

# Otsego County Planning Commission

Approved Minutes for May 21, 2018

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

Pledge of Allegiance

**Roll Call:**

Present: Chairperson Hartmann, Vice Chairperson Jarecki, Secretary Arndt, Mr. Borton, Mr. Hilgendorf, Mrs. Norton, Mr. Klee, Mr. Caverson, Mr. Bauman, Ms. Corfis

Absent: Mr. Brown

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

Public Present: Gary Mayer, Abby Moniz, Jerry McTaggart, Forward representatives, Matt Dubs, Michelle Noiro, Bagley Township Supervisor

**Approval of minutes from:** April 16, 2018

Mr. Borton requested the following change to page 5, paragraph 3 under 'Advertised Cases' from: 'Mr. Borton stated they and the Finance Committee especially, would reduce fees'...to '*Mr. Borton stated the Board of Commissioners would reduce fees...*' as they make the final decision.

Motion made to approve minutes as amended by Mr. Klee; Seconded by Mrs. Norton.

Motion approved unanimously

**Consent Agenda:** None

**Other:** None

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

**Public Hearing:**

1. *Forward Corporation, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*Driftwood Ln  
Gaylord, MI 49735  
011-760-000-031-00*

*Property located in a R2/General Residential Zoning District  
PZSU17-003- proposed use of the property is to provide a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project*

Chairperson Hartmann stated the case before them, opened the public hearing and requested an update from Mr. Mouch.

*Public Hearing Open: 6:03pm*

Mr. Mouch stated per the request of the Planning Commission, the County Attorney had been contacted for opinion and his response was presented to the members. He read the following statement: 'Since the proposed retention pond is not a structure designed primarily for the shelter, support or enclosure of persons, animals or property, to the extent that the Planning Commission desires to consider the private deed restrictions in the Sommer & Holmes Subdivision, the prohibition against the erection and use of any "building" would not be applicable to the proposed retention pond.'

Chairperson Hartmann requested public comment.

# Otsego County Planning Commission

---

Approved Minutes for May 21, 2018

Abby Moniz, Forwards president stated they concurred with that statement and requested approval of the Special Use Permit.

Gary Mayer, Sommer & Holmes Subdivision property owner, stated there had been many problems over the years and he had signatures from thirteen (13) other property owners in the subdivision requesting the case be rejected for health safety reasons and property values. He said probably 40,000 gallons have previously been released over time and they did not need a hole in the ground.

Jerry McTaggart, Forward CEO stated 20,000 – 25,000 gallons had been released and every bit of it had been reclaimed back in 2000 with no injury to any property holder in the area.

Mr. Mayer presented the statement from the property owners and asked Chairperson Hartmann to read it aloud.

Chairperson Hartmann read the statement with the owner's signatures. (*SEE ATTACHMENT 1*)

Mr. Mayer questioned why only five (5) property owners were notified when there were fifty-three (53) owners in the subdivision.

Chairperson Hartmann replied the Ordinance required that property owners within three hundred feet (300') of the proposed site be notified of a public hearing.

Mr. Taggart stated this was a retention pond; it would not be obtrusive or offensive and if a spill occurred, it would be easily extracted. He continued saying any retail property in a city must have retention to prevent water from leaving the property and flowing onto the streets; this should not present a problem to anyone. The ground water flowed primarily to the northeast or southeast and posed no threat to the neighboring properties. He felt it was a very good transitional use to the property.

Mr. Mayer still objected to the retention pond.

Chairperson Hartmann requested comment from Mr. Arndt, representing Bagley Township.

Mr. Arndt stated he understood the concerns of the neighboring property owners but taking the experts' opinions into consideration, they could not reasonably deny the request. If the water flow is managed responsibly there isn't a problem; any contaminates would be above ground.

Mr. Taggart stated this would be a storm water runoff situation; with all the safety precautions put in place with gas station facilities, they are very cognitive of their responsibility. They learned their lesson at this site and felt the concerns were very minimal.

Mr. Mayer stated he worked in the oil business for forty-four years (44) and knew about pollution; they just wanted to protect their property.

Chairperson Hartmann closed the public hearing

*Public Hearing Closed: 6:18pm*

## **Advertised Case:**

- 1. Forward Corporation, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*Driftwood Ln  
Gaylord, MI 49735  
011-760-000-031-00*

*Property located in a R2/General Residential Zoning District  
PZSU17-003- proposed use of the property is to provide a storm water retention pond / snow storage for an adjacent City of Gaylord gas station project*

Chairperson Hartmann read aloud Article 19 Permitted Uses Subject to Special Conditions Section 19.7 to confirm conditions met. (*SEE ATTACHMENT 2*)

# Otsego County Planning Commission

---

Approved Minutes for May 21, 2018

Mr. Arndt suggested placing a fence around the pond for safety purposes should there be standing water.

Mr. Taggart stated it was unlikely standing water would be a concern but if for some reason it was, Forwards would install a fence along the north and west sides of the pond bordering the residential properties. They would like the east and south sides left open for snowplowing.

Chairperson Hartmann asked Mr. Mayer if placing a condition on the property would alieve some of their concerns.

Mr. Mayer stated considering the amount of snowmobilers in the area it would hamper their use and he would not request a fence.

Mr. Arndt stated if it becomes an issue, it would be requested.

Mr. Taggart stated they would commit to it if need be.

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to approve PZSU17-003 for a retention pond/snow storage located in Bagley Township; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Chairperson thanked everyone for their input.

## **Public Hearing:**

### *2. Section 21.33 Recreational Equipment or Trailer Proposed Text Amendment Proposed amendments to the above section of the Otsego County Zoning Ordinance*

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

*Public Hearing Open: 6:32pm*

No public remained for comment.

Mr. Mouch explained the changes to Section 21.33 Recreational Equipment stating the section was made more simplistic and was brought to standards with the International Zoning Code as well as surrounding counties. Permits would no longer be required and township input was also taken into consideration.

Vice Chairperson Jarecki questioned if the sixty day (60) maximum camping timeframe was long enough.

Mr. Mouch stressed the temporary residency side of camping.

Chairperson Hartmann closed the public hearing.

*Public Hearing Closed: 6:39pm*

## **Advertised Case:**

### *2. Section 21.33 Recreational Equipment or Trailer Proposed Text Amendment Proposed amendments to the above section of the Otsego County Zoning Ordinance*

Ms. Corfis requested clarification on camping in a tent in a R1 Zoning District.

Mr. Mouch stated that would not be allowed according to the language.

Ms. Corfis questioned if a campground was a good use in a B1 Zoning District and stated it was not listed as such.

Mr. Mouch stated it would fall under the permitted uses of 10.2.1:

*Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums*

He also stated it would require a special use permit and would have to go before the Planning Commission for approval.

# Otsego County Planning Commission

---

Approved Minutes for May 21, 2018

Vice Chairperson Jarecki wondered if it was known camping was not allowed in a R1, R2 Zoning District.

Mr. Mouch stated it was suggested by Mr. Hilgendorf that a booklet be sent out listing the allowable uses in the zoning districts that might affect the community on a regular basis.

Chairperson Hartmann requested a motion.

Motion made by Mr. Klee to recommend the amendments to Section 21.33 Recreational Equipment to the Otsego County Board of Commissioners; Seconded by Mr. Arndt.

Motion approved unanimously.

**Unfinished Commission Business:** None

## **New Business:**

Chairperson Hartmann stated there was new business before them concerning a proposed mobile home zoning district and singlewide mobiles. He asked Mr. Mouch to comment.

Mr. Mouch stated singlewide mobiles were not allowed in residential zoning districts and once one was removed from site, it could not be replaced. After some research, it was discovered there were platted mobile home subdivisions in the County with state licenses that had lapsed. He was proposing a new zoning district for those subdivisions to continue as platted with newer mobiles. He suggested sending it to townships for input.

Ms. Corfis questioned if an age could be placed on a replacement home.

Mr. Mouch stated he would like to see a sustainable age placed in the Ordinance so it would not have to be amended regularly. He also stated the possibility of an inspection to be sure everything was up to code before allowing one in the County. He was waiting on a reply from the County Attorney.

Chairperson Hartmann requested a motion to send the information to townships for input.

Motion made by Mr. Arndt to approve sending for township consideration to rezone and allow singlewide trailers in specific platted areas where singlewide trailers were formerly allowed in Bagley Township and Otsego Lake Township. The following areas are:

***Bagley Township:*** Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates I, Maple Grove Estates II and Parkwood Subdivision

***Otsego Lake Township:*** Arbutus Beach Highlands;

Seconded by Mr. Bauman

Motion approved unanimously.

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

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated the Committee had taken a tour of the Groen property to observe some of the changes happening with the ranger station, the Groen home, Mr. Groen's office that had been preserved and moved up from Ohio and some of the signage; the Parks department's new truck had arrived and was put to use with the snowfall in April, the two (2) lots purchased at the County Park entrance had been approved and bids for improvements were extended out until October, the beach had been made larger due to water levels, employees had been hired and a clean-up weekend had been held with good results despite the remaining snow piles.

2. Land Use Services report/Jim Mouch

Mr. Mouch stated he had distributed the monthly reports for each township depicting permits and enforcements to date and in comparison to the last few years. He also requested the possibility of a committee to review the business districts B1, B2 and B3 to correlate with the building code and the international verbiage.

# Otsego County Planning Commission

---

Approved Minutes for May 21, 2018

Chairperson Hartmann requested volunteers.

Mr. Caverson, Mr. Klee, and Mr. Arndt volunteered to join Mr. Hartmann for review of the business districts. Mr. Hilgendorf stated he may be able to attend depending on when the meetings were. Chairperson Hartmann invited all members to attend.

Mr. Borton stated the Board of Commissioners had approved a per diem and mileage for committee meetings. He hoped it would be incentive for more people to get involved. He commented the City's plans for the Forwards station were very nice although they did not follow the Alpine theme. He stated it would be a welcome addition to the south end of town.

Mr. Hilgendorf stated the Groen Committee had their first meeting since the final transfer of property. They were moving the entrance to Heatherton Rd off of M-32 and developing a parking lot. A sidewalk would also be added. He discussed the mileage being added to the November ballot for the University Center and commented on the ballot language concerning the DDA and other verbiage that had to be abided by.

Mrs. Jarecki stated Corwith's Parks & Rec along with the Village were still working on their Gateway to Trail Town and would probably complete the parking lot this year.

Mr. Hartmann stated the Elmira Township Planning Commission did a 1.7 mile highway cleanup along M-32 the beginning of the month and had collected about eight (8) bags. It would have been more if not for the remaining snow and ice. He stated the Township had received a \$15,000 DNR grant and another \$5,000 grant from the Great Lakes Energy People Fund. It will be used for their park.

Mr. Arndt stated he would let the township supervisor discuss Bagley Township since she was present.

Michelle Noirot stated Bagley Township would be adding another precinct to their district because of their population growth, although she was unsure how the precincts would be mapped. They were also looking into either purchasing a new building or enlarging the existing township hall and there was interest in new business in areas along the new trail.

Ms. Corfis stated they had not had a meeting but it looked like they would have an agenda for June discussing the mobile homes zoning district.

Chairperson Hartmann adjourned the meeting.

**Adjournment:** 7:18pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

# Otsego County Planning Commission

Approved Minutes for May 21, 2018

## ATTACHMENT 1:

### PETITION

SUBJECT: Forwards Corp. Storm Water Retention Pond  
DESCRIPTION: Lot 31 Summers & Holmes Subdivision  
Parcel ID#011-760-000-031-00

We the property owners of Summers & Holmes Subdivision REJECT the proposed "special use permit" for a storm water retention pond on lot 31.

In consideration of the property owners for their quality of life and health and the value of ones' property; this is being REJECTED.

The building and use restrictions prohibit any other use; as set forth in instrument dated November 2nd, 1956 and recorded November 7<sup>th</sup>, 1956, in Liber 70, pages 365-368, Otsego County Records.

NAME	ADDRESS	SIGNATURE	DATE	
		<i>Samh M Smith</i>	<i>656 DRIFTWOOD LN.</i>	<i>5-15-18</i>
1.	<i>Mimi C. Smith</i>	<i>656 DRIFTWOOD LN</i>	<i>5-11-18</i>	
2.	<i>Donald J. Brisson</i>	<i>626 Poplar Dr</i>	<i>5-11-18</i>	
3.		<i>J B</i>	<i>5-11-18</i>	
4.	<i>Rachel Buchholz</i>	<i>608 Poplar Dr.</i>	<i>5-11-18</i>	
5.	<i>Samine Hill</i>	<i>607 Poplar Dr.</i>	<i>5/11/18</i>	
6.	<i>Ann Mayer</i>	<i>647 Poplar Dr</i>	<i>5-12-18</i>	
7.	<i>Ann M Mayer</i>	<i>647 Poplar Dr</i>	<i>5-12-18</i>	
8.	<i>Lisa M. Stemb</i>	<i>1415 Aaron Ln</i>	<i>5-16-18</i>	
9.	<i>Robert Temple</i>	<i>Poplar Dr.</i>	<i>5-17-18</i>	
10.	<i>John Wolfe</i>	<i>1050 PATRICK DR</i>	<i>5-18</i>	
	<i>Kip</i>	<i>538 Driftwood Ave</i>	<i>5-21-18</i>	

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NAME	ADDRESS	SIGNATURE	DATE
11.	Barbara DeLuca	1050 Palmetto	5-18-18
12.	Midge Manoselli	638 Driftwood Ln.	5-21-18
13.			
14.			
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21.			

# Otsego County Planning Commission

Approved Minutes for May 21, 2018

## ATTACHMENT 2:

### 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 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**

# Otsego County Planning Commission

---

Approved Minutes for May 21, 2018

## 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. Arndt to approve PZSU17-003 for a retention pond/snow storage located in Bagley Township; Seconded by Mr. Hilgendorf.

Motion approved unanimously.