

Otsego County Planning Commission

Approved Minutes for November 19, 2018

Call to Order: 6:00pm by Vice Chairperson Jarecki

Pledge of Allegiance

Roll Call:

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

Absent: Mr. Klee, Mr. Hartmann (*Excused*)

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

Public Present: Brenda Cross, Aaron Switalski, Heather Compton, Lynda Allmacher, Allen Allmacher, Patrick Childers, Brian Royce, Mon Royce, Cal Royce, Gabe Williams, Mike Perdue, Gary Johnson, Randy Stults

Others Present: Mary Sanders, Hayes Township Supervisor, Michelle Noirot, Bagley Township Supervisor, Tom Wagar, Otsego Lake Supervisor, Rachel Frisch, Otsego County Administrator

Approval of minutes from: October 15, 2018

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

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearing:

1. *Otsego County Zoning Ordinance – The Rezone request for the following subdivisions located in Bagley Township to be rezoned to a R3 Zoning District:*
 - 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 1-4*

Vice Chairperson Jarecki stated the case before them, requested a statement from Mr. Mouch and opened the public hearing.

Public hearing opened: 6:02pm

Mr. Mouch read the following:

INTENT

Problem:

It has been recognized that there are five (5) recorded plats located within Bagley Township (Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates 1 & 2, Parkwood Subdivision) and one (1) recorded plat located within Otsego Lake Township (Arbutus Beach Highlands 1-4) that are currently zoned R1/R2. Because these mentioned plats are R1/R2, many of these single family dwellings become non-compliant and are unable to be replaced or made alterations to.

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Advisement:

The County Attorney was contacted to advise the Planning Commission on how to amend the zoning ordinance to allow structures less than 20 feet to be voluntarily replaced or altered when the need should arise such as a natural disaster, structure fire, structure modification or the addition of a structure less than 20 feet in width to a vacant lot.

The County Attorney has advised the Planning Commission to rezone these platted areas to R3 to allow for the replacement or addition of structures less than 20 feet in width in these areas.

There is also a text amendment to Section 21.22.6 of the Otsego County Zoning Ordinance to read "Units manufactured shall have a Title date not to exceed fifteen (15) years from the zoning application date." This is placed in the motion to assure that within reason, new structures that are added to these areas meet updated Building, Energy, Electrical, Mechanical and Plumbing Codes.

Vice Chairperson Jarecki requested public comment.

Brenda Cross, subdivision resident, stated she felt it was unconstitutional to change the zoning and did not think they were being treated as single family homes equal to others. The minimum lot size for the redistricting was 0.92 acres with a minimum of one hundred feet (100') in width which meant they could not rebuild or add a structure without purchasing additional lots to meet the redistricting requirement. Most lots are not large enough to meet this. She felt the subdivision would become more commercialized and their properties would be devalued with the change. The Michigan Supreme Court ruled that mobile homes could not be treated any differently from other types of homes. She did not see any reason to change the districting or why they could not be issued permits under the R2 districting. She questioned if this was occurring throughout the County or just them.

Secretary Arndt stated the Planning Commission recognizes most of the lots in these subdivisions do not currently meet the minimum size and width and therefore, would not be able to build or rebuild as it was zoned now but they were trying to change that tonight. If a unit were to break down, it would be able to be replaced.

Ms. Cross questioned the fifteen (15) year age requirement for mobile homes because mobiles lasted longer than that and also why a variance could not be requested on a case by case basis if a home were to be destroyed. These mobiles were a solution to affordable housing and she felt the County was creating a bigger problem.

Mr. Mouch stated this rezoning would make the district less restrictive and would help, not hinder the process.

Tom Serino, property owner as well as property manager for other landlords, stated he offered low income housing to people in this lower demographic but with the increase in minimum lot size it seemed more restrictive and he did not see how a single wide could be placed in the subdivision and meet the requirements. He did not feel it was fair to these people.

Tom Wagar, Otsego Lake Township Supervisor, stated the idea was presented to him a few months ago and he felt that reducing the restrictions to allow a replacement of a mobile instead of trying to repair a structure that should be torn down and removed should be allowed.

Vice Chairperson Jarecki requested further comment, hearing none closed the public hearing.

Public hearing closed: 6:19pm

Advertised Case:

Otsego County Zoning Ordinance – The Rezone request for the following subdivisions located in Bagley Township to be rezoned to a R3 Zoning District:

- 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 1-4*

Vice Chairperson Jarecki requested comments from the Planning Commission.

Mr. Caverson questioned if the minimum lot size would change from 0.46 acres to 0.92.

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Haider Kazim, Otsego County Attorney, stated the scope of the rezoning only applied to the six (6) subdivisions, five (5) in Bagley Township and one (1) in Otsego Lake. The reason this rezone request was initiated was:

- 1) the mobiles in these subdivisions were not in compliance with the minimum width of structure in the current zoning district; most of them were less than twenty feet (20') wide;
- 2) the existing lot size currently in these areas is between 0.20 and 0.30 acres which is less than the 0.46 acre minimum lot size and also non-compliant and;
- 3) the structure's age was also an issue; structures have either been destroyed by fire or become so dilapidated and deteriorated over time, they needed to be replaced.

With the current zoning, replacement of any of these structures with a similar structure could not be allowed because the requirements could not be met. If these subdivisions were rezoned to R3, parcels would not meet the 0.92 acres minimum lot size but that requirement in most cases is not currently being met either. These properties would be considered lawful non-conforming because they are in existence prior to a zoning change. As far as requesting a variance, variances should be issued sparingly and a variance would have to meet certain criteria showing a particular property is unique from other properties in the zoning district; lot size would not apply. Rezoning the subdivision would be a more efficient way of accomplishing this. Much of the requirements in R3 are the same as in other residential districts such as minimum square footage, minimum lot width and setbacks; the only difference would be minimum lot size and minimum structure width. This rezone would be a benefit as far as the minimum structure width and the current lot sizes would be considered lawful non-conforming.

Ms. Cross stated she already purchased an additional lot to meet the 0.46 acres required under the current zoning district. She did not think it was fair to have to purchase more to meet the larger lot size nor did she think her neighbors would sell. She would like to build in the future but could not because of the larger lot requirement.

Mr. Brown questioned how one would know that these are non-conforming lots in the future.

Mr. Kazim stated any property currently in existence in these subdivisions would be considered lawful non-conforming. These properties are part of public record and the Zoning Department could determine if a property is lawful non-conforming. Property owners will not be penalized for a parcel less than the minimum 0.92 acres if it existed prior to the date of the rezone. If a larger existing lot were to be divided and the parcels did not meet the requirement of 0.92 acres, they could not claim lawful non-conformity.

Vice Chairperson Jarecki explained if an existing lot was 0.26 acres, it would be considered a non-conforming lot and could be built on; an owner would not have to purchase additional lots to meet the minimum of 0.92 acres.

Secretary Arndt stated maybe an attachment could be added depicting the lots as they currently are for future reference. He also stated according to the Schedule of Dimensions the minimum structure width in a R3 Zoning District is eleven feet (11'); maybe this should be changed to fourteen feet (14'), the more current width of a single wide. He thought this was a concern and should be addressed even though it was unlikely an eleven foot (11') mobile could meet the other approval requirements.

Mr. Kazim stated that issue was being addressed with the proposed text amendment pertaining to mobile homes but there were other parcels throughout the County zoned R3 that may wish to construct an eleven foot (11') wide building and this rezone should not be applicable to them.

Mr. Caverson questioned when the first zoning ordinance came into existence.

It was stated the zoning ordinance went into effect sometime in the late sixties-early seventies.

Mr. Caverson stated the plats were dated when they were created so these lots would be considered lawful non-conforming if they existed prior to the zoning ordinance.

Mr. Kazim concurred.

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Mr. Caverson continued, stating they were not correcting something that previously existed. This was initiated to help people whose homes were destroyed by fire or other natural disasters but there were many other lots that existed outside of these subdivisions that were lawful non-conforming and this was not helpful at all.

Mr. Churches stated these lots were non-conforming to begin with and with homes having been destroyed, people were bringing in single wide mobiles that did not meet the minimum structure width. The ordinance stated that any non-conforming structure that was destroyed more than sixth percent (60%) could not be replaced unless current requirements were met. This was a solution to that issue.

Mr. Caverson stated this was not what he thought they had set out to do; this applied to only six (6) areas, not county wide so it did not help anyone outside of these areas.

Mr. Stults stated that prior legal counsel because of issues that occurred with the ordinance, had recommended the ordinance be repealed and reenacted so any lots in any existing subdivision in existence prior to the reenactment would have become a lawful non-conforming lot.

After much discussion concerning lawful non-conformities, it was stated forty –fifty percent (40-50%) of the lots in the County were lawful non-conforming lots. These six (6) subdivisions with non-conforming lots were a non-issue in the scheme of things.

Mr. Kazim stated these lots are already in existence with plenty of information to convey that. The County can determine if these lots are non-conforming with the information in their database. The only issue would arise if someone wished to divide lots that did not meet the 0.92 acres minimum; they would not be lawful non-conforming.

Ms. Corfis questioned if there would be two (2) classes of R3 and would this apply only to these subdivisions with smaller lots or to all non-conforming parcels in the R3 Zoning District.

Mr. Kazim stated lawful non-conforming status applies to properties throughout the County and all lawful non-conforming parcels were afforded the same rights as conforming.

Ms. Corfis questioned if a lot was created after the zoning ordinance in the seventies if it would still be non-conforming.

Mr. Kazim stated it would depend on what the required dimensions were back then as to its non-conformity. If any lot in a R3 Zoning District was in existence as of July 10, 2018, would be lawful non-conforming; anything created after that date would not.

Mr. Caverson stated this was not what they had started out to do and in his opinion, this did not help any other property owners in the County except in these subdivisions.

Ms. Cross questioned the fifteen (15) year title change and how it would affect passing her property on to her family.

Mr. Kazim stated as long as the structure stays on the property, it doesn't matter if the owner passes away or if it is deeded to someone else but if it were to be replaced, it would have to meet the fifteen (15) year title date from the application date.

Mr. Johnson questioned why the width of the structure could not be changed to fourteen feet (14') to ensure an eleven foot (11') mobile was not placed in these subdivisions.

Mr. Kazim explained that a change to the Schedule of Dimensions would impact the entire County and could not be required of just these subdivisions.

Ms. Corfis stated the information presented to Otsego Lake Township did not include the text amendment so that was not discussed at their planning commission; had it been, their conversation may have changed and impacted their decision.

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Mr. Kazim stated the County only heard from Bagley and Otsego Lake Township's Planning Commissions but nothing from the Township Boards. Under Article 27, a decision of approval or rejection must come from the Township Board. A formal decision one way or the other had not been received within the timeframe from either Township.

Vice Chairperson Jarecki asked for any further discussion, hearing none requested a motion.

Motion made by Mr. Arndt to recommend to the Otsego County Board of Commissioners the rezoning of parcels in Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates 1 & 2 and Parkwood Subdivisions located in Bagley Township and parcels in Arbutus Beach Highlands 1-4 Subdivision located in Otsego Lake Township from their respective zoning districts to the R3/Residential Estates Zoning District. In addition, the current language contained in Section 21.22.6 of the Otsego County Zoning Ordinance, which reads "Units manufactured prior to 1976 (title date) shall not be installed." be removed and Section 21.22.6 be amended to read, "Units manufactured shall have a Title date not to exceed fifteen (15) years from the zoning application date."; Seconded by Mr. Brown.

Vice Chairperson Jarecki called for a roll call vote.

Roll call vote: 8-1

Motion passes

*Finding of Fact (SEE ATTACHMENT 1)

Public Hearing:

2. *Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Rezone for three (3) contiguous parcels located in Hayes Township:*

<u>071-001-100-005-02</u>	<u>071-001-100-005-03</u>	<u>071-001-100-005-04</u>
M-32 West	M-32 West	M-32 West
Gaylord, MI 49735	Gaylord, MI 49735	Gaylord, MI 49735

PZRZ18-004, -005, -006 - *Property is currently zoned B1/Local Business with a request to be rezoned to B2/General Business.*

The proposed purpose of the rezone is to permit construction of storage units for commercial purposes.

Vice Chairperson Jarecki stated the case before them, opened the public hearing and requested input from Land Use Services.

Public hearing opened: 7:04pm

Chris Churches stated this was a request for a rezone of three (3) parcels in Hayes Township to be rezoned from B1 to B2. The proposal is for indoor storage units, thirty (30) buildings proposed for three (3) lots for a total of eight hundred forty (840) units. Indoor storage units are not a permitted use in a B1 Zoning District. A special use permit would be required in a B2 Zoning District. Hayes Township approved both the rezone and special use permit for the three (3) parcels on October 9, 2018.

Brian Royce, applicant representing the owners, stated he and his family, were looking to purchase the property and they felt there was a strong demand for storage units in the County. Current population is roughly 25,000 people not including the seasonal people and the current storage units are running at approximately ninety percent (90%) capacity or higher. With the growth increase of the County, they felt this would provide storage opportunity for the residents to store items and free up space in their garages or yards. With the cost of building, it's not feasible for many people to build their own storage building but at about the cost of cable TV, they would have access to storage. They will be good neighbors, will abide by setbacks and add fencing and lighting.

Mary Sanders, Hayes Township Supervisor, stated Mike Perdue had begun discussing this issue approximately two (2) years ago. A rezone to a B3 classification was discussed at their August meeting and after reviewing maps and plans, the rezone was denied. Hayes Township explained they were not interested in any B3 Zoning

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Districts. The applicants came back in September and again in October requesting a rezone to a B2; it was approved by split decision with a vote of 3-2. There is a list of questions that had been asked at their meeting and presented tonight. She continued with a brief history of the property being rezoned to B1 and previous requests to rezone to B2. The Township had approved the rezone to B2 for storage units but was requesting stipulations of uses for the future of the properties. Those were included in their motion. They were requesting the County include them in their decision to ensure the welfare as well as safety for the environment.

Mr. Royce thanked her for her history of the property and stated the request for the rezone to a B3 was an error on their part as far as what the classification needed to be. They went back before the Township Board with the B2 Zoning request and it was approved by Hayes Township. They agreed with the conditions the Township was requesting, all owners signed off on them and they were one hundred percent (100%) behind them.

Mr. Kazim questioned if this was in writing and if the company had signed the document.

Mr. Royce said all owners had signed the letter.

Mr. Borton questioned if that would be a deed restriction that ran with the land.

Mr. Kazim stated it would be recorded.

Mike Perdue, representative of the sellers, stated he has worked with the buyers as well and spoke highly of the operation of their business in Gaylord and Grayling; they were school teachers and dentists and he thought they would bring a Class A facility to Gaylord. The demand is high for storage units and there is minimal affordable B2 and B3 zoned properties available. As mentioned, this property had been requested for rezoning previously, they were able to meet the criteria to Hayes Township's satisfaction which is why it was approved. As a commercial broker, he has had the properties listed for two (2) years and not one interested party brought forward a B1 conforming use. He felt this was a good use for this property.

Mr. Stults questioned how zoning would enforce or deal with these restrictions placed on these properties.

Mr. Kazim stated the Township and applicant came to a bilateral agreement limiting the uses for the properties. The B2 Zoning District has a number of uses permitted but those uses will be restricted per that agreement and will be recorded at the Register of Deeds so any future owners would be aware of these restrictions. He read aloud the listed restrictions. He also stated this was different from conditional zoning. Under the Michigan Zoning Enabling Act, a municipality cannot require an applicant to agree to conditions as a condition of their rezoning; those conditions must come bilaterally. Mr. Kazim stated what was occurring tonight was contract zoning and stated clarification on three (3) items for the record:

- 1) these conditions were not solicited pursuant to statute MCL125.3405 but were negotiated and bilaterally agreed upon between Hayes Township and the property owners;
- 2) the reason for these restrictions were related to legitimate zoning purposes such as being consistent with the Master Plan or other adjacent uses for protection of the public health and welfare and;
- 3) this agreement will be reviewed and subject to approval by the Otsego County Board of Commissioners in addition to the rezone. (SEE ATTACHMENT 2)

He deferred to Land Use for verification on the zoning criteria.

Mr. Churches stated this rezone would be consistent with the Master Plan being a commercial mixed use area and also consistent with the other businesses in the surrounding area.

Mr. Kazim stated there is other B2 Zoning in the vicinity so this would not be considered spot zoning.

Mr. Caverson questioned what would happen if the agreement was not recorded.

Mr. Kazim stated the zoning would be void if it was not recorded.

Joel Butler, Grace Baptist Church, questioned if the restrictions would remain in place if the current sale of the land fell through.

Mr. Kazim stated once the agreement is recorded, the restrictions would run with the land and all property owners would be subject to those restrictions.

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Mr. Royce reiterated there was a need for storage units and this was an affordable service to the County that was not being serviced adequately.

Vice Chairperson Jarecki requested further comment, hearing none closed the public hearing.

Public hearing closed: 7:36pm

Advertised Case:

1. *Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Rezone for three (3) contiguous parcels located in Hayes Township:*

<u>071-001-100-005-02</u>	<u>071-001-100-005-03</u>	<u>071-001-100-005-04</u>
M-32 West	M-32 West	M-32 West
Gaylord, MI 49735	Gaylord, MI 49735	Gaylord, MI 49735

PZRZ18-004, -005, -006 - Property is currently zoned B1/Local Business with a request to be rezoned to B2/General Business.

The proposed purpose of the rezone is to permit construction of storage units for commercial purposes.

Vice Chairperson Jarecki requested comments from the Planning Commission members.

Mr. Caverson questioned what would happen with the B1 parcel to the east if they wanted to be rezoned as well.

Mrs. Sanders stated they would go through the same process at the Township for the rezone.

Mr. Kazim stated this would be reviewed on a case by case basis and there could be negotiations for limiting the usage as well.

Vice Chairperson Jarecki asked for any further discussion, hearing none requested a motion.

Motion made by Mr. Caverson to recommend to the Otsego County Board of Commissioners cases PZRZ18-004, PZRZ18-005 and PZRZ18-006 for the rezoning of three (3) parcels in Hayes Township from B1/Local Business to B2/General Business to include a letter between the applicant and township dated October 10, 2018 for listed Land Use restrictions to be recorded at the Otsego County Register of Deeds office; Seconded by Mr. Brown.

Roll call vote: 9-0

Motion passes.

*Finding of Fact (*SEE ATTACHMENT 3*)

~~Public Hearing:~~

2. ~~*Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Special Use Permit for three (3) contiguous parcels located in Hayes Township:*~~

<u>071-001-100-005-02</u>	<u>071-001-100-005-03</u>	<u>071-001-100-005-04</u>
M 32 West	M 32 West	M 32 West
Gaylord, MI 49735	Gaylord, MI 49735	Gaylord, MI 49735

~~*PZSU18-008, -009, -010 - The proposed purpose of the request is to permit construction of storage units for commercial purposes.*~~

~~*Property is currently zoned B1/Local Business with a request to be rezoned to B2/General Business, to be determined. Mini storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in a B2/General Business Zoning District.*~~

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~~Advertised Cases:~~

- ~~2. Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Special Use Permit for three (3) contiguous parcels located in Hayes Township:~~

071-001-100-005-02	071-001-100-005-03	071-001-100-005-04
M 32 West	M 32 West	M 32 West
Gaylord, MI 49735	Gaylord, MI 49735	Gaylord, MI 49735

~~PZSU18-008, -009, -010~~ The proposed purpose of the request is to permit construction of storage units for commercial purposes. Property is currently zoned B1/Local Business with a request to be rezoned to B2/General Business, to be determined. Mini storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in a B2/General Business Zoning District.

- ~~***~~ Cases ~~PZSU18-008, -009, -010~~ removed from the agenda pending rezone approval by the Otsego County Board of Commissioners.

Motion made by Mr. Hilgendorf to remove from the agenda the Special Use Permit request before them pending the rezone approval by the Otsego County Board of Commissioners; Seconded by Mrs. Norton.

Motion approved unanimously.

Public Hearing:

4. Capital Improvement Plan 2019-2024

Vice Chairperson Jarecki stated the case before them and opened the public hearing.

Public hearing opened: 7:50pm

With no further comment, the public hearing was closed.

Public hearing closed: 7:51pm

Advertised Case:

4. Capital Improvement Plan 2019-2024

Vice Chairperson Jarecki requested a motion.

Motion made by Mr. Hilgendorf to recommend the 2019-2024 Capital Improvement Plan to the Otsego County Board of Commissioners; Seconded by Mr. Bauman.

Motion approved unanimously.

Unfinished Commission Business:

1. Objective List 2019

Motion made by Mr. Brown to adopt the 2019 Objective List as presented; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated the septic system and the relocation of the ranger station at the County Park were complete, it was suggested that \$5000 be put aside for dirt for campsite maintenance; a fence may be necessary to define the

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County's property line at Wah Wah Soo to keep people from encroaching; the remodel for the Groen Nature Preserve ranger station has been put on hold and there is a trail ranger position open; the Master Plan is on hold pending the issues with the Groen ranger station and Mr. Ryan presented an updated schedule for replacement and repair of equipment for the Parks & Rec Department.

2. Land Use Services report

Jim Mouch:

Mr. Mouch stated the permit in question was in process and could be discussed at a later date.

Chris Churches:

Mr. Churches stated he was working on a project for completion of his certification through MSU and thought compiling information on all the non-conforming lots in the County would be useful for future reference.

Mr. Borton stated the Board of Commissioners were holding a public hearing Tuesday, November 27, 2018 at 9:30am at the Alpine Center concerning the Otsego County Road Commission and invited everyone to attend for clarification on the subject.

With no further comments, Vice Chairperson Jarecki adjourned the meeting.

Adjournment: 8:01pm by Vice Chairperson Jarecki

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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ATTACHMENT 1:

OTSEGO COUNTY PLANNING COMMISSION

Gaylord Mobile Home Estates
Hidden Pines Mobile Estates
Maple Grove Estates 1 & 2
Parkwood Subdivision
Arbutus Beach Highlands
REZONE

SUMMARY

This proposal involves the rezoning of parcels in Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates 1 and 2, and Parkwood Subdivisions located in Bagley Township and parcels in Arbutus Beach Highlands Subdivisions located in Otsego Lake Township, from their respective zoning district to the R3 Zoning District. In addition, the proposal seeks to change the current language contained in Section 21.22.6 of the Otsego County Zoning Ordinance, which reads "Units manufactured prior to 1976 (title date) shall not be installed." be removed and Section 21.22.6 be amended to read, "Units manufactured shall have a Building Title date not to exceed fifteen (15) years from the zoning application date" (See *Attachments 1 and 2*).

FINDING OF FACT

1. This is a proposal for a rezone of a five (5) subdivisions located in Bagley Township Gaylord, MI 49735 and one (1) subdivision located in Otsego Lake Township Gaylord, MI 49735. *Exhibit #2, Exhibit #3*
2. The subdivisions located in Bagley Township are currently in R1/Residential and R2/General Residential Zoning Districts. *Exhibit #2*
3. The subdivision located in Otsego Lake Township is currently in a R2/General Residential Zoning District. *Exhibit #2*
4. The proposed rezone for all subdivisions is to a R3/Residential Estates Zoning District. *Exhibit #10*
5. The purpose of the rezone is to allow structures to have a minimum width of less than 20'. *Exhibit #10*
6. Minimum width of principal structure in a R1/R2 Zoning District is twenty feet (20'). *Exhibit #10*
7. Minimum width of principal structure in a R3/Residential Estates Zoning District is eleven feet (11'). *Exhibit #10*
8. The Future Land Use Map depicts these areas as *Residential*. *Exhibit #5*
9. The proposed rezone would be consistent with the Otsego County Future Land Use Map and the Otsego County Master Plan. *Exhibit #5*
10. The Public Hearing Notice was published in the Herald Times on November 2, 2018. *Exhibit #6*
11. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #7, Exhibit #8*
12. All property owners within the respective subdivisions and owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #9*
13. The Planning Commission has the authority to approve a *Rezone* request after review and compliance with the Otsego County Zoning Ordinance, Future Land Use Map and Master Plan. (Section 25.7) *Exhibit #1, Exhibit #5, Exhibit #10*

Exhibit 10

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ATTACHMENT 2:

HAYES TOWNSHIP, OTSEGO COUNTY
MARY SANDERS, SUPERVISOR/ASSESSOR
7200 HAYES TOWER ROAD
GAYLORD, MI 49735

Brian Royce
2765 Hidden Ridge Court
Grayling, MI 49735

October 10, 2018

Deed Restrictions for approved uses for the parcels being considered for B 2 re-zoning

As part of the motion made to re-zone the parcels, the uses that are not appropriate to Hayes Township were listed in discussion and is included with the motion that the deed restrictions are to be recorded in Otsego County and will stay with the land.

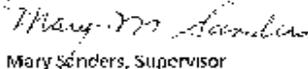
The following uses will not be allowed by deed restriction:
These were agreed to by letter 10/2/1996 by the current owners of said property

No tavern/night clubs
No public parking garages
No businesses with drive through sale of alcohol
No gas stations
No dry cleaners

Township board members asked that the following be included as per the current agreement to move forward:

No outdoor storage
No flea markets or open air merchants
No adult theaters or adult business ventures
No drive through services
No auto repair/auto shop business with outdoor storage
No solid waste hauler business
No service centers for vehicles, watercraft, mobile homes etc that can cause environmental harm

Please sign this letter as approval for the deed restrictions for the re-zoning that stays with the land. A copy will be kept with the township, a copy for the land use services department, and a copy for the proposed owners of this transaction.


Mary Sanders, Supervisor



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ATTACHMENT 3:

OTSEGO COUNTY PLANNING COMMISSION

PZRZ18-004 071-001-100-005-02
PZRZ18-005 071-001-100-005-03
PZRZ18-006 071-001-100-005-04
REZONE

FINDING OF FACT

14. This is a proposal for a rezone of a three (3) parcels located in Hayes Township on M-32 W Gaylord, MI 49735. *Exhibit #1, Exhibit #5*
15. The property is located in a B1/Local Business Zoning District. *Exhibit #2*
16. The proposed rezone is to a B2/General Business Zoning District. *Exhibit #1*
17. Adjoining properties are zoned FR/Forestry Recreation, R3/Residential Estates, B1/Local Business along with parcels annexed into the City of Gaylord. B2/General Business zoned parcels are within one thousand feet of the proposed rezone parcels. *Exhibit #2*
18. The purpose of the rezone is to allow the construction of storage units for commercial purposes. *Exhibit #1*
19. Storage units are a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
20. The proposed property combined is 15.48 acres. *Exhibit #4*
21. The proposed property is currently under the ownership of Three M West Inc and S&H Properties LLC. *Exhibit #4*
22. The owners are being represented by Brian Royce, applicant. *Exhibit #1*
23. The Future Land Use Map depicts this area as Multi Uses Retail / Business / Office. *Exhibit #12*
24. The proposed rezone may be considered consistent with the Otsego County Future Land Use Map and the Otsego County Master Plan. *Exhibit #12, Exhibit #13*
25. The Public Hearing Notice was published in the Herald Times on November 2, 2018. *Exhibit #6*
26. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #7, Exhibit #8*
27. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #9*
28. The Planning Commission has the authority to approve a *Rezone* request after review and compliance with the Otsego County Zoning Ordinance, Future Land Use Map and Master Plan. (Section 25.7) *Exhibit #3, Exhibit #12*
29. The required fees have been collected by Otsego County Land Use Services. *Exhibit #10*

Exhibit 11