

Otsego County Planning Commission

Proposed Minutes for July 19, 2021

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

Pledge of Allegiance.

Roll Call:

Present: Mrs. Jarecki, Mr. Maxwell, Mr. Caverson, Mr. Brown, Mr. Marlette, Mr. Sanders, Mr. Dipzinski, Ms. Corfis

Absent: Mr. Hartmann, Mr. Hilgendorf, Mr. Scott

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

Public Present: Kyle Yohe, applicant Yohe Services LLC

Approval of minutes from: April 19, 2021

Vice Chairperson Jarecki requested discussion on the minutes; hearing none requested a motion.

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

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearing:

1. **PZR221-001** – Yohe Services LLC, property owner, represented by Kyle Yohe, applicant, is requesting a Rezone of a single parcel located in Bagley Township on Old 27 South 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 B3/Business, Light Manufacturing

Parcel identification number:

010-028-200-035-00

Old 27 South

Gaylord, MI 49735

Legal Description:

COMM @ N1/4 COR, TH S2°E 495.69' FOR POB; TH N89°W 1292.93', TH S3°W 340.64', TH S89°E 1327.36', TH N2°W 340.55' TO POB, SEC 28, T30N-R3W.

Vice Chairperson Jarecki stated the case before the Commission, opened the public hearing and requested comment from Mr. Maxwell, Bagley Township representative.

Public hearing opened: 6:02pm

Mr. Maxwell stated Bagley Township had discussed the case at their June meeting; Mr. Yohe was present to answer questions. They found the requested rezone to be consistent with Bagley's Future Land Use and with the County's as well. Both were designated as commercial zoning so they were recommending the approval of the rezone; the Bagley Township Board recommended the same.

Vice Chairperson Jarecki requested comment from Mr. Yohe, applicant/owner.

Mr. Yohe had nothing further to add.

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Public hearing closed:

6:04pm

Advertised Case:

1. **PZRZ21-001** – Yohe Services LLC, property owner, represented by Kyle Yohe, applicant, is requesting a Rezone of a single parcel located in Bagley Township on Old 27 South 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 B3/Business, Light Manufacturing

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Mr. Caverson questioned the intended use of the property if the rezone were approved. He had concerns with noise from heavy equipment.

Mr. Maxwell stated the B3 zoned properties backed up to industrial zoned properties along Alpine Rd for Cooper Standard.

Mr. Brown stated the uses in a B1 and B2 were also allowed in the B3 Zoning District.

Ms. Boyak-Wohlfeil stated there a parcel to the south also owned by Mr. Yohe that would remain R2.

Mr. Dipzinski stated the heavy equipment was more along the line of pick-up trucks, not bulldozers and excavators.

Mr. Boyak-Wohlfeil stated the use was for the storage of equipment.

Mr. Yohe concurred and stated it would be his workshop.

With no further comment, Vice Chairperson Jarecki requested a motion for approval of the Finding of Fact for PZRZ21-001.

Motion made by Mr. Maxwell to approve Exhibit 12 Finding of Fact for PZRZ21-001 as presented; seconded by Mr. Brown. *SEE ATTACHMENT 1*

Motion approved unanimously.

Vice Chairperson Jarecki requested a recommendation for PZRZ21-001.

Motion made by Mr. Maxwell to recommend PZRZ21-001 to the Otsego County Board of Commissioners for approval to rezone parcel 010-028-200-035-00 from a R2 General Residential Zoning District to a B3 Business, Light Manufacturing Zoning District; seconded by Mr. Marlette.

Motion approved unanimously.

Mr. Yohe thanked the Commission.

Unfinished Commission Business:

Mr. Maxwell stated the Treetops Committee was meeting again to discuss Treetops' plans and questioned if the townships should wait to review the definition previously sent.

Ms. Boyak-Wohlfeil stated Mr. Drews had contacted her after the proposed language had been sent to townships requesting another meeting. She suggested meeting with the entire committee and a meeting was scheduled for Friday, June 23rd to discuss Treetops plans. She was unsure if there would be any

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changes to the proposed language but if so, those changes would be forwarded to townships as soon as possible.

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Judy Jarecki

Mrs. Jarecki stated the Community Center would be holding a teen camp for girls July 25-27; the County Park was extremely busy – the Fly-in was successful – work has begun on the erosion problem, permits from EGLE have been backlogged – information was obtained to treat tree roots to prevent tripping hazards – an adjoining parcel is for sale and will be sought to expand the park further; construction of the pavilion at the Groen Preserve has begun – Jo Berg will be holding a cross country run in September – more trees were planted at the Groen to replace the ones lost, volunteers will assist with the watering in lieu of rain; the water issue at the dog park has been corrected – maintenance is very time consuming; Wah Wah Soo is installing security cameras to help prevent vandalism; Irontone Springs has been very busy with rentals for multiple events; the material thought to be diamond dust used at Libke Field was not as expected and is causing issues – they are brainstorming as to how to use the property, pickle ball is a strong possibility.

Mr. Brown questioned when the new gates at the Groen would be opened.

Mr. Caverson stated he thought they were waiting for the pavilion to be built and all construction projects completed.

Mrs. Jarecki stated a lot of work was being done at the Groen and things were looking very nice but it was difficult to determine an exact date.

2. Land Use Services report

Ms. Boyak-Wohlfeil introduced Thom Marquard, new Planning & Zoning, Capital Projects and Grants Director for Otsego County. Concerning Land Use, she stated a special use request had been received for a private health club located at 200 Sides Dr. An existing storage building would be partially remodeled for this purpose. The additional information requested had been received and would be sent out to Livingston Township for review. Another special use request was in the works for a wireless tower in Dover Township. An existing lease for a 100' AT&T tower on Treetops property would expire this year. They were in the process of relocating it and increasing the height because the elevation would not be the same. Once relocated, the existing tower would be removed. They were requesting a special meeting. Dover Township was scheduled to meet August 11th for review; the soonest a public hearing could be scheduled would be September 1st or 2nd. A quorum would be needed in order to schedule a meeting.

A majority of members stated they would be available either day.

Ms. Boyak-Wohlfeil stated she would contact the representative to see which date they would prefer and let everyone know. She continued, stating two (2) properties had been cleaned up by the County so far this year and there were seven (7) orders in place for clean-ups should the property owners not follow through. There were also five (5) more cases being prepared for submittal to the courts.

Ms. Corfis stated Otsego Lake Township had finished their work on the keyholing issue; copies were sent to Mr. Hartmann and would be discussed soon.

Mr. Marlette stated a request for a marijuana facility at the old Big Lake Party Store in Chester Township was denied.

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Mr. Maxwell stated there was discussion to annex property in Bagley Township across from Otsego Club into the City of Gaylord for an upscale RV park. Bagley was on board but details needed to be finalized before being officially annexed.

Mr. Caverson stated there were many questions concerning how the CRS (County Revenue Sharing) money would be spent but until more information was known concerning governmental guidelines, the County could not say how the money would be used.

Mr. Brown stated the fireworks over Otsego Lake were spectacular and thanked the persons responsible.

With nothing further, Vice Chairperson Jarecki adjourned the meeting.

Adjournment: 6:29pm by Vice Chairperson Jarecki

Pete Maxwell; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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ATTACHMENT #1:

**OTSEGO COUNTY
PLANNING COMMISSION
REZONE**

**PZRZ21-001
010-028-200-035-00**

FINDING OF FACT

1. This is a proposal for a rezone of a single parcel located in Bagley Township on Old 27 South Gaylord, MI 49735. *Exhibit #1, Exhibit #5*
2. The property is located in a R2/General Residential Zoning District. *Exhibit #2*
3. The proposed rezone is to a B3/Business, Light Manufacturing Zoning District. *Exhibit #1*
4. The purpose of the rezone is to allow consistency in adjoining land uses. *Exhibit #6*
5. The proposed property is 10.23 acres. *Exhibit #4*
6. The proposed property is currently under the ownership of Yohe Services LLC. *Exhibit #4*
7. The case is being represented by Kyle Yohe, owner of Yohe Services LLC. *Exhibit #4*
8. Adjoining properties are zoned B1/Local Business, B2/General Business, B3/Business, Light Manufacturing and R2/General Residential; properties west of Old 27 South are zoned RR/Recreation Residential. *Exhibit #2*
9. The proposed use of the property after rezone approval would be storage of owner's utility equipment and construction of commercial storage buildings. These are permitted uses in the B3 Zoning District. *Exhibit #3*
10. The Public Hearing Notice was published in the Herald Times on July 2, 2021. *Exhibit #7*
11. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
12. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
13. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
14. The Future Land Use Map depicts this area as Large Commercial Zoning. *Exhibit #13*
15. Approval of the proposed rezone would be consistent with the properties along Old 27 South and Alpine Rd and also consistent with the Otsego County Future Land Use Map. *Exhibit #2, Exhibit #13*
16. The Planning Commission has the authority to recommend a *Rezone* request after review and compatibility with the Otsego County Zoning Ordinance. (Section 25.7) *Exhibit #3, Exhibit #13*
17. The Future Land Use Map may be updated at any time. *Exhibit #13*

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FINDINGS UNDER ARTICLE 12/B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

Amended 4.13.2021

INTENT

The B3 District is designed to provide sites for light manufacturing and wholesale storage and as a distribution area to retail stores or industrial users. These sites do not necessarily have to abut or be adjacent to a primary or secondary County road but must have access to these roads without passing through a residential district, provided that the entrance and exit is approved in written form by the County Road Commission.

SECTION 12.1 PRINCIPAL USES PERMITTED

- 12.1.1** Wholesale sales, storage and distribution facilities including accessory retail sales, but excluding storage of flammable or hazardous materials
- 12.1.2** Truck and rail freight terminals, including warehousing
- 12.1.3** Vehicle service and storage centers for trucks, watercraft, truck trailers and miscellaneous motorized vehicles
- 12.1.4** Outside storage yards, provided proper fencing is provided per [Article 21.10](#)
- 12.1.5** Lumber yards, building and construction material suppliers
- 12.1.6** Bottling works, food packaging and freezer plants
- 12.1.7** Welding, jobbing, plastic, wood, machine and fabrication shops
- 12.1.8** Community service facilities (public library, offices operated through public funds, etc.)
- 12.1.9** Equipment reconditioning indoors on an impervious surface
- 12.1.10** Essential services buildings
- 12.1.11** Flea markets
- 12.1.12** Sawmills and forest product processing
- 12.1.13** Fuel storage and wholesale uses with underground storage tanks
- 12.1.14** Monument and art stone product operations
- 12.1.15** Nursery sales and greenhouses
- 12.1.16** Public works garages
- 12.1.17** Indoor archery range
- 12.1.18** Indoor rifle or pistol ranges
- 12.1.19** Construction and utility service contractors storing heavy equipment
- 12.1.20** Storage buildings consisting of building(s) with the purpose of commercial and/or private storage (A storage building shall not be used in any form as a residence.)
- 12.1.21** Agricultural chemicals and supplies in an enclosed building
- 12.1.22** Veterinary hospitals, clinics with indoor kennels [Permit criteria includes [Article 21.45](#)]

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12.1.23 Wireless Telecommunications Towers and Facilities one hundred seventy-nine feet (179') or less in height [Permit criteria includes [Article 21.46](#)]

12.1.24 Recycling Facility

12.1.25 Solid Waste Hauler

12.1.26 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

*****PROPOSED USE WOULD BE PERMITTED IN A B3 ZONING DISTRICT AND USES IN ADJOINING PROPERTIES WOULD BE COMPATIBLE**

FINDINGS UNDER ARTICLE 25

ARTICLE 25 ADMINISTRATION AND ENFORCEMENT

SECTION 25.7 CHANGES AND AMENDMENTS

The County may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement or change the District boundaries or the regulations, herein, or subsequently established herein, pursuant to the authority and procedure established in Public Act 110 of 2006 as amended. The notices for all public hearings before the planning commission or County Board of Commissioners concerning proposed zoning ordinance amendments (zoning text or map amendments) shall comply with all of the following applicable provisions:

A. For a proposed amendment to the text of the zoning ordinance, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. The time, date, and place the proposed zoning ordinance will be considered.
 - c. The places and times at which the proposed zoning ordinance amendment may be examined.
 - d. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

B. For a proposed zoning ordinance amendment rezoning an individual property or ten (10) or fewer adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - c. The time, date, and place the proposed zoning ordinance will be considered.
 - d. The places and times at which the proposed zoning ordinance amendment may be examined.
 - e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.

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2. The notice shall be published in a newspaper of general circulation within the County not less than fifteen (15) days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing.
4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the property or properties proposed for rezoning and to the occupants of all structures within three hundred (300) feet of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility Company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

*****THE PLANNING COMMISSION HAS THE AUTHORITY TO APPROVE A REZONE IF COMPATIBILITY IS FOUND WITH THE ZONING ORDINANCE AND FUTURE LAND USE MAP – FUTURE LAND USE MAP MAY BE UPDATED ANY TIME**

********Motion made by Mr. Maxwell to approve Exhibit 12 Finding of Fact for PZRZ21-001 as presented; seconded by Mr. Brown. SEE ATTACHMENT 1*

Motion approved unanimously.

********Motion made by Mr. Maxwell to recommend PZRZ21-001 to the Otsego County Board of Commissioners for approval to rezone parcel 010-028-200-035-00 from a R2 General Residential Zoning District to a B3 Business, Light Manufacturing Zoning District; seconded by Mr. Marlette.*

Motion approved unanimously.