

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Borton (by remote), Mr. Hilgendorf, Mr. Maxwell, Mr. Brown, Mr. Scott, Mr. Caverson, Ms. Corfis

Absent: Mr. Marlette, Mr. Bauman

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

Others Present: Timothy Bills, Jessica Dipinski, representatives of L&K Realty 2 LLC, Todd Seidell, architect, Joe Hazewinkel, Brian Warner, representatives of Wolverine Power Cooperative

Public Present Remotely: Holly Jackson, L&K Realty 2 LLC attorney, Randy Rothe, Amy Pitts, EGLE representatives, Michelle Noirot, Bagley Township Supervisor, seventeen (17) residents remoted into the meeting.

Approval of minutes from: July 20, 2020

Chairperson Hartmann requested discussion on the minutes.

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

Motion approved unanimously.

Consent Agenda: None

Other: Wolverine Power Cooperative – Sound Test Results

Joe Hazewinkel, Wolverine Power representative explained the purpose of the Alpine Power Plant and discussed the usage of the Plant. He stated sound tests had been conducted on July 14th of this year and the results were compliant with the County's conditions placed on the special use permit (SUP). Tests were completed at eight (8) different locations and resulted in levels lower than the required limits without the exclusion of any background noise. The Alpine Power Plant remains in compliance with the conditions placed on the SUP.

Chairperson Hartmann questioned the number of hours the Plant has run this year and requested the information be submitted to Land Use to share with the Commission.

Mr. Hazewinkel stated Wolverine Power will report back to Land Use once that information has been obtained.

Public participation for items not on the agenda: None

Public Hearing:

1. **PZRZ20-001** *Georgia Pacific LLC, property owner, and Timothy Bills, representative of L&K Realty 2 LLC, applicant, are requesting a Rezone of property located in Bagley Township on Dickerson Rd and West Otsego Lake Dr Gaylord, MI 49735. The proposed purpose of the rezone is for consistency in adjoining land use. The property is currently zoned R2/General Residential with a request to be rezoned I/Industrial*

Parcel identification number: 010-017-400-005-03
Dickerson Rd
Gaylord, MI 49735

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Legal Description:

BEG @ S1/4 COR, TH N01°04'20"W 1321.69', TH S89°24'10"E 1395.1', TH S62°E 907.57', TH N88°43'E 468.36', TH S01°11'E 914.81', TH N81°34'30"W 128.38', TH NWLY ALG ARC OF 1440.0', RAD CURVE TO R 495.15', TH N61°52'25"W 991.88', TH WLY ALG ARC OF 954.93', RAD CURVE TO L 1950', TH N89°31'00"W 56.57' TO POB.
SEC 17 T30N-R3W

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

Chairperson Hartmann welcomed the public attending remotely and explained they would be given an opportunity to speak during the public hearing and requested they give their name before speaking.

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

Public hearing opened: 6:10pm

Mr. Churches read aloud a statement concerning the background of the property and the request for rezone; he stated the County recommended the rezone to the Planning Commission. *SEE ATTACHMENT 1*

Chairperson Hartmann stated the sale of this property was based on the rezone.

Mr. Churches stated the sale of the fifty-three (53) acre parcel was based on the rezone.

Chairperson Hartmann stated the Bagley Township Planning Commission and Township Board were opposed to the rezoning of the parcel; he requested comment from Mr. Maxwell, Bagley Township representative.

Mr. Maxwell stated all the public attending their meeting less one (1) were adamantly against the rezoning for a variety of reasons – traffic, noise and past practices with buffer zones. There was not a definite answer for what was happening with the property as a whole and specifically that particular parcel; Bagley did not want the north side of Otsego Lake to be jeopardized as a result. The north side was a secluded and very quiet area and with the addition of industrial property within three hundred (300) yards of a lakefront residential district, property values would be negatively affected. The one (1) owner in favor of the change was also interested in developing his property for business purposes. Both the Commission and the Board were unanimously against the rezone.

Chairperson Hartmann thanked him and requested comment from the applicant.

Todd Seidell, architect representing Timothy Bills of L&K Realty 2 LLC, stated Mr. Bills' property extended to the north of the proposed property and to the west. Examples of businesses currently in the area were presented and the largest neighboring property owner in the vicinity of the proposed rezone was in favor of the change. Mr. Seidell stated the types of businesses would be similar to the existing businesses in Commerce Park, manufacturing was not in their plans. Businesses permitted in the B3 Zoning District would be considered. The property would never be able to be used residentially by any owner. A landscape buffer could be placed along West Otsego Lake Dr to obscure the property and the existing road dividing the property could still be utilized.

Holly Jackson, L&K Realty 2 LLC attorney, stated she concurred with Mr. Seidell's summation. She stated they were not trying to be cagey with the proposed use of the property but they had not yet solidified a plan; they would seek all appropriate and required approvals. A proposed use was presented as a possibility. They wanted to be involved in the community and have the property be of its highest and best use; leaving it residential did not achieve that result. They understood the

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

needs of the neighbors, appreciated the nature of the area and had no intention of disrupting the lake. The current uses in the area were already inconsistent with residential use such as the gun range as well as the business park across the street; a buffer zone would definitely be put in place with a sufficient landscaped area maintained as well. She thanked the Commission and requested they grant the property's rezone.

Chairperson Hartmann requested comment from the public attending.

Brian & Pat Goebel, neighboring property owners stated the largest property owner in favor of the rezone also wanted to develop for business. All the owners Mr. Goebel had talked to did not want the zoning changed. The property was meant to be residential and should remain that way. Mrs. Goebel stated her concerns were the lake's water quality being affected and traffic noise invading their quiet area. She felt that property was meant to be the buffer for the industrial property and should remain so.

Goebel's neighbor stated they were dead-set against the rezone.

Debbie Keefe, neighboring property owner, stated she was against the rezone; the property was directly in her backyard and she had concerns with light and noise pollution as well as safety issues.

Jamie would speak on another issue.

Ijoch had no comment.

Ron Meteyer, neighboring property owner, read a prepared statement against the rezone voicing concerns of increased traffic, noise and mostly the risk of contamination of the surface water; speaking for lakefront owners he implored the Commission to vote in agreement with Bagley Township and deny the rezone.

Todd had no comment.

Lois Dean, neighbor to Commerce Park stated a buffer zone was promised when that business district was approved and was not adhered to; she was concerned the same would happen if the proposed property was rezoned; her husband felt the same.

547.416.0657 had no comment.

586.364.7602 had no comment.

Lori's iPad had no comment.

Mr. Churches requested Amy Pitts EGLE (Environment, Great Lakes & Energy) representative, address the status of property contamination.

Ms. Pitts stated EGLE was not aware of any contamination on the property in question; contamination remained on the site of the former GP plant; the ground water was flowing northeast not to the south or southwest.

Michelle Noirot, Bagley Township Supervisor, stated the residents of the neighborhood had attended the meetings at Bagley and spoke out against the rezone; the Bagley Township Planning Commission and the Township Board voted down the rezone based on the voice of the people and this rezone did not follow their Master Plan. She asked that the Planning Commission listen to the voice of the people directly affected by this proposed rezoning and keep the buffer zone.

Jessica Dipinski, L&K Realty 2 LLC representative, clarified that the company was based out of Fairview about forty (40) miles from Gaylord so they were local and she also was a Bagley Township resident; they were not a large corporation like Georgia Pacific and they felt they would be better neighbors to the community. Their goal was to bring jobs to the area adding manufacturing and a varied job pool; they wanted to improve the community. They are aware of

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

the concerns of the residents and are more than willing to work with them on a buffer zone, noise control, traffic flow and whatever other issues; the point being Georgia Pacific still owns the property and has put restrictions on the parcel to never be used residentially. She felt Mr. Churches report stating consistency with other uses in the area strengthened their case.

Chairperson Hartmann questioned why they couldn't do what they intended with the approximately seven hundred fifty (750) acres.

Ms. Dipinski stated there was a lot of acreage but this parcel offered opportunity given its location to other businesses and residents of the lake. They felt they could offer value with local shops and possibly storage.

Mr. Maxwell stated from Bagley Township's perspective, they did want them there, Bagley was pro development but there were eight hundred ninety (890) acres already zoned industrial, primed for development but most unused. They would like to see that property utilized before even considering rezoning property so close to a residential area.

Chairperson Hartmann closed the public hearing.

Public hearing closed: 6:43pm

Advertised Case:

- PZRZ20-001** *Georgia Pacific LLC, property owner, and Timothy Bills, representative of L&K Realty 2 LLC, applicant, are requesting a Rezone of property located in Bagley Township on Dickerson Rd and West Otsego Lake Dr Gaylord, MI 49735. The proposed purpose of the rezone is for consistency in adjoining land use. The property is currently zoned R2/General Residential with a request to be rezoned I/Industrial*

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SEC 17 T30N-R3W*

Chairperson Hartmann requested further comment from the Commissioners.

Mr. Borton stated this was a difficult decision but as an Otsego Lake property owner and the chairman of the Board of Commissioners, he felt he should abstain from voting on the issue.

Mr. Caverson questioned why industrial zoning was being sought for the property and not a B Zoning District.

Ms. Dipsinski stated the original deed restrictions placed on the property by Georgia Pacific before any transfer of ownership stated industrial zoning across all parcels. L&K Realty would be open to B3 zoning and had discussed this with the Township; B3 would still allow them enough latitude to utilize the property.

Ms. Jackson stated they had discussed the issue with the Township and had spoken with Georgia Pacific on a possible change should this rezone not be approved. They would go back to Georgia Pacific for further negotiations.

Mr. Caverson questioned the authority of the planning commission to impose restriction beyond setbacks and buffer area.

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Mr. Churches stated the Ordinance provided them authority to impose as large of a buffer area as they deemed fit; they could basically impose any restriction to protect the health, safety and welfare of the public.

Mr. Scott questioned the distance to the pike spawning grounds on Otsego Lake.

Mr. Churches stated the distance was about fifteen hundred feet (1500').

With no further input, Chairperson Hartmann requested a motion for the rezone recommendation to the Board of Commissioners.

Motion made by Mr. Maxwell to **deny** PZRZ20-001, a recommendation to rezone parcel 010-017-400-005-03 from a R2 - General Residential Zoning District to an I - Industrial Zoning District; Seconded by Mr. Brown.

Chairperson Hartmann requested a roll call vote:

Roll Call:

Yes: 8
No: 0
Abstain: 1
Absent: 2

Motion to **deny** passes

Rezone Case PZRZ20-001 denied

Chairperson Hartmann stated he was sure Georgia Pacific did not wish to keep the property.

Ms. Dipsinski stated Georgia Pacific's concern was that no part of their property would ever be used residentially.

Chairperson Hartmann suggested they contemplate a different zoning district. He advised them to study the situation, and take into consideration what had been said tonight and at previous meetings before further discussion with Bagley Township and Land Use.

Mr. Brown stated if they wanted to be a part of the community, they needed to provide Bagley Township a clear idea of what they intended. He suggested they put a plan together that Bagley Township could buy into. Bagley needed to be sold on their idea so they could see what they were getting,

Chairperson Hartmann thanked them all for coming and wished them luck.

Public Hearing:

2. Section 2.2 Definitions – Otsego County Zoning Ordinance – Text Amendments *Proposed text amendments to the above section pertaining to Tourist Homes*

- a. *Open Public Hearing*
- b. *Case Summary*
- c. *Public Comment (3-minute limit)*
- d. *Close Public Hearing*
- e. *Planning Commission Discussion*
- f. *Motion*

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

Public hearing opened: 6:55pm

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Mr. Churches stated the proposed amendment would add a definition for Tourist Homes in Section 2 Definitions of the Zoning Ordinance. Prior to this, the definition of a Tourist Home referred to a Bed & Breakfast. This has resulted in conflicting interpretations in certain districts specifically that the dwelling must be occupied to be used as a Tourist Home. The proposed amendment would clarify this and would permit a dwelling to be used as a Tourist Home regardless of family occupancy.

Chairperson Hartmann requested public comment.

Brian Goebel had no comment.

Jamie Beach stated he was in support of the rewording; he owned property that could potentially be affected by this change.

Todd stated he was in support of the change to clarify the situation.

231.357.3609 had no comment.

586.647.7602 had no comment.

517.416.0657 had no comment.

Lori's iPad stated she was in support of changing the definition of Tourist Home.

Jill Wiley stated she owned property on Little Bear Lake and was in support of the change.

Chairperson Hartmann closed the public hearing.

Public hearing closed: 6:59pm

Advertised Case:

- 2. Section 2.2 Definitions – Otsego County Zoning Ordinance – Text Amendments**
Proposed text amendments to the above section pertaining to Tourist Homes

Chairperson Hartmann requested comment from the members.

With no further input, Chairperson Hartmann requested a motion for the amendment recommendation to the Board of Commissioners.

Motion made by Mr. Brown to recommend the proposed amendment to Section 2 Definitions pertaining to Tourist Homes; Seconded by Mr. Hilgendorf

Motion approved unanimously.

Unfinished Commission Business:

Mr. Churches stated Otsego Lake Township had requested a ninety (90) day extension to review the proposed amendments to Article 18 Lots Near Water; seventy (70) days was stated in the Ordinance but Land Use did not have a problem with the ninety (90) days requested.

Ms. Corfis stated Otsego Lake Township felt there were fairly significant changes to the section and wanted to cover all their bases; they did not want to extend it more than needed but there was a lot to absorb

Mr. Maxwell stated Bagley was appreciative of the information sent to help clarify the changes.

Mr. Churches stated Otsego Lake Township had asked a series of questions and he had sent them a fairly lengthy document explaining some of the rationale behind the changes. He had sent it to Bagley and offered to send it to any of the other townships.

Chairperson Hartmann requested he send it to all the townships.

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Mr. Caverson questioned if Mr. Churches had sought attorney opinion on the ‘taking of property’ considering the restrictions of usage on lakefront property.

Mr. Churches stated the intent of the amendments were to loosen the restrictions and make it more practical; the language was being simplified.

Mr. Scott questioned the Natural Rivers Act concerning setbacks.

Mr. Churches stated it was referred to in the proposed language; the Natural Rivers Act is referenced and any setback greater than the Ordinance would need to follow that setback.

New Business: None

Reports and Commission Member’s Comments:

1. Otsego County Parks & Recreation report

Judy Jarecki

Mrs. Jarecki stated the new gym floor at the Community Center was cleaned and complete but the Center remained closed due to COVID – the next Parks meeting would be held there; the Groen Preserve held a cross country meet with six (6) schools attending and ninety (90) runners participating; the County Park held its first Halloween weekend and was successful – the second weekend is scheduled for September 24-26th with planned activities – the summer season was successful in spite of everything but there were still water issues at the Park with a number of sites remaining flooded; a split rail fence would be installed at Irontone Springs along the parking lots – signs would be installed along the trail – monies received from the Guardian Gals would be used for the projects – the Parks members walked the trail and noted the work required.

2. Land Use Services report

Chris Churches

Mr. Churches had nothing further.

Mrs. Jarecki stated Trailtown was moving forward and installing twenty (20) posts for a story walk in October.

Mr. Hilgendorf stated the Otsego County Historical group toured the Groen property; it is still not open to the public. The house is now a museum, the horse barn houses all the equipment and the other barn is being considered for a petting zoo. The gated entrance off Heatherton is still being worked on.

With nothing further, Chairperson Hartmann adjourned the meeting.

Adjournment: 7:13pm by Chairperson Hartmann

Pete Maxwell; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

ATTACHMENT #1:



OTSEGO COUNTY LAND USE SERVICES, PLANNING AND ZONING DEPARTMENT

OPINION OF RE-ZONE REQUEST

SUBJECT: *RE-ZONE OF FORMER GEORGIA PACIFIC PROPERTY; CASE # PZRZ20-001*

DATE: *9/21/2020*

Otsego County Planning and Zoning has received a request to rezone a 53-acre parcel located on the former 870 acre Georgia Pacific property. As I am sure most have heard, 820 acres of the 870-acre property was recently purchased by Michigan Lumber & Wood Fiber, Inc. out of Manton, Michigan, with the intent of redeveloping the property into a wood processing facility. A purchase agreement between Georgia Pacific and Michigan Lumber & Wood Fiber, Inc. for the remaining roughly 53- acre parce is contingent upon the rezone of this parcel. The parcel in question is located on the North West side of the intersection of Dickerson Road and West Otsego Lake Drive and is currently zoned R-2 General Residential. This is the only parcel of the former 870-acre Georgia Pacific property zoned R-2. The remaining roughly 820 acres is zoned Industrial. Michigan Lumber & Wood Fiber is requesting this parcel be re-zoned from General Residential (R-2) to Industrial (I).

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

Currently, the Future Land Use map shows this parcel as remaining residential for future use. However, while consistency with the Master Plan and Future Land Use Map is typically the main factor in determining the compatibility of the re-zone request, other criteria may also be used in determining the suitability of the request. These include:

1. Compatibility of the proposed zoning district with the surrounding area.
2. Similarity of use characteristics with other similarly zoned parcels. This is often measured in terms of traffic volumes, peak traffic periods, density considerations, etc.
3. Suitability of the property to be used as currently zoned.

The property is bound by West Otsego Lake Drive to the South and is adjacent to parcels zoned for uses similar to that which is proposed to the North and East. The parcel located to the West is zoned R-2 but is occupied by the Northland Sportsman's Club, who's operation is unlikely to be affected by the proposed re-zone or any future industrial use of the property. Re-zoning the parcel to Industrial would be consistent with the remaining 820 acres once occupied by Georgia Pacific. In addition, this property is vastly different in character to most other similarly residential zoned parcels in Otsego County. Most all other residentially zoned parcels are located in areas with much lower traffic volumes, and are adjacent to other residential and/or lower density use districts. This parcel is surrounded by industrial uses on its North and East sides, and has an active firearm shooting range on its West side. In

Otsego County Planning Commission

Proposed Minutes for September 21, 2020

addition, Georgia Pacific will impose groundwater use deed restrictions on the property with its sale, which would include prohibiting the installation of water wells for residential development. These facts make the property highly undesirable and arguably unsuitable for use as it is currently zoned. Given the above facts, Otsego County Planning and Zoning recommends the re-zone of the property in question from General Residential (R-2) to Industrial (I) as proposed.



Christopher Churches
Director of Planning & Zoning, Capital Projects & Grants