

Otsego County Planning Commission

Approved Minutes for January 21, 2019

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Borton, Mr. Hilgendorf, Mr. Brown, Mr. Klee, Mr. Caverson, Mr. Bauman

Absent: Mr. Arndt, Mrs. Norton, Ms. Corfis

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

Public Present: Mike. Bienick, LCC Telecom Communications representative, Dave Drew, Northern Michigan Engineering Inc

Others Present: Haider Kazim, Otsego County attorney, Michelle Noiro, Bagley Township Supervisor, Jack Udebrock, Otsego Lake Planning Commission

Approval of minutes from: December 17, 2018

Chairperson Hartmann requested discussion on the minutes.

Mr. Caverson stated the minutes showed him present and absent. He did not attend the meeting; correction made.

Motion made by Mr. Klee to approve minutes as corrected; Seconded by Mr. Bauman.

Motion approved unanimously.

Consent Agenda: None

Other:

Dave Draws – *Eagle Commerce Park LLC Site Plan Amendment*

Mr. Draws, representing Eagle Commerce Park LLC, presented an updated version of the Eagle Commerce site plan amendment and stated the change to the previous submitted Phase 1 plan was due to an offer to purchase Lot 36 along the I-75 corridor of the approved site plan. The original site plan depicted Phase 1 as the property along the west half of the parcel but was being expanded to include the top portion north of the proposed street Eagle Pass North on the east side of the property. He stated the Master Deed was almost ready to record but was undergoing changes due to the pending site plan amendment. No other items would be affected.

Chairperson Hartmann requested discussion; hearing none asked for a motion.

Motion made by Mr. Brown to approve the amendment to Phase 1 of the Eagle Commerce Park LLC site plan, Special Use Permit PSUP18-001; Seconded by Mr. Klee.

Motion approved unanimously.

Public participation for items not on the agenda: None

Public Hearing: None

Advertised Case: None

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Unfinished Commission Business:

1. Section 21.46 Wireless Communications – Zoning Districts - *Text amendments*

Chairperson Hartmann welcomed Mr. Biencik and requested a statement from him.

Mr. Biencik stated he had been to previous planning commission meetings in conjunction with a proposed tower installation in Elmira Township. He had discussed it at length with the Elmira Planning Commission and they were on board with the tower; they were waiting on the section amendment to proceed with a special use permit. He commented on the information submitted by the opposition stating it was misleading. He explained the legislation of Section 6409 was designed for equipment modifications and coexistence on towers. It was not meant for companies to come back and randomly increase a tower's height. Towers are designed for a specific height when built and there would need to be significant upgrades in order to increase that. He stated they were fine with the text amendment presented and their special use request would be for a tower height of one hundred seventy-nine feet (179').

Chairperson Hartmann stated he was glad the legislation concerning a 10% or 20' tower height increase was brought to the Planning Commission's attention and that was why they were proposing the height change to one hundred seventy-nine feet (179') instead of one hundred ninety-nine feet (199') as originally proposed. He requested comments from Mr. Churches.

Mr. Churches stated the reason behind the height change was to prevent lighted towers in residential districts so by decreasing the height to one hundred seventy-nine feet (179'), it would ensure any *Eligible Facility Request* would still keep the tower under two hundred feet (200') and unlit.

Mr. Hilgendorf requested reassurance that this increase could only be requested once.

Mr. Churches stated Mr. Kazim had researched this and confirmed the height increase could only be requested once. He had also spoke with him that morning and he recommended other changes to the section's text.

Mr. Kazim stated the proposed height amendments in Section 21.46; he then pointed out the height gap between the two amendments. With this language in place, the concern would be the twenty foot (20') gap that could not be addressed other than with an *Eligible Facility Request*. This request was intended to be sporadic but would become the norm for Otsego County as the only means to build a tower between the two listed uses. He suggested changing Section 21.46.3 from the proposed text height of one hundred ninety-nine feet (199') to one hundred seventy-nine feet (179') to eliminate that gray area.

Chairperson Hartmann thanked him for his clarification and agreed with the change. He requested any other discussion.

Mr. Brown questioned if this language had been sent to townships yet.

Chairperson Hartmann stated it had not but he would be requesting a recommendation.

Vice Chairperson Jarecki stated she had read about the need for shorter towers when moving from 4G to 5G and asked for clarification.

Mr. Bienick stated that would not be an issue in rural areas, it was an urban issue because of the density in population. He continued stating that was the general issue with the proposed tower in Elmira; it needed to be replaced in order to handle the types of upgrades necessary to improve the signal.

Chairperson Hartmann made the following motion to include the changes discussed:

Motion made by Mr. Hartmann to recommend amendment changes to Section 21.46 Wireless Communications and the related zoning district sections be sent to townships for review and input; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

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Chairperson Hartmann thanked Mr. Bienick for coming.

New Business:

1. Article 27 Township Participation – *Text amendment*

Chairperson Hartmann requested comment from Mr. Churches.

Mr. Churches stated the changes being proposed were for quicker distribution of information, notification to multiple parties to ensure government units were well informed and a shortened timeframe for response. An additional change had been made pertaining to the approving government body because the Otsego Lake Township Board has given the decision authority to their planning commission. They would also send text amendments out to townships after a subcommittee meeting instead of being presented to the County Planning Commission first to help accelerate the process.

Chairperson Hartmann stated he had reviewed the By-Laws and did not find anything in them preventing this from becoming procedure.

Mr. Kazim suggested the following changes:

Section 27.1:

- the addition of ‘*or Otsego County Zoning Board of Appeals...*’ in the first sentence after ‘the Otsego County Planning Commission’

Section 27.2:

- the addition of ‘*..., supervisor, and Planning Commission Chair*’ after ‘the township clerk’ in the first and third paragraph;
- change ‘Township Board’s decision’ to ‘*Township’s approving government body’s decision*’ in paragraph two and four and;
- change ‘applicable governing body’ to ‘*approving government body*’ in paragraph five

Chairperson Hartmann agreed with the changes in addition to the others presented and asked for further discussion. He requested a motion.

Motion made by Mr. Borton to recommend amendment changes to Article 27 Township Participation in County Zoning be sent to townships for review and input; Seconded by Mr. Brown.

Motion approved unanimously.

Reports and Commission Member’s Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated Kyle Ryan, Parks & Rec Director, applied for a public health grant in the amount of \$15,000 for the third year in a row - the monies would be used for a walking trail at Irontone Springs to promote physical health – the previous year’s grant was used for the upgrade at Libke Field and prior to that it was used for the Pontresina Dog Park; plans to upgrade the electrical at the County Park would be done in phases – air conditioning some of the cabins was a possibility and raising the rates for these sites was also being considered; \$375,000 was approved for the entrance to the Groen Preserve to include the road in, trees and a parking lot and \$60,000 was approved for the upgrade to the Hilltop House Ranger Station; Mr. Ryan had also prepared a Capital Improvement List for items to be reused, renewed and replaced for the Parks & Rec Department.

2. Land Use Services report

Jim Mouch:

Mr. Mouch stated the hospital expansion is nearing completion and calls from architects pertaining to Lucky Steak House and Discount Tire have been received.

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Chris Churches:

Mr. Churches presented a report depicting enforcements by category showing Section 21.34 with the highest percentage of enforcements. He requested a review of Section 21.34 Restricted Uses to try and better define the section for enforcement purposes.

Chairperson Hartmann requested volunteers for a subcommittee and stated a meeting would be scheduled.

Committee volunteers: Mr. Hartmann
Mr. Hilgendorf
Mr. Brown

Chairperson Hartmann reminded committee members of the Site Plan Review meeting scheduled Monday, January 28th at 9:00am.

Mr. Borton stated the Board of Commissioners' meeting was Tuesday, January 22nd; Tom Quinn, from Kirkland Community College, would be attending for discussion. He also announced the Belle Iron Trail would be extended down to the County line past Waters funded entirely by the DNR Trust Fund.

Mr. Hartmann stated OCEA (Otsego County Economic Alliance), Gaylord Area Chamber of Commerce and the Gaylord Area Convention and Tourism Bureau were launching a competition to promote local entrepreneurship, similar to Shark Tank. As part of SCORE (Service Corps of Retired Executives), the applicants will be mentored and prepped for their business pitch to the contributors. Five awards will be given out along with in-kind contributions for advertising and marketing. The event will take place April 11th from 6-8pm at Gornick Auditorium.

With no further comments, Chairperson Hartmann adjourned the meeting.

Adjournment: 7:03pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary