

Otsego County Planning Commission

Approved Minutes for June 18, 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. Brown, Mrs. Norton, Mr. Klee, Mr. Caverson, Ms. Corfis

Absent: Mr. Hilgendorf, Mr. Bauman

Staff Present: Mr. Mouch

Public Present: Mike Bieniek, LCC Telecom Services, Dave Drews, Northern Michigan Engineering Inc, David Delaney, Attorney, Todd Seidell, Seidell Architects, Michelle Noirot, Bagley Township Supervisor, Scott Sanders, Preston Feather, Bill Raymond, Luke Noss, Phil Hofweber, Jim Lappan Sr, Barb Lappan

Approval of minutes from: May 21, 2018

Motion to approve minutes as presented; approved unanimously.

Consent Agenda: None

Other: Mike Bienick, LLC Telecom Services: Allowable tower height for proposed wireless tower located in R3 Zoning District

Mr. Bieniek stated he had spoken with Elmira Township and Land Use Services staff regarding installation of a tower exceeding the 150 ft. limit in a R3 Zoning District. The tower to be installed would be 190 ft. plus an 8 ft. lightning rod extension for a total height of 198 ft. Mr. Bieniek said he was made aware the tower height could not be approved in a R3 Zoning District and wanted to know the process to get this project approved.

Chairperson Hartmann stated a committee may be formed; he will contact Elmira Township to look into the matter and get back with him.

Public participation for items not on the agenda: None

Public Hearing:

1. *Eagle Commerce Park LLC, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*400 Chestnut Ct
Gaylord, MI 49735
010-021-400-005-04 / 010-021-400-005-05*

*Property located in a B3/Business, Light Manufacturing Zoning District
PZSU18-001- The proposed use of the property is to create a forty-four (44) unit site condominium development to be done in phases for commercial uses in a B3 Zoning District.*

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

Public Hearing Open: 6:11pm

Dave Drews, Northern Michigan Engineering Inc., representing Eagle Commerce Park LLC, stated the Site Condominium was a commercial project and explained that it would be completed in phases. They were aware a Special Use Permit would be required for each additional phase. Mr. Drews stated he was seeking conditional approval to move forward with Phase 1.

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

Mr. Arndt stated Bagley Township was recommending conditional approval for the Special Use with the completion of paperwork being submitted to Land Use Services.

Chairperson Hartmann requested public comment; hearing none, continued.

Chairperson Hartmann closed the public hearing

Public Hearing Closed: 6:35pm

Advertised Case:

1. *Eagle Commerce Park LLC, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

400 Chestnut Ct

Gaylord, MI 49735

010-021-400-005-04 / 010-021-400-005-05

Property located in a B3/Business, Light Manufacturing Zoning District

PZSU18-001- The proposed use of the property is to create a forty-four (44) unit site condominium development to be done in phases for commercial uses in a B3 Zoning District.

Chairperson Hartmann read aloud Article 19 Permitted Uses Subject to Special Conditions Section 19.7 to confirm conditions met. (*SEE ATTACHMENT 1*)

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to approve PZSU18-001, Phase 1 of the Site Condominium development for commercial uses located in Bagley Township with the condition that the appropriate paperwork be submitted and approved by the Land Use Services Department; Seconded by Mr. Brown.

Motion approved unanimously.

Public Hearing:

2. *Dean Bach, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

4029 Old 27 South

Gaylord, MI 49735

010-028-200-020-01

Property located in a B3/Business, Light Manufacturing Zoning District

PZSU18-002- The proposed use of the property is to remodel the existing building as a restaurant.

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

Public Hearing Open: 6:40pm

Todd Seidell, Seidell Architects, representing Dean Bach, stated the existing building would be remodeled to become the Iron Belle Restaurant. He discussed changes to be made and explained the building would have an occupancy count of ninety-nine (99) and would serve food and drinks.

Ms. Corfis questioned if the amount of parking spaces provided met the Otsego County Zoning Ordinance.

Mr. Seidell stated the site was large enough to meet the Ordinance requirements of thirty-three (33) parking spaces and the site plan would be amended accordingly.

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

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Mr. Arndt stated Bagley Township recommended the Special Use be approved conditionally with the completion of paperwork submitted to Land Use Services.

Chairperson Hartmann requested public comment; hearing none, continued.

Chairperson Hartmann closed the public hearing

Public Hearing Closed: 6:56pm

Advertised Case:

2. *Dean Bach, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*4029 Old 27 South
Gaylord, MI 49735
010-028-200-020-01*

*Property located in a B3/Business, Light Manufacturing Zoning District
PZSU18-002- The proposed use of the property is to remodel the existing building as a restaurant.*

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

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to approve PZSU18-002 for the remodel of the existing building as a restaurant/tavern located in Bagley Township with the condition of thirty-three (33) parking spaces be made available to the structure in accordance to the Otsego County Zoning Ordinance; Seconded by Mr. Brown.

Motion approved unanimously.

Public Hearing:

3. *Dean Bach, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*4055 Old 27 South
Gaylord, MI 49735
010-028-200-020-02*

*Property located in a B3/Business, Light Manufacturing Zoning District
PZSU18-003 - The proposed use of the property is to construct an outdoor pavilion for community gathering events.*

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

Public Hearing Open: 7:03pm

Todd Seidell, Seidell Architects, representing Dean Bach, stated the adjoining property would be used to construct a pavilion for outdoor gatherings and to supplement the Iron Belle Restaurant.

Ms. Corfis questioned if restrooms would be available.

Mr. Seidell stated portable restrooms would be brought on site to service patrons whenever a gathering was scheduled.

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

Mr. Arndt stated Bagley Township was recommending the Special Use be approved conditionally and with each gathering taking place, the requirements of the Health Department of Northwest Michigan 95 be met for the use of portable facilities regarding occupancy load.

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Chairperson Hartmann requested public comment; hearing none, continued.

Chairperson Hartmann closed the public hearing

Public Hearing Closed: 7:15pm

Advertised Case:

3. *Dean Bach, property owner, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*4055 Old 27 South
Gaylord, MI 49735
010-028-200-020-02*

*Property located in a B3/Business, Light Manufacturing Zoning District
PZSU18-003 - The proposed use of the property is to construct an outdoor pavilion for community gathering events.*

Chairperson Hartmann read aloud Article 19 Permitted Uses Subject to Special Conditions Section 19.7 to confirm conditions met. (SEE ATTACHMENT 3)

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to approve PZSU18-003 for the construction of a pavilion located in Bagley Township to house patrons for outdoor gatherings with the correct number of parking spaces being made available for the occupancy load along with the requirements of the Health Department of Northwest Michigan 95 for use of portable facilities also regarding occupancy load; Seconded by Mr. Brown.

Motion approved unanimously.

Unfinished Commission Business:

1. Mobile Home Zoning Districts – Bagley Township, 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

Chairperson Hartmann requested an update from Mr. Mouch concerning the Mobile Home Zoning Districts.

Mr. Mouch stated he had met with the supervisors of Bagley Township and Otsego Lake Township and had requested legal opinion from the County Attorney. He stated both Townships were in favor of the change in zoning these areas and he asked Mr. Hartmann to read the “INTENT” of the zoning district aloud.

Chairperson Hartmann read aloud the “INTENT” for **Article 5b R2b Residential District** as follows:

The R2b Zoning District is designed to provide Lots with Setback requirements for **Building One (1) Family Dwelling** which includes **Mobile Homes** equal to or greater than fourteen (14) feet in width within the following recorded plats located in Bagley Township (Gaylord Mobile Home Estates; Hidden Pines Mobile Estates; Maple Grove Estates 1; Maple Grove Estates 2; Parkwood Subdivision) and Otsego Lake Township (Arbutus Beach Highlands). (SEE ATTACHMENT 4)

Chairperson Hartmann recommended sending the proposed section to Townships for review and input.

Planning Commission members concurred unanimously.

New Business: None

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Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki
2. Land Use Services report/Jim Mouch

Chairperson Hartmann adjourned the meeting in consideration of the time.

Adjournment: 7:55pm 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 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. Arndt to approve PZSU18-001, Phase 1 of the Site Condominium development for commercial uses located in Bagley Township with the condition that the appropriate paperwork be submitted and approved by the Land Use Services Department; Seconded by Mr. Brown.

Motion approved unanimously.

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ATTACHMENT 2:

FINDINGS UNDER ARTICLE 19 / PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

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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.
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ATTACHMENT 3

FINDINGS UNDER ARTICLE 19 / PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

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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.

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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. Arndt to approve PZSU18-003 for the construction of a pavilion located in Bagley Township to house patrons for outdoor gatherings with the correct number of parking spaces being made available for the occupancy load along with the requirements of the Health Department of Northwest Michigan 95 for use of portable facilities also regarding occupancy load; Seconded by Mr. Brown.

Motion approved unanimously.

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ATTACHMENT 4:

ARTICLE 5b R2b RESIDENTIAL DISTRICT

INTENT

The R2b Zoning District is designed to provide Lots with Setback requirements for Building One (1) Family Dwellings which includes Mobile Homes equal to or greater than fourteen (14) feet in width within the following recorded plats located in Bagley Township (Gaylord Mobile Home Estates; Hidden Pines Mobile Estates; Maple Grove Estates 1; Maple Grove Estates 2; Parkwood Subdivision) and Otsego Lake Township (Arbutus Beach Highlands).

Definitions:

Accessory Structure:	An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage.
Building:	Any structure used or intended for supporting or sheltering any use or occupancy.
Dwelling:	A detached dwelling, Single (1) Family Building providing space for living, sleeping, eating or cooking, bathrooms, toilet compartments, closets, halls, storage/utility space and connected to the required utilities.
Manufactured Dwelling:	A detached dwelling, Single (1) Family Building, transportable in one (1) or more sections, which is built on a chassis and designed with or without a permanent foundation providing space for living, sleeping, eating or cooking, bathrooms, toilet compartments, closets, halls, storage/utility space and connected to the required utilities.
Setback:	The minimum required distance between the property line and the building line.

SECTION 05b.01 **Principal Uses Permitted**

No Building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses with a approved Building and Zoning Application for Permit:

Section 05b.01.01:	A Dwelling, Single (1) Family Building shall be allowed provided the following regulations are met: <ul style="list-style-type: none">• R2b Zoning District "Schedule of Dimensions" (Article 17-Schedule of Dimensions and Setbacks).• Minimum area of building must be seven hundred twenty (720) sq. ft.• Minimum width of structure must be fourteen (14) feet.
Section 05b.01.02 Manufactured Home:	A Manufactured Dwelling, Single (1) Family Building shall be allowed provided the following regulations are met: <ul style="list-style-type: none">• R2b Zoning District "Schedule of Dimensions" (Article 17-Schedule of Dimensions and Setbacks).• Minimum area of building must be seven hundred twenty (720) sq. ft.• Minimum width of structure must be fourteen (14) feet.• A manufactured Dwelling, Single (1) Family Building Title Date shall not exceed 15 years from application date.
Section 05b.01.03	An Accessory Building shall be allowed provided the following regulations are met: <ul style="list-style-type: none">• R2b Zoning District "Schedule of Dimensions" (Article 17-Schedule of Dimensions and Setbacks).• Maximum area of building shall not exceed twelve hundred (1200) sq. ft.• An Accessory Building shall not be used for residences.• An Accessory Building may not be used for commercial storage.

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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](#))

ZONING DISTRICT	R1 & R2	R2B	R3	RR	FR & AR	RESERVED FOR FUTURE USE
MIN. LOT ARE (SQ FT)	20,000 .46 ACRE	8,000	40,000 .92 ACRE	20,000 .46 ACRE	88,000 2.02 ACRE	
MIN. FRONT SETBACK	25 ft	10 ft	25 ft			
MAX. FRONT SETBACK	NA	NA	NA	NA	NA	
MIN. SIDE SETBACK	10 ft	10 ft	10 ft	10 ft	20 ft	
MIN. REAR SETBACK	30 ft	10 ft	30 ft (a,h)	30 ft (a,h)	40 ft (a)	
MIN. LOT WIDTH(k)	100 (ft) 150 (ft) DUPLEX	80 ft	100 ft	100 ft	150 (ft) 300 (ft) DUPLEX AR	
MAX. % LOT COVERAGE	25%	30%	25%	25%	30%	
MAX. BUILDING HEIGHT(l)	35 ft (g)	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)	720(i)	
MIN. WIDTH OF PRINCIPAL STRUCTURE	20 ft	14 ft	14 ft	20 ft	14 ft	

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SECTION 18.21 LOADING AND UNLOADING (OFF-STREET)

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be computed separately from the Off-Street Parking Requirements and shall be provided as follows:

18.21.1 Within a B1 or B2 District, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building.

18.21.2 Within an I District, loading spaces shall be laid out in the dimensions of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with durable and dustless surface. All spaces in I Districts shall be provided in the following ratio of spaces to floor area:

<u>GROSS FLOOR AREA</u> <u>(In square feet)</u>	<u>LOADING AND UNLOADING</u> <u>SPACE REQUIRED</u>
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0 - 1,400	None
1,401 - 20,000	One (1) space
20,001 - 100,000	One (1) space plus one (1) space each 20,000 sq. ft., in excess of 20,000 sq. ft.
100,001 - and over	Five (5) spaces

18.21.3 All loading and unloading in I Districts shall be provided only in the rear yard, interior side yard, or exterior side yards that have a common relationship with an industrial district across a public thoroughfare.

SECTION 21.22 MANUFACTURED OR SITE BUILT DWELLING LESS THAN 16 FEET WIDE

Dwelling units less than sixteen (16) feet wide may be used for a one (1) family dwelling in R2b, R3, AR and FR zones and must comply with [Article 14 SCHEDULE OF DIMENSIONS](#).

21.22.1 On-site work requiring a building permit shall be complete before placing a manufactured unit on the individual lot.

21.22.2 On-site construction work shall be in accordance with the State Building Code, in conjunction with the manufacturer's specifications.

21.22.3 The perimeter of a manufactured unit after placement shall be skirted with approved materials and shall be aesthetically comparable to on-site construction.

21.22.4 On-site structural additions to a manufactured unit shall comply with the State Building Code and shall not impose any loads on the unit or nullify any warranties of the unit. No addition shall interfere with the egress, light or ventilation of the unit. Removal of the original manufactured unit for any reason shall be the responsibility of the owner.

21.22.5 Manufactured expandos, add-a-rooms, compatible with the unit are allowed and shall comply with this section. All manufactured additions must have the approval of an inspection agency.

21.22.6 ~~UNITS MANUFACTURED PRIOR TO 1976 (TITLE DATE) SHALL NOT BE INSTALLED.~~
A manufactured Dwelling, Single (1) Family Building Title Date shall not exceed 15 years from application date.