

# Otsego County Planning Commission

Approved Minutes for April 15, 2019

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

Pledge of Allegiance

**Roll Call:**

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Arndt, Mr. Borton, Mr. Hilgendorf, Mr. Brown, Mrs. Norton, Mr. Caverson, Ms. Corfis

Absent: Mr. Bauman

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

Public Present: Mike. Bienick, LCC Telecom Communications representative, Larry Opalewski, American Tower, Dave Drews, Northern Michigan Engineering Inc, Bill Mason, J&N LLC, Thomas Prusakiewicz, Leroy Prusakiewicz, Martindale Rd residents, Robert & Margaret Sheen, John Kurth, Mike & Jane Scott, Noirots Airport Subdivision residents, Randy Stults

Others Present: Chuck Klee, Dover Township former representative, Steve Scott, Dover Township new PC representative

**Approval of minutes from:** January 21, 2019

Chairperson Hartmann requested discussion on the minutes.

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

Motion approved unanimously.

**Consent Agenda:** None

**Other:** None

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

Mr. Stults referred to the recent rezone case in Hayes Township and the contracted restrictions between the Township and property owner that were placed on it and stated the Marketable Records Act 200 of 1945 was recently amended; he understood it to mean that deed restrictions needed to be rerecorded every forty (40) years or they would expire. He questioned how this would be addressed because the County was not an interested party to this.

Chairperson Hartmann stated they would notify Hayes Township of the amended Act for their review.

Chairperson Hartmann requested the audience members introduce themselves and state their reason for attending the meeting. Each introduced themselves stating their purpose.

**Public Hearing:**

1. *MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*4855 West Otsego Lake Dr  
Gaylord, MI 49735  
011-800-000-018-02*

*Property located in a B2 / General Business Zoning District*

*PZSU19-001 – proposed use of the property is to add an addition to the previously existing storage units*

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- a. *Open Public Hearing*
- b. *Applicant Summary*
- a. *Public Comment (3 minute limit)*
- b. *Close Public Hearing*
- c. *Planning Commission Discussion – Motion*

Chairperson Hartmann stated the case before them, opened the public hearing and requested comment from Dave Drews, applicant.

*Public hearing opened: 6:03pm*

Mr. Drews stated the existing cold storage building was 40'x100' and they proposed an addition of the same size; the addition would be on the north end of the building. The property was zoned B2 as were all the adjoining properties. It was currently fenced with outdoor storage and another driveway was approved by the Road Commission on West Otsego Lake Dr. Storm water was not part of the original building plan but was added to the proposed plan; storm water would be stored on site. He stated it was basically just an enlargement of the current use.

Chairperson Hartmann asked for further comments from the public; hearing none, closed the hearing.

*Public hearing closed: 6:06pm*

## **Advertised Case:**

1. *MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*4855 West Otsego Lake Dr  
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*Property located in a B2 / General Business Zoning District*

*PZSU19-001 – proposed use of the property is to add an addition to the previously existing storage units*

Chairperson Hartmann requested comment from Bagley Township representative, Ken Arndt.

Mr. Arndt stated Bagley Township did not have a problem with the addition and had approved the special use. They did have questions concerning water retention and access but they were answered. The property was well maintained and they felt it was a good use of the site.

Mr. Borton asked if the existing gate would remain.

Mr. Drews stated there was only one entrance currently and the existing gated drive off Henry Dr. would remain.

Mr. Caverson questioned the lighting referenced on the site plan stating it was especially important not to have it interfere with traffic along West Otsego Lake Dr.

Mr. Drews stated wall pack lighting was referenced for installation but the illumination area was not shown; the existing building had the referenced lighting and that would be a continuation of the same. He would provide the information requested with a conditional approval.

Chairperson Hartmann questioned if all criteria had been met; Mr. Churches stated yes. *SEE ATTACHMENT 1*

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to approve Special Use Permit PZSU19-001 for an addition to the existing cold storage units located at 4855 West Otsego Lake Dr in Bagley Township with the condition of providing the lighting requirements requested; Seconded by Mr. Borton.

Motion approved unanimously.

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## Public Hearing:

2. *Thomas & Cynthia Prusakiewicz, Alan & Sharon Wescoat, owners, being represented by J&N LLC, Bill Mason, applicant, has requested Special Use Permits/Site Plan Reviews for properties located in Livingston Township:*

<i>Martindale Rd</i>	<i>Martindale Rd</i>
<i>Gaylord, MI 49735</i>	<i>Gaylord, MI 49735</i>
<i>080-006-300-010-01</i>	<i>080-006-300-010-02</i>

*Properties located in a AR / Agricultural Resource Zoning District*

*PZSU18-004 – proposed use of the property is for a new mining operation*

*PZSU18-005—proposed use of the property is for a new mining operation*

- Open Public Hearing*
- Applicant Summary*
- Public Comment (3 minute limit)*
- Close Public Hearing*
- Planning Commission Discussion – Motion*

Chairperson Hartmann stated the case before them, opened the public hearing and requested comment from Bill Mason, applicant.

*Public hearing opened: 6:10pm*

Mr. Mason stated J&N was trying to establish a new gravel pit primarily in an attempt to keep prices down on their bids to the townships and counties; they currently had to buy from their competitors and their pricing more or less controlled the bids. They would not be selling to the general public; material would be used for projects. The mining operation would be located on Martindale Rd next to the existing mining operation by Rieth Riley. Setting up their own mining operation would allow them to be more competitive.

Larry Prusakiewicz, neighboring property owner, stated he did not oppose the mining operation; he lived with the existing operation currently but felt it should be up to the two road building companies to fix the deterioration caused by their truck traffic. The two miles of Martindale and Townline Roads should be brought up to grade A without costing taxpayers money. He suggested that each company repair a mile of the two roads used.

Thomas Prusakiewicz, site owner, stated he agreed that purchasing materials elsewhere and traveling for those materials added wear and tear to the roads. Townline Rd ended at the entrance to the current gravel pit and was extremely bad but he was in need of permit approval for financial purposes.

Chairperson Hartmann questioned if it was realistic to ask these companies to repair the roads.

Mr. Churches stated the Planning Commission could not condition a special use approval on off-site work; there was case law concerning that very issue.

Chairperson Hartmann stated Livingston Township had not approved the special use and Livingston's representative was not available to address the reasons. There was no additional information in their packets to clarify and asked if further correspondence had been received.

Mr. Churches stated the only correspondence received from Livingston Township was the email concluding two gravel pits were unnecessary and would adversely affect their community. He continued saying the Michigan Zoning Enabling Act had certain criteria to base approval on and if those criteria were met, the use could not be denied. He stated he had gone through the criteria and had not found any blatant concerns. His 'Memo' was included in the commissioners' packet.

Ms. Corfis stated the Road Commission had determined the road entrance should be hard surfaced.

Chairperson Hartmann stated that could definitely be a condition placed on the special use.

It was suggested that the case be sent back to Livingston Township to be reviewed for conditional approval of the special use permit seeing no substantial reason for denial had been found.

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Chairperson Hartmann stated he thought that was the route the Planning Commission should take. The neighboring property owners did not object to the mining operations.

Mr. Stults stated it was worth pointing out that gravel pits could not be set up just anywhere; they had to be mined where gravel was located.

Mr. Drews stated he thought two mining operations side by side was more of a benefit because less people and less roads were impacted.

Chairperson Hartmann asked for further comments from the public; hearing none, closed the hearing.

*Public hearing closed: 6:27pm*

## **Advertised Case:**

- 2. Thomas & Cynthia Prusakiewicz, Alan & Sharon Wescoat, owners, being represented by J&N LLC, Bill Mason, applicant, has requested Special Use Permits/Site Plan Reviews for properties located in Livingston Township:*

*Martindale Rd*

*Martindale Rd*

*Gaylord, MI 49735*

*Gaylord, MI 49735*

*080-006-300-010-01*

*080-006-300-010-02*

*Properties located in a AR / Agricultural Resource Zoning District*

*PZSU18-004 – proposed use of the property is for a new mining operation*

*PZSU18-005—proposed use of the property is for a new mining operation*

Chairperson Hartmann requested further discussion on the restoration plan and performance guarantee.

Mr. Churches stated he planned to contact a few excavating companies and provide them with a site plan to establish a dollar amount for restoration and prorate it out five years for the performance guarantee.

Chairperson Hartmann requested clarification on what the restoration consisted of.

Mr. Arndt stated the restoration would pertain to the restoring of the property to resemble what it looked like before the mining began. The topsoil would be replaced and sloped along with any trees and grass. After the mining issues with a previous case, countless meetings and court appearances, that section of the Zoning Ordinance had been overhauled and amended for prevention of future court cases. It was important to have these things laid out beforehand for that purpose.

Vice Chairperson Jarecki questioned if the restoration plan was the same as the reclamation plan.

Mr. Churches stated it was; he said he had reviewed the restoration plan and the specifics were highlighted but some items depended on the pit itself. Because of the previous case, he had the property owners review the restoration plan and sign a letter stating they approved it.

Mr. Hilgendorf stated the reclamation plan should err on the side of detail considering all the work that went into the revision of the mining section.

Mr. Arndt stated the Planning Commission worked on the mining section during the litigation and the section was discussed at length at each meeting and seemed to grow and grow. He felt they were pushed into a corner when the issue was having the people involved come to an agreement of what would be sufficient.

Mr. Caverson questioned if the Zoning Ordinance provided restoration guidelines and stated that was what needed to be followed.

Mr. Churches stated guidelines were provided and they were followed. Patricia Osburn at the Soil Conservation District had reviewed and approved the plan as well.

Mr. Drews stated he had seen restoration models but mining was not an exact science; depths change, veins run out and locations are moved but with slope limitations, vegetation buffers and depths in place you have a rough idea of what it would look like reclaimed. The model could be updated over time.

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Chairperson Hartmann stated Livingston Township would be contacted and informed of the discussion including the restoration plan and they would see what their response was.

Ms. Corfis questioned if the surety amount would be better defined based on the detail of the reclamation plan.

Mr. Churches requested clarification on the specifics being requested.

Chairperson Hartmann stated they were requesting more detail on the restoration plan and dollar figures for the performance guarantee.

Special Use Permits PZSU18-004 and PZSU18-005 were postponed allowing Livingston Township the opportunity to consider placing conditions on the mining operation. Land Use will look into costs for recommendation of a performance guarantee.

## Public Hearing:

3. *Otsego County Zoning Ordinance – Wireless Communications – Section 21.46 - Text amendments – Proposed language to allow wireless towers up to 179’ in Residential Zoning Districts listed as a permitted use subject to special conditions and a permitted use in remaining Zoning Districts*
  - a. *Open Public Hearing*
  - b. *Land Use Introduction*
  - c. *Public Comment (3 minute limit)*
  - d. *Close Public Hearing*
  - e. *Planning Commission Discussion – Motion*

Chairperson Hartmann stated the case before them, opened the public hearing and requested comment from Mr. Bienick.

*Public hearing opened: 6:41pm*

Mr. Bienick, LCC Telecom Services representative of Tillman Infrastructure, stated the amendments looked good from their perspective but thought a statement should be added allowing the planning commission the option of approving a lesser fall zone area with a written request based on the individual site. He went on to explain that the towers are designed to collapse upon themselves as opposed to falling over and the engineer’s license was on the line if the design failed.

Mr. Oplalewski, American Tower representative, stated they had fourteen (14) towers throughout the County and were originally opposing the amendments but with the reduction in the height, they no longer were. As far as the setbacks were concerned, he thought this was a significant change and should be discussed further prior to its addition. He was not aware of any county that did not have setbacks specified.

Mr. Bienick responded that almost every ordinance allows the ability to provide a fall zone letter.

Chairperson Hartmann stated American Tower had brought the recent State amendment to their attention and thanked them for that. He continued saying the amendments came about because a tower was originally proposed in a R3 Zoning District in Elmira Township and they felt it was quite necessary for the area. The proposed tower will not be lit; it will be under the two hundred feet (200’) requirement for lighting.

Chairperson Hartmann asked for further comments; hearing none, closed the hearing.

*Public hearing closed: 6:50pm*

## Advertised Case:

3. *Otsego County Zoning Ordinance – Wireless Communications – Section 21.46 - Text amendments – Proposed language to allow wireless towers up to 179’ in Residential Zoning Districts listed as a permitted use subject to special conditions and a permitted use in remaining Zoning Districts*

Chairperson Hartmann stated he had a motion from the County Attorney and would make that motion.

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Motion made by Mr. Hartmann to submit recommendations for proposed amendments to Sections 21.46.2, 21.46.3, 6.2.8, 8.1.16, 8.2.18, 9.1.24, 9.2.21, 10.2.6, 11.1.13, 11.2.11, 12.1.23, 12.2.12, 13.1.10, 13.2.18, 14.1.19 of the Otsego County Zoning Ordinance pertaining to Wireless Communications Towers and Facilities, and a summary of the comments received at the meeting held on January 21, 2019, to the Otsego County Board of Commissioners pursuant to Section 308(1) of the Michigan Zoning Enabling Act; Seconded by Mr. Brown.

Motion approved unanimously.

## Public Hearing:

4. *Otsego County Zoning Ordinance – Article 27 Township Participation in County Zoning – Text amendments – Proposed language to amend Township notifications and timeframes*
  - a. *Open Public Hearing*
  - b. *Land Use Introduction*
  - c. *Public Comment (3 minute limit)*
  - d. *Close Public Hearing*
  - e. *Planning Commission Discussion – Motion*

Chairperson Hartmann stated the case before them, opened the public hearing and requested comment from Land Use Services.

*Public hearing opened: 6:55pm*

Mr. Churches stated the amendments consisted of general text edits and grammar changes, distribution to townships via email and a response from townships within seven (7) days of the approval by the governing body.

Mr. Stults cautioned the Planning Commission on moving too quickly and to allow enough time for review of proposed changes to the Ordinance.

Mr. Arndt questioned implementation of the system.

Mr. Churches stated information would still be mailed out in addition to email and responses would be accepted by email as well as mail.

Chairperson Hartmann asked for further comments; hearing none, closed the hearing.

*Public hearing closed: 7:03pm*

## Advertised Case:

4. *Otsego County Zoning Ordinance – Article 27 Township Participation in County Zoning – Text amendments – Proposed language to amend Township notifications and timeframes*

Chairperson Hartmann stated Township response was positive and asked for discussion. Hearing none, he requested a motion.

Motion made by Mr. Brown to submit recommendation for proposed amendments to Article 27 Township Participation in County Zoning pertaining to the type of notifications, persons notified, response timeframe, and a summary of the comments received at the meeting held on January 21, 2019 to the Otsego County Board of Commissioners; Seconded by Mr. Borton.

Motion approved unanimously.

**Unfinished Commission Business:** None

## New Business:

1. Chairperson Hartmann stated a letter was received requesting an extension for PZSU17-002 the Residential Cluster on Porcupine Shores. He requested comment from Mr. Drews.

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Mr. Drews, representative for PZSU17-002 explained improvements had begun on the property such as test well drilling and water logs, road improvements, the setting of some monuments and preparing documents but due to the winter weather, they had been unable to complete the project. They were requesting the one year extension for completion. The Health Department requested some additional items and once approved, the Exhibit B drawings and Master Deed would be submitted and the physical improvements would be completed as well.

Chairperson Hartmann made the following motion for the one year extension.

Motion made by Mr. Hartmann to extend the Special Use Permit PZSU17-002 located on Porcupine Shores for one year from its expiration date of April 16, 2019; Seconded by Mrs. Norton.

Motion approved unanimously.

2. Site Plan Review – *Scott Property Management LLC, owner – Bagley Township*

*011-600-000-002-01*

*011-600-000-003-00*

*011-600-000-004-00*

*011-600-000-006-00*

*Maximum building height review for proposed apartment buildings in a R2 / General Residential Zoning District*

Chairperson Hartmann requested comment from Mr. Churches.

Mr. Churches stated the case was for a height variance and invited Mr. Drews, representative of Scott Property Management LLC to explain further.

Mr. Drews stated four (4) apartment buildings were proposed for property along Dickerson Rd and would be annexed into the City of Gaylord for municipal services after completion but the City was requiring a prior approval from the County. A site plan was submitted depicting the location of the buildings and requirements of the Zoning Ordinance but a height allowance in excess of the maximum thirty-five feet (35') was being requested for approval by the Planning Commission. A height variance of up to fifty percent (50%) could be granted. The four (4), four-story (4) apartment buildings were proposed at fifty-two and a half feet (52½'); FAA approval had been sought along with approval from the Gaylord Regional Airport.

Mr. Arndt stated Bagley Township felt it was a good use of the property and there was a need for housing.

Neighboring residents of Noirot's Airport Subdivision attended the meeting and spoke out about not being notified of the project. They did not want the apartment buildings built; they felt buildings that tall would be an invasion of privacy for anyone in the subdivision. They also stated the deed restrictions for the Noirot Subdivision were for single family dwellings only.

Mr. Drews stated the apartment buildings were a permitted use in a R2 Zoning District and they were already allowed a height up to thirty-five feet (35'); they were at the meeting only because they were requesting an increase in that height. If they weren't allowed the height increase, they would increase the number of buildings to six (6). He continued stating housing is the best use for that property but no one wants to build a single family dwelling along that strip of road; multiple family housing would fit the use.

Mr. Arndt stated Bagley Township had held hearings but they were not required to notify anyone. The meetings were posted on the bulletin board outside the Township Hall. He suggested they come to the next Bagley Township Board meeting to discuss it.

The Commission postponed making a decision allowing Bagley Township a chance to hear residents of the Subdivision voice their concerns as well as a review by the County Attorney.

3. Steve Scott – New member representing Dover Township – recommendation

Chuck Klee resigning – *Plaque presentation*

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Chairperson Hartmann stated Mr. Klee had resigned as Dover Township's representative to the Otsego County Planning Commission and Steve Scott was recommended as replacement per Dover Township. He requested a motion to recommend Mr. Scott to the Board of Commissioners.

Motion made by Mr. Hartmann recommending to the Otsego County Board of Commissioners Steven Scott as representative of Dover Township to the Otsego County Planning Commission; Seconded by Mrs. Norton.

Motion approved unanimously.

## Reports and Commission Member's Comments:

### 1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated the Park & Recreation Commission was working with NEMCOG (Northeast Michigan Council of Government) on a Master Plan and Forest Stewardship Plan to include a trail inventory for the Groen Preserve; NEMCOG was applying for a Forest Stewardship Program Grant on behalf of the County; the ranger station project would begin mid-April; Campground pricing at the County Park would be increased for the 2020 camping season following the completion of the electrical upgrade.

### 2. Land Use Services report

Chris Churches: Master Plan, Private Roads & Restricted Uses Committee meetings rescheduled

Mr. Churches stated the Master Plan was in need of its five year review for updates and revisions and requested a committee be assembled.

Chairperson Hartmann requested volunteers for that committee. They are as follows:

Mr. Hartmann

Mr. Borton

Mr. Scott

A meeting will be scheduled with committee members notified.

Mr. Churches also stated a couple of committee meetings needed to be rescheduled.

The committee meeting for Private Roads was rescheduled for Wednesday, May 1<sup>st</sup> and the meeting for Restricted Uses was rescheduled for Monday, May 6<sup>th</sup> both at 9:00am. Emails will be sent as a reminder.

Mr. Scott introduced himself and offered some background information.

Mr. Borton stated the Iron Belle Trailhead in downtown Gaylord was finally approved; it was a building similar to the pavilion with restrooms and a parking area. This was a joint effort with Rails to Trails, MEDC and the Michigan Natural Resources Trust Fund. They had a local match of \$60,000 to come up with - the Tourism Bureau contributed \$30,000, Otsego County contributed \$10,000, the City of Gaylord contributed \$10,000 and the DDA contributed \$10,000. They were waiting on final design approval from the State and will go out for bids within the next few weeks.

Mr. Hilgendorf stated the Groen Visionary Committee was scheduled to meet the week of the 6<sup>th</sup>; the bidding went out for the parking lot and upgrade project off of Heatherton Rd, once it was begun, the project wouldn't take too long to complete.

Mrs. Jarecki stated work on the Trailhead in Vanderbilt would continue; they had part of the project done.

Mr. Hartmann stated he was on the steering committee for Accelerate Otsego held at the Gornick Auditorium on April 11<sup>th</sup> and they had given away \$35,000 to new businesses – first prize was for \$10,000 and went to Bensus, a software firm for small and medium sized gas and oil companies, second prize was for \$7500 and went to White Birch Outfitters, a company offering guided tours in Northern Michigan, they received another \$7500 from the Tourism Bureau as well, third prize was for \$5000 for a company in Johannesburg making ice hockey sleds developed for the handicapped, and the People's Choice Award went to a bakery called Desserts First.

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Mr. Arndt stated Bagley Township had discussed the apartment complex at multiple meetings; the Township is growing and in need of more space to accommodate another voting precinct, they are weighing their options but have not made a decision as of yet.

Ms. Boyak-Wohlfeil stated she chaired the Otsego Lake Township Parks & Recreation Advisory Committee and had submitted a grant application to the DNR for the construction of a trailhead in Waters at the old Trading Post site. They were waiting for the result.

With no further comments, Chairperson Hartmann adjourned the meeting.

**Adjournment:** 7:50pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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*ATTACHMENT 1:*

## OTSEGO COUNTY PLANNING COMMISSION

**PZSU19-001**  
**Special Use Permit/Site Plan Review**  
**011-800-000-018-02**

### GENERAL FINDINGS OF FACT

1. This is a proposal for a 40'x120' addition for mini storage units added to an existing business. *Exhibit #1, Exhibit #5, Exhibit #6*
2. The property is located in a B2/General Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
4. The property is currently under the ownership of MD Oil Field Services LLC. *Exhibit #4*
5. The owners are being represented by Northern Michigan Engineering Inc, Dave Drews. *Exhibit #7*
6. The Public Hearing Notice was published in the Herald Times on March 29, 2019 *Exhibit #8*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
9. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*
11. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #6, Exhibit #13, Exhibit #14*
12. An application for a Driveway Permit from the Otsego County Road Commission has been submitted. *Exhibit #16*
13. An Inter-Agency Letter has been received from the Health Department of Northwestern Michigan Agency dated March 20, 2019. *Exhibit #17*
14. An Inter-Agency Letter has been received from the Otsego County EMS dated March 19, 2019. *Exhibit #18*
15. An Inter-Agency Letter has been received from the Otsego County Soil Conservation District dated March 22, 2019. *Exhibit #19*

**Exhibit 13**

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## 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**

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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 Special Use Permit PZSU19-001 for an addition to the existing cold storage units located at 4855 West Otsego Lake Dr in Bagley Township with the condition of providing the lighting requirements requested; Seconded by Mr. Borton.

Motion approved unanimously.