

Otsego County Planning Commission

Approved Minutes for September 17, 2018

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice Chairperson Jarecki, Mr. Borton, Mr. Brown, Mrs. Norton, Mr. Bauman, Ms. Corfis

Absent: Secretary Arndt, Mr. Hilgendorf, Mr. Klee, Mr. Caverson

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

Public Present: Mike Bienick, LLC Telecom Services, Dave Drews, Northern Michigan Engineering Inc, Hal M LaForest, Jeff Kempfer,

Others Present: Lisa McComb, Economic Alliance Director, Michelle Noirot, Bagley Township Supervisor

Approval of minutes from: July 16, 2018

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

Motion approved unanimously.

Consent Agenda: None

Chairperson Hartmann welcomed everyone and opened discussion on the Perch Lake complaint.

Other:

2190 Perch Lake complainant – EN18-0275

Hal LaForest, resident of Perch Lake, stated he was good friends with Mr. Blum, the original complainant and questioned what would be done about enforcing the issue.

Chairperson Hartmann asked Mr. Mouch to speak on the matter.

Mr. Mouch stated he was the enforcement officer, had completed a site view inspection of the property and had not observed any violations to enforce.

Mr. LaForest stated previous administrations had enforced issues similar to this.

Chairperson Hartmann questioned if there was a Home Owners Association with a Board of Directors and if they had taken any action.

Mr. LaForest stated they did have an Association with a Board but he was not aware of any action taken by them. This concerned one resident with a few others involved. The property was vacant and he felt it was a County issue not something the Board would have to move on. He did not understand how the Ordinance was being followed.

Chairperson Hartmann stated he did not believe the Ordinance applied to the situation.

Mr. Mouch questioned if the matter could be discussed further with a committee and stated the Ordinance was different from the HOA requirements.

Chairperson Hartmann stated a committee could be a possibility; he asked who the property owner was.

Mr. LaForest stated he was not sure. He wanted clarification on what the committee would discuss.

Chairperson Hartmann suggested contacting Mr. Blum and Mr. LaForest with the property owner's information and to make contact to see what their stance was.

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Mr. LaForest questioned if they should reach out to the owner.

Chairperson Hartmann stated he felt the situation was more of an issue for the Home Owners Association.

Jeff Kempfer, resident of Perch Lake, stated they had reached out to the home owner through the Home Owner Association with little recourse. They were at a loss as to where to turn to next as they felt this was a County issue.

Chairperson Hartmann stated a committee would meet to discuss this further; he was not aware that the County had moved on these issues previously.

Mr. LaForest stated he was referring to articles published in the local paper concerning problem properties.

Mr. Mouch stated he had not seen this information and requested time to review it.

Mr. Brown questioned if the matter had been discussed with the Township.

Mr. LaForest stated he did not believe so because they felt it was a County issue.

Mr. Bauman questioned if the HOA charged dues and if the property owner's had been paid.

Mr. LaForest stated they did but ninety percent of the dues went for maintaining the roads.

Mr. Kempfer stated the property owner did not respond to anything.

Mr. Borton stated he believed the newspaper articles referred to County owned pieces of property in which the County had the ability to demolish or make repairs as seen fit.

Mr. LaForest stated he would follow up on his end with Mr. Blum and come back in to discuss.

Chairperson Hartmann thanked them for coming and requested Mr. Bienick to address the Commission.

Mike Bienick, Telecom Services LLC – Text amendment concerning Wireless Tower height

Mr. Bienick stated he was with Telecom Services LLC representing Tillman Infrastructure. He had been before the Commission in June as a discussion item because the proposed tower at 4750 Waldrast in a R3 Zoning District was 190' in height and the Ordinance allowed tower heights of 150'. He was told to go before the Township and had received approval from the Elmira Planning Commission and Township Board but after further review it was determined a special use permit or variance would not be allowed without a text amendment. He was requesting a text amendment.

After discussion concerning the tower height and size of property leased, it was decided a committee would be assembled for review.

A committee meeting was set up for Friday, September 28, 2018 at 9:00am at Land Use Services. Committee member volunteers consisted of Mr. Hilgendorf, Mr. Brown and Mr. Hartmann along with Land Use staff. Mr. Bienick will join the committee at 10:00am for an update of the discussion.

Public participation for items not on the agenda: None

Public Hearing:

1. *Dale J Smith Broker Inc, Daniel A & Julie Fults, property owners, represented by Northern Michigan Engineering Inc, applicant, request a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*N Otsego Lake Dr
Gaylord, MI 49735
011-225-000-009-00, 011-225-000-008-00*

*Property is located in a B2/General Business Zoning District.
PZSU18-006, PZSU18-007-proposed use of the property is to construct storage units for lease or rent.*

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Chairperson Hartmann requested Mr. Drews present the case and opened the public hearing.

Public Hearing Open: 6:30pm

Dave Drews, Northern Michigan Engineering Inc, stated the site plan consisted of mini storage units on North Otsego Lake Dr. The plan maximized the site but the owners wanted to keep the design flexible as far as the number of units and to let that be determined by the market. There is a grading plan for storm water management with one entrance in and out for security purposes, the surface will be gravel and a fence will be installed to enclose the site. They would like to start the project this fall if possible with completion in 2019. There will not be any water, sewer or electricity except for exterior lighting.

Chairperson Hartmann stated Bagley Township had approved the project.

Mr. Stults stated it was a positive use for the location.

With no other comments, Chairperson Hartmann closed the public hearing

Public Hearing Closed: 6:35pm

Advertised Case:

1. *Dale J Smith Broker Inc, Daniel A & Julie Fults, property owners, represented by Northern Michigan Engineering Inc, applicant, request a Special Use Permit/Site Plan Review for property located in Bagley Township:*

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Chairperson Hartmann stated the properties were currently owned by two different parties but would be under one owner after the case was approved.

Mr. Drews stated the sale of the property from Mr. Smith to Mr. & Mrs. Fults was conditional upon the approval of the Special Use Permit.

Mr. Stults stated he did not think Zoning could require the properties have only one owner.

Ms. Boyak-Wohlfeil stated the reason being was to eliminate the adjoining property line or setbacks would have to be respected.

Chairperson Hartmann read aloud the Findings Under Article 19 Permitted Uses Subject to Special Conditions Section 19.7.1 through 19.7.8 to include both cases. *SEE ATTACHMENT 1*

Mr. Borton questioned if letters from EMS or the Fire Department had been received concerning future demands.

Mr. Mouch stated not as of yet but it could be added as conditional.

With no further comments, Chairperson Hartmann requested a motion.

Motion made by Mr. Bauman to approve Special Use Permits PZSU18-006 and PZSU18-007 for the construction of six (6) storage units on North Otsego Lake Dr in Bagley Township with the following conditions:

1. Letters submitted from Otsego County EMS, Otsego County Fire Department and Otsego County Sheriff's Department stating demand for service will not increase beyond current capacity based on the site plan presented.
2. The combination of properties under one owner to eliminate the dividing property line; Seconded by Mrs. Norton.

Motion approved unanimously.

Chairperson Hartmann thanked Mr. Drews.

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Unfinished Commission Business:

1. *Otsego County Zoning Ordinance – Planning Commission Committee recommends sending to townships for review and opinion the Rezone from a R2 Zoning District to a R3 Zoning District for Mobile Home Subdivisions located in Bagley Township and Otsego Lake Township:*
 - a. **Bagley Township:** *Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates I, Maple Grove Estates II and Parkwood Subdivision*
 - b. **Otsego Lake Township:** *Arbutus Beach Highlands*

Discussion ensued concerning the possible rezoning of the subdivisions listed above to allow replacement of smaller minimum width structures within those subdivisions. The Committee recommended it be forwarded to townships for review.

Motion made by Mr. Brown to forward to townships for discussion and input of the proposed rezoning of the six (6) sites to a R3 Zoning District; Seconded by Mr. Bauman.

Motion approved unanimously.

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated she was mistaken in her comments about the new drive for the Groen property; that project had not gotten underway because bids had not been received. They will try for bids again. She stated new benches had been placed at the Community Center; damage from the storms was minimal to Park properties; both Halloween weekends were booked full at the County Park, the new foundation for the relocation of the Park office was underway and plans for the new dump station have been submitted to the Health Department; a new full time position combining the part time position at the Community Center and part time position at the Groen is being contemplated, the job description is being worked on and another day has been added for the Play Group at the Community Center for preschool children.

2. Land Use Services report/Jim Mouch

Mr. Mouch stated the Director's report depicted permits in comparison to previous years along with suggested items to be reviewed for possible changes including tower height for Wireless Communications. Article 21 had been reprinted for all members including the recent approved amendments. He also stated he had met with the prosecuting attorney for a resolution regarding Mr. Moore's violations on 60 Little League Dr. Mr. Moore was given two weeks to submit an application for a Special Use Permit. It was also discussed that vehicles would be removed from the property without any more added.

Mr. Churches stated he had gathered information of surrounding areas for comparison of height restrictions for Wireless Communication Towers for review at the upcoming committee meeting.

Mr. Borton introduced Chris Churches as the County's professional planner to help manage the growth of the County.

Mr. Churches gave some background information and stated he was looking forward to a prosperous future with the County. His official title is Director of Planning and Zoning for Capital Projects and Grants.

Mr. Borton also introduced Lisa McComb, Director of Economic Development stating she would be working with Mr. Churches on future projects.

Ms. McComb stated there was a lot of interest for a lot of growth that needed to be addressed all around the County.

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Mr. Borton stated the plan was to bring in living wage jobs along with meeting the housing needs. He also stated he had missed the July meeting because he had attended the MAC (Michigan Association of Counties) meeting in Frankenmuth and had been sworn in as President of the organization.

Mr. Hartmann stated Elmira Township had completed their walking path in their community park.

Ms. Corfis stated Otsego Lake Township was excited about the possibility of demolishing the old Trading Post in downtown Waters.

Mr. Churches stated he had just released the RFP and was accepting bids on Wednesday.

Mr. Borton stated the property had been forfeited to the County for taxes and they had decided to tear the building down and give the property to Otsego Lake Township; the Township will use the property as a Trailhead instead of using the Park across the street. He also stated work on the trail, as well as all MDOT projects throughout Michigan, had been halted because of the strike. The trail will probably not be completed until spring. They did have safety concerns for snowmobile use and were working with the DNR and the State to return the trail to a safe condition before winter.

With no further comments, Chairperson Hartmann adjourned the meeting.

Adjournment: 7:12pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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ATTACHMENT 1:

OTSEGO COUNTY PLANNING COMMISSION

PZSU18-006
Special Use Permit/Site Plan Review
011-225-000-009-00

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
- 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 – 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
- 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

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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

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.

OTSEGO COUNTY PLANNING COMMISSION

PZSU18-007
Special Use Permit/Site Plan Review
011-225-000-008-00

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

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

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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

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.

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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. Bauman to approve Special Use Permits PZSU18-007 and PZSU18-008 for the construction of six (6) storage units on North Otsego Lake Dr in Bagley Township with the following conditions:

1. Letters submitted from Otsego County EMS, Otsego County Fire Department and Otsego County Sheriff's Department stating demand for service will not increase beyond current capacity.
2. The combination of properties under one owner to eliminate the dividing property line; Seconded by Mrs. Norton.

Motion approved unanimously.