional variance.

Chairman Stults requested the addition of the list of exhibits along with the Recording Secretary’s and Planning Commission Secretary’s signature.

Motion made to approve minutes as corrected by Chairman Stults; Seconded by Mr. Mang.

Motion approved unanimously.

Public participation for items not on the agenda: None

Unfinished applicant business: None

A motion was made to modify the agenda, moving the SPR11-002 Site Plan Review listed under New Business after number one (1), Unfinished Commission Business.

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

Motion approved unanimously.

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Public Hearing:

Applicant: Northern Michigan Engineering Inc/Represented by Mr. Dave Drews

Property Owner: FIRSTBANK

Parcel #020-024-300-015-07, Vacant land on Hilltop Road, Section 24, Charlton Township
SPR11-002 Proposed six (6) unit Site Condominium project:

Applicant is requesting a site plan review and approval for six (6) ~~single family dwellings~~ Site Condominiums ranging in size from 4.9 acres to 13.9 acres, frontage on Hilltop Road.

Mr. Ferrigan stated that changes had occurred since the case was first heard September 21, 2009 and although the current case was slightly different from the first plan presented and approved, it was still a good use of the property. He then referred to Mr. Drews for his presentation.

Mr. Arndt stated he would remain at the meeting as a previous conflict of interest had been resolved.

Mr. Drews addressed the meeting as to the differences from the first plan presented. An additional two (2) parcels of land were added to the original four (4) by the property owner for a total of six (6) parcels. A site condominium was being presented because of the lack of land divisions available. All site condominiums are intended for single family dwellings and have a covenant of building and use restrictions already in place by surrounding land owners. Final approval is needed ~~for~~ by the Health Department and Road Commission. Mr. Drews stated there were no improvements required to develop the site.

Ms. Nowak questioned the surveying of parcels three (3) and four (4) into the lake and Mr. Drews explained that Sixth Spectacle Lake was never defined as a surveyed body of water and because the lake expands and recedes with the seasons, the bottomlands belonged to those lakefront owners.

Mr. Hartmann asked about the existing dam and Mr. Drews stated the structure was not a common area and if the owners wanted to modify the structure, permits would be needed. The issue would be addressed and fully disclosed in the Master Deed.

Mr. Mang spoke of the first site plan, stating the dam was a common area and Mr. Drews answered that was the previous owner's desire and not the current owner's.

Mr. Arndt asked about the previous plan showing land to the north as future development and Mr. Drews said that property had already been sold.

Public Hearing: Opened at 6:33 pm

No public comment.

Public Hearing: Closed at 6:33 pm

Unfinished Commission Business:

1. Motion for section 125.3861 (2) to report and advise the Board of Commissioners and Otsego County Animal Control Director on construction of the new Otsego County Animal Control facility:

Mr. Ferrigan read the recommended finding of facts as follows:

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1. This is a County owned property and the new building will be owned by Otsego County.
2. The property is located at 216 Fairview Road within Livingston Township, Otsego County.
3. The proposed building is 6,313 square feet.
4. The proposed building will bring the animal control function in Otsego County up to the standards currently required by the state of Michigan.
5. It will enhance and expand the animal control services in Otsego County.
6. The funding for this project is already in place from dedicated millage for animal control purposes.
7. There are no conflicts with the current zoning and the site plan has been approved by the Planning Commission.
8. The proposed project complies with the Otsego County Master Plan.

Motion made to approve the finding of facts by Mr. Borton; Mr. Klee seconded.

Motion approved unanimously.

Chairman Stults asked for a motion to authorize the Chairperson of the Planning Commission to provide the Otsego County Board of Commissioners and the Animal Control Department with a report based on the finding of facts, with a recommendation to proceed.

Motion made by Mr. Hartmann; Seconded by Mrs. Jarecki.

Motion approved unanimously.

New Business:

SPR11-002 Proposed six (6) unit Site Plan Condominium Project Review Charlton Township Section 24, 020-024-300-015-07, Hilltop Road frontage

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

- Exhibit 1: Otsego County Zoning Ordinance
- Exhibit 2: Application for site plan review
- Exhibit 3: Site plan
- Exhibit 4: Otsego County Equalization records and Register of Deeds records:
Ownership of the property identified by parcel number 020-024-300-015-07
FIRSTBANK-West Branch
- Exhibit 5: Letter from FIRSTBANK authoring Dave Drews as their agent dated March 15, 2011
- Exhibit 6: Letter from Land Use Services director, Joseph Ferrigan to the Otsego County Planning Commission dated February 15, 2011
- Exhibit 7: Copy of the public hearing notice published in the Weekly Choice dated
- Exhibit 8: Letter from Ivan Maschke, Charlton Township Clerk, to Joe Ferrigan, Otsego County Planning and Zoning dated February 15, 2011
- Exhibit 9: Receipt for payment #0110029 from Otsego County to FIRSTBANK-West Branch for \$900 paid February 15, 2011

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Exhibit 10: Letter from Turner Hilal Attorneys for FIRSTBANK to Charlton Township, Otsego County Planning Department and Building Department, Otsego County Drain Commissioner, Richard Farladu PE, Drinking Water and Environmental Health, Otsego County Road Commission, Michigan Department of Transportation, Bureau of Highway Operations Design Division dated January 25, 2011

Exhibit 11: Letter from Health Department dated February 15, 2011

Chairman Stults asked Mr. Drews if the legal description on the site plan submitted was the actual description for the property of the condominium site, stating the total of all six (6) parcels is less than the amount on the plan. Mr. Drews stated the public road right-of-way was also included in that total. Chairman Stults requested the following statements on the site plan be changed as follows:

1. Under 'Impact on public utilities and schools' changed from 'any impact' to read: Development of the (6) residential home sites will not have *a significant* impact on the public schools.
2. Under 'Shoreland Protection' changed 'or by' to read: Shoreland shall be protected as outlined in Article 15 of the Otsego County Zoning Ordinance *and* by covenants and restrictions as are incorporated in the Master Deed, the more restrictive requirements being applicable to this development.
3. Under 'Tree Removal, Wetland Protection and Site Improvements' add 'and Article 15' to read: Tree removal and site improvements shall be restricted by language contained in the Master Deed *and Article 15 Lots Near Water*, and limited to the extent necessary to complete the construction of a typical single family home and infrastructure.
4. Under 'Proposed Setbacks' the rear setback changed from '75 feet' to *100 feet (from O.H.W.M.)*.

Mr. Drews requested a waiver of Article 18 Section 18.18 Landscaping, as the property is wooded. In answer to Chairman Stults inquiry about Article 17 Access Management Requirements, he stated all parcels were accessible from the public road and the frontage on that road is sufficient for proper site distance. All utilities, water and waste water systems are private, public utilities and natural gas are available and Mr. Drews stated they would meet the requirements but did not want to be more restrictive than necessary when it came to above or underground utilities.

Mrs. Jarecki read from the covenants and restrictions that utilities were to be located underground.

Mr. Drews stated they would abide by the covenants and County ordinance.

Mr. Ferrigan read the following general finding of facts of Spr11-002:

1. Property is located in an RR zoning district.
2. Proposed project must meet requirements of Article 16 Permitted Uses Subject to Special Conditions of the Otsego County Zoning Ordinance.
3. Proposed project must meet requirements of Article 20 Site Plan Review of the Otsego County Zoning Ordinance.

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4. Property owner is FIRSTBANK.
5. Property meets the dimensional requirements of Article 14 Schedule of Dimensions
6. Requirements for Article 24 Township Participation in County Zoning have been met.
7. All adjoining property is zoned RR.
8. Shared access is not necessary due to existing frontage on Hilltop Road and proper site distance is capable of being achieved with individual road access as Road Commission approval.
9. Proposed for site condominium project.

Motion made by Mrs. Jarecki to approve nine (9) findings of facts; Seconded by Mr. Klee.

Motion approved unanimously.

Mr. Ferrigan read the following conditions:

1. Requirements of Section 18 Article 18.18 are to be met.
2. All utilities shall be underground.
3. Revised site plan to show 100 foot setback from an ordinary high water mark (OHWM) of Spectacle Lake.
4. Review Master Deed before approval.
5. Copy of site plan and Master Deed be filed with Otsego County Land Use within fifteen (15) days and recorded with the Register of Deeds.
6. Landscaping regulations of Article 18.18 are waived in consideration of the heavily wooded nature of the site.

Motion made by Mr. Arndt to approve the six (6) conditions for a Special Use Permit; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

In accordance with the Zoning Ordinance, the following standards, voted on individually, must comply for 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.)

Standard does not apply, agreed unanimously.

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

Standard met, agreed unanimously.

Motion made for SPR11-02, applicant Northern Michigan Engineering; property owner FIRSTBANK; 020-024-300-015-07; located on Hilltop Road for preliminary approval of special use permit subject to revised drawings and conditions being submitted and approved by Mr. Ferrigan.

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

Motion approved unanimously.

Unfinished Commission Business:

2. Dumpster Committee recommendations:

Motion made to forward recommendation onto the Townships for input and County Board of Commissioners for counsel.

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

Motion approved unanimously.

Mr. Mang suggested striking the wording ‘...having a closeable lid’ from the definition of a dumpster to avoid loopholes with regulating.

3. Proposed changes to Section 18.25 Mining

Motion made to send revised editions addressing mining in the Zoning Ordinance to the Townships for involvement as required in Article 24 Township Participation in County Zoning.

Motion made by Mr. Mang; Seconded by Ms. Nowak.

Motion approved unanimously.

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Reports and Commission Member's Comments:

1. ZBA positions available: The Board of Commissioners is accepting applications for two (2) alternate positions.
2. Part two (2) of guidelines article: No Comments
3. Update on design guidelines: Mr. Radcliff is in the process of inserting pictures of Otsego County into the guide book.
4. Possible dates for new member training: Mr. Ferrigan requested members let him know who's interested; He will come up with dates for training.

Adjournment: 8:53 pm by Chairperson Stults.

Christine Boyak-Wohlfeil, Recording Secretary

Ken Borton, Planning Commission Secretary

Motion to approve as corrected: Mr. Borton

Support By: Mr. Hartmann

Voice vote was unanimous to approve minutes as corrected