

Otsego County Planning Commission

Approved Minutes for June 17 2019

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Mr. Hartmann, Mr. Arndt, Mr. Borton, Mr. Brown, Mrs. Norton, Mr. Scott, Mr. Bauman, Ms. Corfis

Absent: Mrs. Jarecki, Mr. Hilgendorf, Mr. Caverson

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

Public Present: David Scrimger, Dollar General representative, Connie Kwapis, Ernest Kwapis, Penny Banaszak, Dan Kwapis, Brenda Kwapis, Lisa Pifer, Tim Dowker, neighboring property owners, Pete Maxwell, Randy Stults

Others Present: Haider Kazim, Otsego County Attorney, Michelle Noirot, Bagley Township Supervisor, Mike McCarthy, Charlton Township Trustee

Approval of minutes from: May 20, 2019

Chairperson Hartmann requested discussion on the minutes.

Mr. Scott stated he had attended the meeting but was not listed as such.

Motion made by Mr. Scott to approve minutes as presented with additions; Seconded by Mr. Arndt.

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearing:

1. *Wesley & Holly Atkinson, owners, being represented by an agent from Dollar General, applicant, request a Rezone for properties located in Charlton Township:*

021-020-100-020-01
M-32 East
Johannesburg, MI 49751

023-170-018-004-00 - part of
M-32 East
Johannesburg, MI 49751

023-170-019-003-00
M-32 East
Johannesburg, MI 49751

- 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 the applicant.

Public hearing opened: 6:03pm

David Scrimger, engineer for Dollar General, stated they were proposing a rezone for three (3) parcels in Charlton Township. He had attended the Township meeting and the rezone coincided with their Master Plan and had been recommended for approval to the County.

Dan Kwapis, neighboring property owner, stated he owned horses on the property next door and had concerns with the increase in public activity. The horses attracted people to his property and he did not want to be liable for anyone

Otsego County Planning Commission

Approved Minutes for June 17 2019

getting hurt. He felt a business on that property would increase this liability and he was also concerned with more garbage being left in the area.

Randy Stults stated the rezone request followed the Master Plan's future use for that property and it was a good use for that property.

Penney Banaszak, neighbor to the north, stated she had concerns with an increase in traffic and drivers not observing the traffic laws; it currently was a hazard. She had concerns as well with the increase in garbage.

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

Public hearing closed: 6:08pm

Advertised Case:

1. Wesley & Holly Atkinson, owners, being represented by an agent from Dollar General, applicant, request a Rezone for properties located in Charlton Township:

021-020-100-020-01
M-32 East
Johannesburg, MI 49751

023-170-018-004-00 - part of
M-32 East
Johannesburg, MI 49751

023-170-019-003-00
M-32 East
Johannesburg, MI 49751

Chairperson Hartmann requested comment from Charlton Township representative, Willard Brown.

Mr. Brown stated Charlton Township had reviewed the County Future Land Use Map along with Charlton's Future Land Use and both depicted that area as commercial use. Charlton Township had the entire corridor along M-32 connecting to the town center designated for business use. They had unanimously recommended the rezone to the Township Board and the Board had recommended the rezone of the three (3) parcels to the County.

Mr. Churches restated that the use was consistent with the future land use and felt it important to remain consistent with that future land use.

Mr. Arndt questioned the corralling of the horses.

Mr. Kwapis stated the horses were corralled some ways away and he had two (2) fences in place but it still did not deter people from wanting to approach the horses. He was concerned with the increase of the general public being right along his property line.

Mr. Scrimger stated Dollar General took into consideration the neighboring property owners and would work toward a solution.

Mrs. Banaszak questioned property values with the addition of the business.

Mr. Arndt, local appraiser, stated in his experience convenience stores did not affect tax values one way or the other.

Chairperson Hartmann requested further discussion; hearing none, requested a motion to accept the Finding of Fact.

Motion made by Mr. Brown to accept the Finding of Fact as presented; Seconded by Mr. Arndt.

Motion approved unanimously. *SEE ATTACHMENT 1*

Chairperson Hartmann requested two (2) motions for case PZRZ19-001, one for each zoning district.

Motion made by Mr. Brown to recommend PZRZ19-001 to the Otsego County Board of Commissioners for the rezone of two (2) parcels 021-020-100-020-01 and 023-170-019-003-00 in Charlton Township from a R1 Residential Zoning District to a B2 General Business Zoning District; Seconded by Mrs. Norton.

Motion approved unanimously.

Motion made by Mr. Brown to recommend PZRZ19-001 to the Otsego County Board of Commissioners for the rezone of a part of parcel 023-170-018-004-00 in Charlton Township from a R2 General Residential Zoning District to a B2 General Business Zoning District conditional on the division of said parcel; Seconded by Mrs. Norton.

Motion approved unanimously.

Otsego County Planning Commission

Approved Minutes for June 17 2019

Unfinished Commission Business: None

New Business:

1. Text Amendments – Section 21.1, Section 21.26

Section 21.1 Accessory Buildings:

Chairperson Hartmann requested comment from Mr. Churches.

Mr. Churches stated the proposed amendments regulating accessory buildings were as follows:

1. Changes the maximum size restrictions to be governed by the setback and lot coverage requirements in Article 17.
2. Eliminates zoning permit requirements for accessory buildings less than 200 square feet (sheds).
3. Limits the height of accessory buildings in Residential Districts within 500' of any waterfront to one story with sidewalls not exceeding 14'.

After discussion on the proposed changes, it was decided the amendment to limit the height of accessory buildings in Residential Districts within five hundred feet (500') of any waterfrontage would be sent back to committee for further discussion. The remaining changes would move forward for a public hearing at next month's meeting.

Section 21.26 Non-Conforming Structures:

Chairperson Hartmann requested comment from Mr. Churches.

Mr. Churches stated the proposed amendments would allow replacement of a nonconforming structure if the new structure utilized the original footprint. He had completed an analysis of all residential districts and discovered forty percent (40%) of all the residential lots had areas less than the minimum required in the Ordinance and were responsible for over twenty percent (20%) of the County's total tax receipts.

After much discussion concerning the rebuilding of existing nonconforming structures, Chairperson Hartmann stated these changes would also be placed on July's agenda for a public hearing.

Reports and Commission Member's Comments:

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

Chairperson Hartmann requested any comments from Commission members.

With nothing further, Chairperson Hartmann adjourned the meeting.

Adjournment: 7:14pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

Approved Minutes for June 17 2019

ATTACHMENT 1:

OTSEGO COUNTY PLANNING COMMISSION

PZRZ19-001
REZONE

021-020-100-020-01, 023-170-018-004-00 – part of, 023-170-019-003-00

FINDING OF FACT

1. This is a proposal for a rezone of a three (3) parcels located in Charlton Township along M-32 East Johannesburg, MI 49751. *Exhibit #1, Exhibit #5*
2. The properties are located in a R1/Residential and R2/General Residential Zoning District. *Exhibit #1, Exhibit #2*
3. The proposed rezone is to a B2/General Business Zoning District. *Exhibit #1*
4. Adjoining properties are zoned R1/Residential and B2/General Business. *Exhibit #2*
5. The purpose of the rezone is to allow the construction of a retail store. *Exhibit #1*
6. Any general recognized retail business within an enclosed building less than one hundred thousand (100,000) square feet, excluding bars and restaurants serving alcoholic beverages is a permitted use in a B2/General Business Zoning District. *Exhibit #3*
7. The proposed properties are 2.43 acres. *Exhibit #4*
8. Lots 4-6 Block 18 Village of Johannesburg part of parcel 023-170-018-004-00 are not included in the project. *Exhibit #1, Exhibit #5, Exhibit #6*
9. The proposed properties are currently under the ownership of Wesley & Holly Atkinson, applicants. *Exhibit #4*
10. The applicants are being represented by Dollar General, Rusty Doss. *Exhibit #7*
11. The Future Land Use Map depicts this area as a Mixed Use/Town Center Zoning District. *Exhibit #14*
12. Approval of the proposed rezone would be consistent with the adjoining properties and consistent with the Otsego County Future Land Use Map. *Exhibit #2, Exhibit #14*
13. The Public Hearing Notice was published in the Herald Times on May 31, 2019. *Exhibit #8*
14. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
15. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
16. 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 #14*
17. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

Exhibit 13

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Motion approved unanimously.

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Motion approved unanimously.