

# Otsego County Planning Commission

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Approved Minutes for June 20, 2016

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

Pledge of Allegiance

**Roll Call:**

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

Absent: Mr. Hilgendorf

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

Public Present: Jim Leech, Kay Stoker, Denny & Sandy Freeman, Todd L Seidell, Seidell Architects, Bob & Sue Kenny, Gloria Torello, John Arevalo, Judy Fonger, Randy Stults

**Approval of minutes from:** May 16, 2016

Motion made to approve minutes by Mr. Klee; Seconded by Mr. Caverson.

Motion approved unanimously.

**Consent Agenda:** None

**Other:** Kay Stoker - text amendment request

Kay Stoker and Jim Leech stated they owned a parcel of property in Johannesburg and were interested in storing boats and RV vehicles on the south end of the parcel. The property had existing trees along the southwest border and Johannesburg/Lewiston Schools were to the south. The property was zoned B2 and they were requesting a text amendment to the district to allow outdoor storage.

Chairperson Hartmann suggested they attend a township meeting to discuss the use and possible language amendment.

Mr. Brown stated he was the Charlton Township representative and invited them to the next township Planning Commission meeting stating the Commission met the first Wednesday of the month at the Township Hall.

**Public participation for items not on the agenda:**

Gloria Torella and John Arevalo, Elmira Township residents, read aloud statements concerning the noise created by the new Alpine Power Plant.

Mr. Caverson excused himself from the meeting to avoid any conflict of interest. He was still working with Wolverine Power on the new power plant.

Ms. Torella and Mr. Arevalo stated they had spoken with Wolverine Power and were told it would be one hundred eighty (180) days before all the noise reduction equipment was fully operational and they had hoped to be online around Christmas. The couple requested the Otsego County Planning Commission ensure compliance to the conditions placed on the Special Use Permit for Wolverine Power.

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Bob & Sue Kenny and Judy Fonger also voiced concern over the possibility of the noise becoming louder once the plant was fully operational and their decreased property values in lieu of it.

Chairperson Hartmann stated their concerns would be looked into by Land Use Services Department.

Mr. Caverson rejoined the meeting.

Mr. Arndt stated a member of his Boy Scout troop was present to observe and take notes for a report of a public meeting.

## **Public Hearing:**

*Dennis Freeman, owner, represented by Seidell Architects, has requested a Special Use Permit/Site Plan Review for property located in Livingston Township:*

*2838 Wilkinson Rd  
Gaylord, MI 49735  
080-036-400-005-09*

*Property located in an AR/Agricultural Resource Zoning District  
PZSU15-008-proposed use of the property is to remodel an existing barn as a wedding venue*

Chairperson Hartmann stated the case before them and opened the public hearing.

*Public Hearing open: 6:29pm*

Dennis Freeman, owner, stated after celebrating many events at his property on Wilkinson Road and the decision to downsize, his family had decided to pursue the idea of turning the barn into a wedding venue. The barn was cleaned out after raising cattle for thirty-four (34) years and plans were drawn up for an addition. He and his wife Sandy would be building a new house on the back of their property and would move in there once completed.

Mr. Arndt asked the name of the venue.

Mr. Freeman stated it would be called 'Sunshine Acres Wedding and Event Center'.

Chairperson Hartmann questioned the size of the barn.

Todd Seidell, representative, stated the barn including the addition was twenty-six hundred (2600) square feet; the rear being an almost mirror image of the front. A paved parking lot already existed to accommodate any handicap parking needs and any additional parking would be on the grass field. Minimal landscape lighting would be installed and shielded light poles would be placed on timers as the hours were limited. He continued stating the Freemans worked out arrangements with catering companies and any trash would be kept inside the barn until disposal; there would not be a need for a dumpster. Snow storage was available but the venue would be seasonal as it is not heated. North Star Gardens was providing elaborate landscaping to enhance the deck area and also some landscaping up by the road.

Mr. Schlaud asked if an outside wedding was possible.

Mr. Freeman stated the wedding ceremony could be held outdoors with the celebration inside.

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Ms. Corfis questioned if anything else would be conducted outside making reference to the letter received from a neighboring property owner and the frequency of scheduled events.

Mr. Freeman stated he had discussed the issue with his neighbor explaining his family celebrations had been held outside but with the events held inside the barn, it would be much less of an issue. He also stated the frequency of events depended on the community; he had four (4) weddings scheduled this season but there could possibly be more.

Vice Chairperson Jarecki questioned the landscape plan in conjunction to the drain field.

Mr. Schlaud stated the area she was referring to was a reserve area.

Mrs. Freeman pointed out where the landscaping was being placed after changes.

Mr. Klee questioned what would happen to the existing house once the Freeman's moved into their new house.

Mrs. Freeman stated that would be a perk to the venue; the wedding families would have the use of the house, the clubhouse and the barn for the weekend as part of the package.

Mr. Caverson questioned the capacity of the building.

Mr. Seidell stated it would accommodate two hundred ninety-three (293) guests.

Mr. Arndt questioned if Mr. Freeman would continue with any agricultural activities.

Mr. Freeman stated he still had his hay fields and he would like to continue raising cattle as he and his son had over a hundred (100) acres.

*Public Hearing closed: 6:43pm*

## **Advertised Case:**

*Dennis Freeman, owner, represented by Seidell Architects, has requested a Special Use Permit/Site Plan Review for property located in Livingston Township:*

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080-036-400-005-09*

*Property located in an AR/Agricultural Resource Zoning District  
PZSU15-008-proposed use of the property is to remodel an existing barn as a wedding venue*

Mr. Caverson questioned if there was a stamped site plan available.

Mr. Schlaud stated a stamped plan was with the stamped building drawings; Mr. Seidell, the architect, concurred they had been signed and sealed.

Chairperson Hartmann read the Standards for Special Land Use Approval, Section 19.7.  
*SEE ATTACHMENT #1*

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Chairperson Hartmann asked Mr. Schlaud to discuss the reason behind the Zoning Board of Appeals decision.

Mr. Schlaud stated after review, Livingston Township requested the case be sent to the Zoning Board of Appeals as an unlisted comparable use. The ZBA approved it a comparable use in the Agricultural Resource Zoning District as a permitted use subject to special conditions. *SEE ATTACHMENT #2*

Chairperson Hartmann requested a motion.

Motion made by Mr. Brown to approve PZSU15-008 allowing the use of an existing barn as a wedding venue in the AR/Agricultural Resource Zoning District; Seconded by Mr. Borton.

Motion approved unanimously.

Chairperson Hartmann thanked Mr. & Mrs. Freeman and wished them luck.

There was discussion on the ZBA's decision of a 'permitted use subject to special conditions' as opposed to a 'use by right'.

Mr. Brown, the Planning Commission representative to the ZBA, stated the use was found to be comparable to other listed uses in the district but there were more things to take into consideration. The ZBA chose the more conservative of the two and approved it as a 'permitted use subject to special conditions'.

Consensus of the Commission members favored the ZBA and Mr. Brown's position keeping comparable uses to PZSU15-008 as a 'permitted use subject to special conditions' rather than adding this particular use to the AR Zoning District as a 'permitted use'.

## **Unfinished Commission Business:**

### 1. Proposed Language *Personal Wireless Communications*

Positive input from four (4) townships had been received. Section 10.2 was clarified for Land Use staff and a public hearing will be scheduled for public input.

### 2. Planning Commission By-Laws/*Amended*

Chairperson Hartmann asked for any additional input on the amended By-Laws presented last month.

Motion made by Mr. Arndt to approve the Planning Commission By-Laws as amended; Seconded by Mr. Klee.

Motion approved unanimously.

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## **New Business:**

### 1. Highway Interchange Zoning District/Master Plan-*Proposed Text Amendment*

Ms. Corfis stated Otsego Lake Township had been working on a text amendment to the Highway Interchange Zoning District and were proposing the addition of '*Above ground storage tanks for flammable or hazardous materials*' with certain restrictions, along with an amendment to the Otsego County Master Plan.

Motion made by Ms. Corfis to amend the Otsego County Master Plan to reflect the addition to the Highway Interchange Zoning District; Seconded by Mr. Arndt.

Motion approved unanimously.

The process to amend the Master Plan will begin by sending letters of intent to all required entities within the County and surrounding areas. The proposed language to the Highway Interchange Zoning District will be sent along with the letter of intent to townships for input.

### 2. PSUP15-001 Extension-*Gapinski request*

A letter dated June 7, 2016 was received from Dean & Sara. Gapinski requesting a one (1) year extension on their special use permit. It was stated the applicants could obtain one, one (1) year extension. If they failed to fulfill the special use permit criteria after that, they would have to reapply and start the process from the beginning.

Motion made by Ms. Nowak to approve the one (1) year extension for Special Use Permit PSUP15-001 per owner request; Seconded by Mr. Brown.

Motion approved unanimously.

### 3. CIP Committee - *Member volunteer*

Chairperson Hartmann stated another volunteer was still needed for the Capital Improvement Plan Committee and requested the Commission members consider the position.

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

### 1. Otsego County Parks & Recreation report

Mrs. Jarecki stated the County Park is doing very well; they were booked for the Splash-In and were booked for Big Ticket and the Fourth of July also; the online processing is being utilized quite a bit; Mega Power Sports has brought in kayaks and paddle boards for park guests to rent; the County Park receives a set amount for each rental. The bridge at Irontone Springs has been removed and the walking project next to the Dog Park has begun; a name is still under consideration. A broken sewer pipe was discovered under the steps at the Community Center and has been repaired; the tennis courts will be resurfaced as well as one (1) basketball court, the other will become a pickle ball court and the Recreation Plan is being reviewed.

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## 2. Vacation Rental Article/Zoning Information

There was discussion of the article concerning the ruling on vacation rentals.

Mr. Brown stated Charlton Township was moving ahead with their Master Plan.

Ms. Corfis stated Otsego Lake Township finished the amendment to the Highway Interchange and have made their way through the majority of the Township's Master Plan.

Mr. Arndt suggested bringing any discrepancies in the Zoning Ordinance to the attention of the Planning Commission to be discussed and reviewed as they were found instead of waiting for an overhaul as a whole.

Mr. Borton stated things at the County were going very well; the fountain was well received and could be viewed online. It was now connected to a wind meter to prevent people from being sprayed. It did not run when the wind registered more than ten (10) miles an hour.

Mr. Schlaud stated building and zoning was very busy, definitely on the upswing. He also stated he had spoken with Joe Hughes from Wolverine Power to discuss landscaping and signage and he had also addressed the noise issue. He said they were in the testing phase and had a schedule to maintain for firing up the transmission lines and much of the sound proofing was not yet in place. He would be notified of the resident's concerns.

Chairperson Hartmann adjourned the meeting.

**Adjournment:** 7:59pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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## ATTACHMENT #1:

### 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 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 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 – NOT APPLICABLE**
- 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.

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ATTACHMENT #2:

## Otsego County Zoning Board of Appeals

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Proposed Minutes for May 31, 2016

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

**Roll Call:**

Present: Chairperson Sagasser, Vice-Chairperson Hoffman, Secretary McCarthy, Ms. Bono, Mr. Colosimo, Mr. Brown, Mr. Glasser

Absent: None

Staff Present: Ms. Boyak-Wohlfeil

Public Present: Brittany Stripp, Seidell Architects representative, Denny Freeman, Melissa Zaborowski, Alison Mogle

Chairperson Sagasser welcomed the new members to the Zoning Board of Appeals and asked each to speak.

Each member gave a short introduction of themselves.

**Approval of Minutes from November 24, 2015:**

Motion made to approve minutes as presented by Mr. Hoffman; Seconded by Mr. McCarthy.

Motion approved unanimously.

**Citizen Comment Regarding Items not on the Agenda:** None

**Public Hearing:**

*Interpretation of Comparable Use:*

*A request for an interpretation on the allowance of a banquet hall as a comparable use in the AR/Agricultural Zoning District*

*PZBA16-001 Freeman*

*080-036-400-005-09*

*2838 Wilkinson Rd Gaylord, MI*

*Section 21.44 Unlisted Property Use*

*Public hearing open: 6:05 pm*

Brittany Stripp, Seidell Architects representative, stated they were working with Mr. Freeman to remodel his existing barn into a venue for weddings. She presented a drawing of the barn and stated it would be open to the public on a seasonal basis for weekend use. There would be a deck for pictures and possible

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dining but the entertainment would remain inside. She explained they were looking for interpretation of a comparable use in the zoning district stating the Knights of Columbus Hall was right down the street in

the same district. The K of C Hall was allowed as a venue for weddings and other banquets and was open year round.

Denny Freeman stated they had recently enjoyed holding several family weddings and gatherings on his property and as part of his downsizing, the family discussed allowing other people to enjoy the facility for that same use. He stated he had heard from one of his neighbors who objected because of the possibility of fireworks and noise but after discussing the issue with them, they were satisfied.

Chairperson Sagasser asked for comments from the public present.

Melissa Zaborowski and Alison Mogle stated they were attending the meeting to show support for the wedding venue. Ms. Zaborowski stated she thought it was a good idea for the area and would be enjoyed by many brides. She was also hoping to hold her own wedding at the venue.

*Public hearing closed: 6:17pm*

### **New Business:**

#### *Interpretation of Comparable Use:*

*A request for an interpretation on the allowance of a banquet hall as a comparable use in the AR/Agricultural Zoning District*

*PZBA16-001 Freeman*

*080-036-400-005-09*

*2838 Wilkinson Rd Gaylord, MI*

*Section 21.44 Unlisted Property Use*

Chairperson Sagasser stated it was the role of the Zoning Board of Appeals to interpret whether this was a comparable use to the zoning district but not listed as such.

Chairperson Sagasser read the Exhibit List and also the letter from Mr. and Mrs. Olson, neighboring property owners, voicing their concern for loud noise. He requested it be added to the Exhibit List as *Exhibit 13* as well. *SEE ATTACHMENT 1, ATTACHMENT 2*

Chairperson Sagasser presented the Finding of Fact. *SEE ATTACHMENT 3*

He stated because the use for a 'wedding venue/banquet hall' was not specifically listed in the Zoning Ordinance, they needed to interpret if it was an unlisted use and if so, if it was a permitted use or permitted use subject to special conditions in the AR Zoning District.

Ms. Bono stated she thought if the Ordinance allowed recreational facilities, restaurants, country clubs or private parks, she did not see much of a difference and felt it was comparable to those.

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Vice Chairperson Hoffman stated they were not approving the venue itself, only whether it was considered a comparable permitted use to '*fraternal lodges*' or '*churches*' that sometimes rent out their halls or comparable to a permitted use subject to special conditions such as '*restaurants/taverns without*

*drive-through service*', *golf courses or country clubs*, or '*recreational facilities*'. He felt it was the latter because it would then be up to the Planning Commission to decide items such as hours of operation, noise levels permitted and other specifics.

Mr. McCarthy stated he agreed with Mr. Hoffman that it was more comparable to Section 9.2 than section 9.1 in the AR Zoning District.

Mr. Brown stated he was also in agreement with the use being more similar to uses in Section 9.2.

Mr. Glasser stated his interpretation was a little more liberal and thought the use fell under Section 9.1. It was very similar and was a cross between a fraternal lodge and a church, which both were a permitted use by right.

Chairperson Sagasser stated he agreed it was very similar to a fraternal lodge and a church and also felt it was a permitted use. Most fraternal lodges and churches held banquets and he didn't see a need to place conditions on the use. He felt it gave the Planning Commission more room to govern.

Vice Chairperson Hoffman stated the Agricultural Resource Zoning District was designed as a quiet, rural area with less traffic; those types of things can be controlled with a special use permit. If it is a permitted use, then there is no control over the use in that zoning district and he felt it was something that should be decided by the Planning Commission.

Motion by Mr. Hoffman to interpret the wedding venue/banquet hall use as a comparable use to other *Permitted Uses Subject to Special Conditions* in the AR/Agricultural Resource Zoning District; Seconded by Mr. McCarthy.

Chairperson Sagasser asked if there was any further discussion.

Mr. Glasser thought it should be allowed by right, stating we are overregulated now and did not feel the Planning Commission should decide the scope of the operation.

Ms. Bono concurred.

Mr. Brown stated he wondered why fraternal lodges and churches were listed under Section 9.1 and other similar uses were restricted under Section 9.2.

Chairperson Sagasser stated he agreed with Mr. Glasser as having enough regulations; he did not feel another layer of bureaucracy was needed for something as benign as a banquet hall.

Ms. Boyak-Wohlfeil stated some of the uses listed under Section 9.2 were more restricted because of possible alcohol usage.

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Mr. Glasser stated the scope of the use increased also in Section 9.2 along with traffic flow. The intent of the AR Zoning District is to preserve the farmland and the rural beauty of the view.

Vice Chairperson Hoffman stated the rural character of the AR Zoning District could only be preserved if some control was retained.

Chairperson Sagasser requested a roll call vote for the motion on the floor:

*Roll call vote:*

Sagasser: no  
Hoffman: yes  
McCarthy: yes  
Bono: no  
Colosimo: yes  
Brown: yes  
Glasser: no

**Yes-4**

*No-3*

Motion passes

Chairperson Sagasser told Mr. Freeman he could continue with the special use permit process.

### 1. Election of ZBA Officers

Mr. Sagasser nominated for Chairperson by Mr. Glasser; Seconded by Ms. Bono  
Vote unanimous

*Mr. Sagasser elected Chairperson*

Mr. Hoffman nominated for Vice-Chairperson by Mr. Glasser; Seconded by Mr. Sagasser  
Vote unanimous

*Mr. Hoffman elected Vice-Chairperson*

Mr. McCarthy nominated for Secretary by Ms. Bono; Seconded by Mr. Hoffman  
Vote unanimous

*Mr. McCarthy elected Secretary*

### 2. Expiring Terms/Reappointment

- a. Bono
- b. McCarthy

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Ms. Bono and Mr. McCarthy completed applications to be submitted to the County. They will be reappointed by the Board of Commissioners at term end.

**Old Business:** None

**Communications:** None

**Adjournment:** 6:42 pm by Chairperson Sagasser

Mike McCarthy, ZBA Secretary

Christine Boyak-Wohlfeil, Recording Secretary