

# Otsego County Planning Commission

Approved Minutes for September 21, 2015

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

Pledge of Allegiance

**Roll Call:**

Present: Chairperson Hartmann, Vice-Chairperson Jarecki, Secretary Arndt, Mr. Hilgendorf, Mr. Brown, Ms. Nowak, Mr. Hendershot, Mr. Mang, Ms. Corfis

Absent: Mr. Borton, Mr. Klee

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

Public Present: Ed Johnson, Johnson Oil Co, Jason Caverson, Tom Dahlman, DTE representatives, Joshua Clark, Patricia Sullivan, Bill Smith, Residential Excavating, representative, Donna Zielinski, Joseph Zielinski, Robert Brown, Gaylenn Rowe-Brown, Jim Wagner, Cindy Wagner, Mark Nowicki, Ken Nowicki, Brandon McDonell, Ginny Quillan, Tom Quillan

**Approval of minutes from:** August 17, 2015

Mr. Mang requested additions to the last paragraph on page two (2) first sentence...’after the extensive work put into *‘the revision of’* the mining section.’ and last sentence also...’being sure to address each item under that section *‘in the Zoning Ordinance’*.’

Motion made to approve minutes as corrected by Mr. Brown; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

**Consent Agenda:** None

**Other:** Ed Johnson, representing Johnson Oil Co requested a change to the language in the Highway Interchange Zoning District to allow the storage of propane tanks stating they were trying to address a safety issue at their location.

Chairperson Hartmann asked Ms. Corfis, Otsego Lake Township representative to review the section and bring forth proposed language to be discussed and possibly sent to townships for input.

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

**Public Hearing:**

- 1. DTE Energy, owners have requested a Special Use Permit/Site Plan Review for property located in Otsego Lake Township:  
117 Old State Rd  
090-017-100-010-00  
Property located in a B3/Business & Light Manufacturing Zoning District  
PSUP15-003- proposed use of the property is the installation of a inter-connect to expand natural gas coverage to surrounding areas*

Chairperson Hartmann opened the public hearing requesting Otsego Lake Township’s recommendation.

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*Public Hearing open: 6:10 pm*

Ms. Corfis, Otsego Lake Township representative, stated Jason Caverson, representing DTE Energy attended their meeting. DTE was proposing to connect a twenty inch (20") gas line running east and west along Old State Rd and an eight inch (8") line running north and south along Old 27 S. A twelve inch (12') line will run from the twenty inch (20") line, under state land to the west and tie into the eight inch (8") line on the east side of Old 27 S. DTE owns the property on Old State Rd and proposes to construct a gas metering and regulation facility to provide natural gas to the northern Michigan area. The facility will be enclosed with fencing and locked gates at the entrance. Otsego Lake Township recommends approval of the special use permit.

Mr. Caverson concurred with Ms. Corfis and stated the property was determined to all be zoned B3 after the error in the survey was corrected. He stated the facility would bring natural gas to a widespread area in northern Michigan.

*Public Hearing closed: 6:18 pm*

## **Advertised Case:**

- 1. DTE Energy, owners have requested a Special Use Permit/Site Plan Review for property located in Otsego Lake Township:  
117 Old State Rd  
090-017-100-010-00  
Property located in a B3/Business & Light Manufacturing Zoning District  
PSUP15-003- proposed use of the property is the installation of a inter-connect to expand natural gas coverage to surrounding areas*

Chairperson Hartmann read aloud the Finding of Fact per Article 19. *SEE ATTACHMENT 1*

Motion made by Mr. Hilgendorf to approve DTE Special Use Permit PSUP15-003 for the addition of the inter-connect expanding natural gas coverage in northern Michigan; Seconded by Mr. Hendershot.

Motion approved unanimously. *SEE ATTACHMENT 1*

## **Public Hearing:**

- 2. Peter & Patricia Sullivan, owners have requested a Special Use Permit/Site Plan Review for property located in Charlton Township:  
9745 Moore Dr  
023-140-000-048-00  
Property located in a RR/Recreation Residential Zoning District  
PSUP15-004- proposed use of the property is to construct a guest house/garage on a parcel of property with an existing residence*

Chairperson Hartmann opened the public hearing requesting the recommendation from Charlton Township.

*Public Hearing open: 6:22 pm*

Mr. Brown, representative of Charlton Township, stated the township had discussed the case and he had visited the site. They felt the parcel of property was large enough to accommodate another structure and the Sullivan's were making improvements to the septic and drain field that already existed. Charlton Township did not feel there would be any adverse effects to the lake and were recommending approval.

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Mrs. Sullivan stated she had grown up on the lake and her family had owned the property for many years. It was one of the larger parcels on the lake and with her growing family she wished to have somewhere for them to stay when they visited.

Neighboring property owners stated in turn, they were concerned about setting precedence on such a small lake. They worried about the health of the lake and the possibility of the second residence becoming a rental property should the parcel be sold in the future.

*Public Hearing closed: 6:40 pm*

## Advertised Case:

*2. Peter & Patricia Sullivan, owners have requested a Special Use Permit/Site Plan Review for property located in Charlton Township:*

*9745 Moore Dr*

*023-140-000-048-00*

*Property located in a RR/Recreation Residential Zoning District*

*PSUP15-004- proposed use of the property is to construct a guest house/garage on a parcel of property with an existing residence*

Mr. Schlaud stated a guest house was already an allowed use with a special use permit in a RR/Recreation Residential Zoning District so there was no setting of precedence.

Mr. Mang stated according to Article 2/Definitions in the Zoning Ordinance, the definition of a guest house is as follows:

***GUEST HOUSE:** A building accessory to the main dwelling, lacking at least one (1) facility for independent living, such as kitchen or bathroom; used for housing guests. A shared septic system does not by itself qualify the building as a guest house.*

Mr. Mang stated the residence needed to eliminate either the bathroom or the kitchen in order to comply with the definition.

Members also voiced issues with the *lack of scale* of the site plan and discussed further.

Chairperson Hartmann questioned which facility Mrs. Sullivan would rather eliminate from the proposed residence and would they produce a site plan drawn to scale.

Mrs. Sullivan stated she would eliminate the kitchen.

Mr. Smith, Residential Excavating, stated they would have drawings to scale for approval by the zoning administrator.

Motion made by Mr. Brown to approve Special Use Permit PSUP15-004 subject to the requirements of Article 2, *Guest house* definition for the elimination of the kitchen from the final plan and to produce a site plan drawn to scale including the location of the drain field and the proposed guest house; Seconded by Mr. Hartmann.

Roll Call vote:

Ayes: 9

Nays: 0

Motion passed unanimously. *SEE ATTACHMENT 2*

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## Public Hearing:

3. *Cottontails Inc, owners have requested a property rezone for property located in Bagley Township  
Nancy Ln  
010-021-100-020-01  
Property located in a B1/ Local Business Zoning District  
PREZ15-001-purpose of rezone is to zone property the same as applicant's contiguous property*

Chairperson Hartmann opened the public hearing requesting the recommendation from Bagley Township.

*Public Hearing open: 7:19 pm*

Mr. Arndt, Bagley Township representative, stated the rezone request had changed since Bagley had discussed it. Cottontails had previously requested a rezone to erect a two hundred foot plus (200'+) wireless communication tower but Verizon has since decided a one hundred ninety foot (190') tower would suffice. Bagley Township based their decision on that and disapproved the rezone because a tower that size could be permitted with a special use permit.

Mr. Schlaud stated Mr. Behrenwald, Cottontails Inc owner, had decided to move forward with the rezone based on the zoning of surrounding properties.

Mr. Behrenwald stated he was requesting the parcel zoning be changed to B2/General Business to coincide with his contiguous parcel and other parcels in the area.

*Public Hearing closed: 7:25 pm*

## Advertised Case:

3. *Cottontails Inc, owners have requested a property rezone for property located in Bagley Township  
Nancy Ln  
010-021-100-020-01  
Property located in a B1/ Local Business Zoning District  
PREZ15-001-purpose of rezone is to zone property the same as applicant's contiguous property*

After discussion, Case PREZ15-001 was tabled to research buffering between the residential and business zoned properties.

Motion made by Mr. Mang to table PREZ15-001; Seconded by Mr. Hilgendorf.

PREZ15-001 tabled.

## Unfinished Commission Business:

1. Rieth-Riley/PSUP15-002-Reclamation Plan

Planning Commission members accepted the revised reclamation plan for Rieth-Riley/PSUP15-002.

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**New Business:** None

**Reports and Commission Member's Comments:**

1. Otsego County Parks & Recreation report

Vice-Chairperson Jarecki reported the Community Center was still under construction and progressing, reservations and revenues at the County Park have increased and the restitution money from Mr. Tarbutton would be deposited into the Parks budget. The remaining twenty-five acres at the Louis M Groen Nature Preserve was in the process of being transferred to the County and per Mr. Groen's wishes, the Echo Valley Lodge would be left as is. Also, the Libke Fields transfer was completed and repairs to the parking area were being made.

2. Mr. Hartmann stated a meeting had been held to discuss the proposed language for wireless communication towers and they had received some good information. They will continue to discuss and bring it forward for additional input.

3. Sample Checklist to Guide Decisions on Special Land Uses/Zoning Training

**Adjournment:** 8:02 pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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*ATTACHMENT 1:*

## OTSEGO COUNTY PLANNING COMMISSION

PSUP15-003  
Special Use Permit/Site Plan Review  
090-017-100-010-00

### 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) 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**

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## 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. Hilgendorf to approve DTE Special Use Permit PSUP15-003 for the addition of the inter-connect expanding natural gas coverage in northern Michigan; Seconded by Mr. Hendershot.

Motion approved unanimously.

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ATTACHMENT 2:

## OTSEGO COUNTY PLANNING COMMISSION

PSUP15-004  
Special Use Permit/Site Plan Review  
023-140-000-048-00

### 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) 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**

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\* Motion made by Mr. Brown to approve Special Use Permit PSUP15-004 subject to the requirements of Article 2, *Guest house* definition for the elimination of the kitchen from the final plan and to produce a site plan drawn to scale including the location of the drain field and the proposed guest house; Seconded by Mr. Hartmann.

Roll Call vote:

Ayes: 9

Nays: 0

Motion passed unanimously.