

Otsego County Planning Commission

Corrected Minutes for June 15, 2015

Call to Order: 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

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

Absent: Mr. Hilgendorf

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

Public Present: Dean and Sara Gapinski, Randy Stults

Consent Agenda: None

Approval of minutes from: May 18, 2015

Motion made to approve minutes as written by Mr. Borton; Seconded by Mr. Brown.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda: None

Public Hearing:

1. *Dean & Sara Gapinski, owners of Gapinski Forestry Products Inc, have requested a Special Use Permit/Site Plan Review for property located in Livingston Township at:
210 Meecher Rd Gaylord, MI 49735
081-210-000-001-00
Property located in a B2/General Business Zoning District
PSUP15-001-proposed use of the property is to build a 120x60 shop/office for equipment repair and outside log storage.*

Mr. Schlaud stated Dean and Sara Gapinski were proposing a transfer station for outside log storage and a building for storage and repair of their equipment. Both were permitted uses subject to special conditions in a B2 Zoning District.

Public Hearing open: 6:03 pm

Sara Gapinski stated Mr. Schlaud was correct but the log storage was short term. They do not make money on the storage.

Chairperson Hartmann asked Mr. Mang to read Livingston Township's recommendation.

Mr. Mang read the email from Livingston's Planning Commission Chairperson Steve Dipzinski, which stated they recommended approval of Special Use Permit PSUP15-001 contingent on two (2) conditions:

1. Establish a buffer with blue spruce on the north, south and west side of the property
2. Install a water/grease separator in the drain of the garage due to contaminants from that will take place from working on the trucks.

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Chairperson Hartmann asked the Gapinski's if they had a problem with either condition.

Mr. Gapinski stated they had already planned on installing the drain in the garage.

Chairperson Hartmann had gone by the property and stated pine trees already concealed the east side. He asked Mr. Schlaud's opinion.

Mr. Schlaud stated Livingston Township could make a recommendation as to the type of tree but the County could alter the condition. He stated the site plan depicted a buffer on the south side of the property but questioned Mr. Gapinski as to the buffer on the north side of the property and Mr. Mang why the recommendation of blue spruce and if the size or density had been discussed.

Mr. Gapinski stated the north and east property lines were buffered with trees.

Mr. Mang stated a member of Livingston's Planning Commission had specified blue spruce trees because the branches remained low to the ground and the density of the branches provided concealment. He stated they had not discussed the height or spacing of the trees.

After discussion, Chairperson Hartmann suggested planting blue spruce trees or equivalent at a height of four feet (4') ten feet (10') apart.

Vice-Chairperson Jarecki questioned the lighting and signage for the building.

Mr. Gapinski stated the lighting would be whatever the ordinance designated and signage was not needed.

Secretary Arndt questioned the drain installation in the building.

Mr. Schlaud stated the drain installation and any signage would be addressed with building permits.

Mr. Mang suggested the motion wording be changed to '*trees with similar characteristics*' opposed to equivalent because a blue spruce was a distinct species.

Mr. Borton stated the equivalence would be the screening ability of the tree, not the species.

Public Hearing closed: 6:21 pm

Advertised Case:

- Dean & Sara Gapinski, owners of Gapinski Forestry Products Inc, have requested a Special Use Permit/Site Plan Review for property located in Livingston Township at:
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081-210-000-001-00
Property located in a B2/General Business Zoning District
PSUP15-001-proposed use of the property is to build a 120x60 shop/office for equipment repair and outside log storage.*

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to approve Special Use Permit PSUP15-001 subject to the condition of tree buffering with blue spruce or species with similar characteristics of screening ability at a minimum height of four feet (4') and spaced at ten feet (10') intervals along the perimeters of the property; Seconded by Mr. Borton.

Motion approved unanimously.

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Mr. Schlaud read the General Finding of Fact. *SEE ATTACHMENT 1*

Chairperson Hartmann read the Specific Finding of Fact/Article 19.7. All conditions had been met. *SEE ATTACHMENT 1*

Chairperson Hartmann excused the applicants.

Public Hearing:

2. *Otsego County Zoning Ordinance Proposed Amendment*
PZO15-3-proposed language to Article 9/AR/Agricultural Resource/Section 9.2.4 per
Zoning Board of Appeals interpretation

Public Hearing open: 6:37 pm

Mr. Schlaud read the amendment and stated the proposed change was previously sent to townships and input was positive.

Public Hearing closed: 6:38 pm

Advertised Case:

2. *Otsego County Zoning Ordinance Proposed Amendment*
PZO15-3-proposed language to Article 9/AR/Agricultural Resource/Section 9.2.4 per
Zoning Board of Appeals interpretation

Motion made by Mr. Hartmann to recommend to the Otsego County Board of Commissioners PZO15-003 an amendment to Article 9/Section 9.2.4 to include the addition of agricultural equipment auctions per the Otsego County Zoning Board of Appeals interpretation; Seconded by Mr. Arndt.

Motion approved unanimously. *SEE ATTACHMENT 2*

Public Hearing:

3. *Otsego County Zoning Ordinance Proposed Amendment*
PZO15-004- proposed language to Article 17/Schedule of Dimensions HX/Highway
Interchange/Maximum building height

Public Hearing open: 6:41 pm

Mr. Schlaud stated the proposed change was previously sent to townships and input was positive as well.

Public Hearing closed: 6:42 pm

Advertised Case:

3. *Otsego County Zoning Ordinance Proposed Amendment*
PZO15-004- proposed language to Article 17/Schedule of Dimensions HX/Highway
Interchange/Maximum building height

Motion made by Ms. Corfis to recommend to the Otsego County Board of Commissioners PZO15-003 an amendment to Article 17/Schedule of Dimensions to include the HX/Highway Interchange Zoning District to 'note g' for maximum building height; Seconded by Ms. Nowak.

Motion approved unanimously. *SEE ATTACHMENT 3*

Unfinished Commission Business: None

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New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Vice-Chairperson Jarecki reported the renovations at the Otsego County Community Center had begun and should be completed mid-July and the Parks & Recreation's director attended a beach safety session and was informed of new rules for signage at the County Park and Wah Wah Soo. The Groen Nature Preserve had been cleaned up after the tree harvest and was in good shape.

Mr. Schlaud stated a mining renewal permit for Rieth Riley had been sent to township and would probably be on July's agenda. There were a couple of other cases in the works for this summer also.

Mr. Borton stated they had four (4) applicants for Mr. Summerix's replacement. They would be interviewed the following week and it would be decided at their next Board of Commissioners meeting. There is a year and a half left on Mr. Summerix's term and he represented Bagley Township and a small portion of Hayes. The four (4) applicants are Ken Glasser, Frank Trigger, Adam Cherry and Larry Becker.

Secretary Arndt stated Bagley Township will review their Master Plan for updating and they were still working on the private road document.

Chairperson Hartmann stated Elmira Township would be sending the MUZ/Multiple Use Zoning document to the County in the near future for review and it would be presented by Duane Hoffman.

Vice-Chairperson Jarecki stated Corwith Township was still working on the Trailtown Gateway Community and possibly ~~an~~ *for the* information center out at the Pigeon River. She stated the Township Hall is being renovated and they are expanding the library. Additional computer access will be provided.

Ms. Corfis stated Otsego Lake Township will be reviewing their Master Plan for updates.

Mr. Brown stated Charlton Township would be reviewing their Master Plan next year.

Mr. Mang stated Livingston Township was considering installing professional signage depicting pictures and historical information on sites along the North Central State Trail.

2. General Information Guide for a PC or ZBA/Zoning Training

Adjournment: 7:05 pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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ATTACHMENT 1:

OTSEGO COUNTY PLANNING COMMISSION

PSUP15-001
Special Use Permit/Site Plan Review
081-210-000-001-000

GENERAL FINDINGS OF FACT

1. This is a proposal for a 120x60 shop w/office for a forestry business with outside log storage. *Exhibit #1, Exhibit #5*
2. The property is located in a B2/General Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
4. The property is currently under the ownership of Dean & Sara Gapinski. *Exhibit #4*
5. The Public Hearing Notice was published in the Herald Times on May 29, 2015 *Exhibit #6*
6. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit 7, Exhibit #8*
7. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #9*
8. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
9. The required fees have been collected by Otsego County Land Use Services. *Exhibit #10*
10. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #11, Exhibit #12*

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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 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
- 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 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
- 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.

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Motion approved unanimously.

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ATTACHMENT 2:

*The Otsego County Planning Commission is submitting a proposed amendment to ARTICLE 9 AR/Agricultural Resource zoning districts per the Zoning Board of Appeals decision on a comparable use:

ZBA Motion:

The Zoning Board of Appeals makes the determination that Agricultural Equipment Auctions are a comparable use to Article 9.2.4 'Livestock Auction Yards' and therefore, under Article 9.2.24 and Article 18.44, Agricultural Equipment Auctions are a permitted use subject to special conditions and the conditions of Livestock Auction Yards in the Agricultural Resource District (AR).

Agricultural Equipment Auction Yards:

ARTICLE 9 AR AGRICULTURAL RESOURCE DISTRICT

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of [Article 19](#) and only after the review and approval of the site plan by the Planning Commission. [See [Article 21](#) for applicable Specific Requirements for Certain Uses, if any and [Article 23](#) for Site Plan Requirements.]

Current language:

9.2.4 Livestock auction yards with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.

Proposed language:

9.2.4 Auction yards for livestock and/or agricultural equipment with accessory buildings on a minimum forty (40) acres site with a minimum width of six hundred (600) feet, provided that there is no nuisance imposed upon the surrounding farms or dwellings.

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ATTACHMENT 3:

*The Otsego County Planning Commission would like your input in reference to the Highway Interchange Zoning District and 'note g'. A detail was omitted when previously presented concerning 'note g' and the maximum building height. It was referenced in the chart below but was not clarified in 'note g' itself as to the possible percentage to exceed.

ARTICLE 17 SCHEDULE OF DIMENSIONS

17.1 Table 1 - LIMITING HEIGHT, DENSITY, AND AREA BY ZONING DISTRICTS (See also [Article 21.1 Accessory Buildings](#) and [Article 22 General Exceptions for Area, Height, and Use](#))

<i>Zoning District</i>	R1 & R2	R3	RR	FR & AR	Reserved for future use	Reserved for future use
Min. Lot Area (Sq. feet)	20,000 .46 acre	40,000 .92 acre	20,000 .46 acre	88,000 2.02 acre		
Min. Front Setback (b)(j)	25 ft	25 ft	25 ft	50 ft		
Max. Front Setback	NA	NA	NA	NA		
Min. Side Setback	10 ft	10 ft	10 ft	20 ft		
Min. Rear Setback	30 ft (a, h)	30ft (a, h)	30 ft (a, h)	40 ft (a)		
Min. Lot width (k)	100 ft 150 ft Duplex	100 ft	100 ft	150 ft AR 300 ft Duplex		
Max. % lot coverage	25%	25%	25%	30%		
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)		
Min. Ground Floor area of principal structure (Square feet)	720 (i)	720 (i)	720 (i)	720 (i)		
Min. Width of principal structure	20 ft (i)	11ft (i)	20 ft (i)	11 ft (i)		
<i>Zoning District</i>	B1	B2	B3	I	HX	Reserved for future use
Min. Lot Area (Square feet)	10,000	10,000	20,000	40,000	10,000	
Min. Front Setback	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	30 ft (e)	
Max. Front Setback	NA	NA	NA	NA	NA	
Min. Side Setback	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	10 ft (c)	
Min. Rear Setback	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	20 ft (a, d, f)	
Min. Lot width (k)	100 ft	100 ft	100 ft	150 ft	150 ft	
Max. % lot coverage	NA	NA	NA	NA	NA	
Max. Building height (l)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	35 ft (g)	
Min. Ground Floor area principal structure (Square feet)	NA	NA	NA	NA	NA	
Min. Width of principal structure	NA	NA	NA	NA	NA	

Minimum front, side and rear setbacks, and maximum lot coverage modifications of up to twenty-five percent (25%) may be approved by the Zoning Administrator for nonconforming lots, as described in [Article 21.26.1](#) and [21.26](#).

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- Note a: Lots within five hundred (500) feet of lakes, ponds, flowages, rivers, streams: see [Article 18, LOTS NEAR WATER](#).
- Note b: Where the front yards of two (2) or more principal buildings in any block, or within five hundred (500) feet in existence at the time of the passage of this Ordinance (or amendment thereto), in the same zoned district or the same side of the road are less than the minimum front yard setback, then any principal building subsequently erected on the same side of the road shall not be required to provide a greater setback than the average for the existing two (2) or more principal buildings.
- Note c: On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the residential side in B1, B2, B3 and HX.
- Note d: Loading and unloading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards if screened or obscured from view from public streets and residential districts.
- Note e: Off-street parking may be permitted in the front yard, except that a ten (10) foot wide landscaped buffer is maintained between the front lot line (or right-of-way line) and the parking area.
- Note f: No building shall be placed closer than forty (40) feet to the outer perimeter of such district or property line when said use abuts a residential district boundary.
- Note g:** Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to fifty percent (50%) in R1, R2, R3, RR, B1, B2 and **HX** Districts; and up to one hundred percent (100%) in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development (PUD), or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and or Zoning Board of Appeals cannot allow a WTG height greater than allowed in [Section 21.47](#) or a Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS. Also see [Article 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT AND USE](#) .
- Note h: [Section 21.1](#) allows a rear setback of ten (10) feet for accessory buildings.
- Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.
- Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to one (1) or more lots, the setback shall be measured from that right of way or ingress egress easement.
- Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.
- Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, [Article 21](#) and [Article 22, Section 22.3 Height Limits](#), of this ordinance