

**OTSEGO COUNTY
PLANNING COMMISSION**

October 17, 2016

6:00 PM

MEETING WILL BE IN THE PLANNING AND ZONING MEETING ROOM LOCATED AT 1322 HAYES ROAD

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From September 19, 2016 meeting
5. CONSENT AGENDA
6. OTHER
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARING:

*Cherry Capital Connection LLC, representing Fleming Shaff Acres, owner has requested a Special Use Permit/Site Plan Review for property located in Elmira Township:
4264 Martindale Rd
Elmira, MI 49730
060-002-400-010-00*

*Property located in an AR/Agricultural Resource Zoning District
PZSU16-002-proposed use of the property is to locate a one hundred twenty-eight foot (128') internet communications tower*
9. ADVERTISED CASE:

*Cherry Capital Connection LLC, representing Fleming Shaff Acres, owner has requested a Special Use Permit/Site Plan Review for property located in Elmira Township:
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Elmira, MI 49730
060-002-400-010-00*

*Property located in an AR/Agricultural Resource Zoning District
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10. UNFINISHED COMMISSION BUSINESS
11. NEW BUSINESS:
 1. 2016 Objective List update
 2. 2017 Objectives
 3. Elections
 4. Expiring terms:
 - a. Willard Brown
 - b. Jason Caverson
 - c. Nora Corfis
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
 1. Otsego County Parks & Recreation report/Judy Jarecki
 2. Sign Regulation – Zoning Ordinance Review/Zoning Information
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for September 19, 2016

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Mr. Borton, Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Caverson, Mr. Bauman, Ms. Corfis

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

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

Public Present: Ken Bradstreet, Wolverine Power, Randy Stults

Approval of minutes from: August 15, 2016

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

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda:

Ken Bradstreet, Wolverine Power representative, distributed pictures and stated the installation of the metal walls discussed at the previous Planning Commission meeting were in place and seemed to make a difference in sound levels. He also stated other areas of concern were regarded and Wolverine would continue to make improvements in those areas in the upcoming months. An invitation was extended to the Planning Commission members again to tour the plant in the near future. (SEE ATTACHMENT #1)

Public Hearing:

- 1) *ARTICLE 14 HX HIGHWAY INTERCHANGE ZONING DISTRICT
SECTION 14.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS*

A proposed addition to the above section allowing above ground storage of hazardous material

Chairperson Hartmann stated the case before them and opened the public hearing.

Public Hearing open: 6:11pm

Ms. Corfis, Otsego Lake Township representative, explained the amendment to the Highway Interchange Zoning District stating the Township felt limiting the size and restricting the location of the tank for above ground hazardous materials allowed the use but kept it in line with other uses within the district.

Chairperson Hartmann asked if there were any other questions; hearing none, the public hearing was closed.

Public Hearing closed: 6:15pm

Otsego County Planning Commission

Proposed Minutes for September 19, 2016

Advertised Case:

- 1) ARTICLE 14 HX HIGHWAY INTERCHANGE ZONING DISTRICT
SECTION 14.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

A proposed addition to the above section allowing above ground storage of hazardous material

Motion made by Ms. Corfis to recommend to the Otsego County Board of Commissioners the addition to the HX Highway Interchange Zoning District allowing *Above-ground storage of flammable or hazardous material* with the listed requirements; Seconded by Ms. Nowak.

Motion approved unanimously. (SEE ATTACHMENT #2)

Unfinished Commission Business: None

New Business:

1. PSUP15-003 DTE Special Use Permit Extension request

Chairperson Hartmann stated a letter from DTE Energy had been received requesting a one (1) year extension of the Special Use Permit PSUP15-003 approved on September 21, 2015. The delay was due to system constraints.

Motion made by Mr. Brown to extend Special Use Permit PSUP15-003 for one (1) year to expire on September 21, 2017; Seconded by Ms. Nowak.

Motion approved unanimously.

2. Personal Wireless Communications/Site Plan requirements

Discussion ensued concerning language in the Wireless Communications section requiring a stamped site plan and the possibility of waiving that requirement. Section 23.2.4 giving the Planning Commission or Zoning Administrator the authority to waive any site plan requirements when certain circumstances exist was discussed further. It was suggested to review the language of Article 23 Site Plan Review and consider possibly amending some text.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Mr. Stults, Otsego County Parks and Recreation Committee member, stated the County Park usage continued with the scheduled Halloween weekends being booked; the Community Center was open and the tennis courts were almost complete; the survey for Wah Wah Soo was done and a fence would be installed to prevent encroachment; the Groen Nature Preserve had been cleaned up from severe wind damage and the remaining property in Trust was closer to being turned over to the County.

Ms. Corfis stated Otsego Lake Township was working on the graphs and maps for their Master Plan and it would soon be complete.

Mr. Borton stated the County had thought an agreement was in place to dispose of the dredging of Otsego Lake on Georgia Pacific property donated to the County per a legal battle settlement but has now been put on hold due to concerns from environmentalists that the substance could possibly cause issues with what is currently on the property. Other options are being researched. He also stated the County was working

Otsego County Planning Commission

Proposed Minutes for September 19, 2016

on an agreement with Kirkland Community College to take over the entire management of the University Center (they run half of it currently) but after an article in the Herald Times, they were approached by Gaylord Community Schools to discuss the possible operation of it. A meeting has been set up. Mr. Borton stated at the Michigan Association of Counties conference he had been reelected to the Board of Directors and also elected second vice chair.

Mr. Schlaud stated business at Land Use Services remained steady.

2. Selected Planning and Zoning Decisions 2011 Part II/Zoning Information

Chairperson Hartmann adjourned the meeting.

Adjournment: 6:50pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

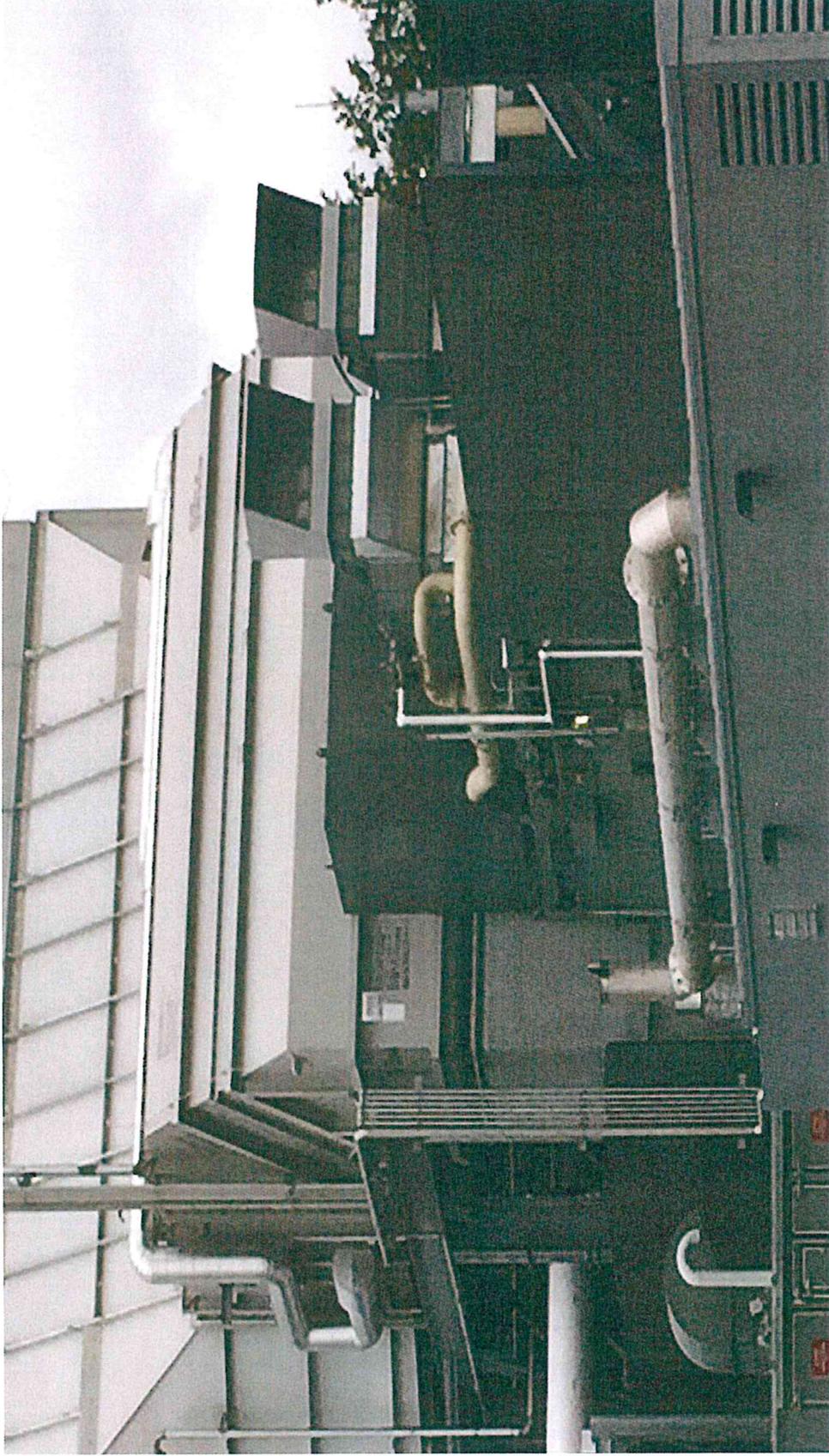
Proposed Minutes for September 19, 2016

ATTACHMENT #1:



Otsego County Planning Commission

Proposed Minutes for September 19, 2016



Otsego County Planning Commission

Proposed Minutes for September 19, 2016

ATTACHMENT #2:

- **BLUE:** All text in **blue** is proposed language.
- **BLACK:** All text in **black** is current language

PROPOSED LANGUAGE FOR HX/HIGHWAY INTERCHANGE ZONING DISTRICT:

ARTICLE 14 HX HIGHWAY INTERCHANGE COMMERCIAL DISTRICT

INTENT:

The Highway Interchange Commercial land use category includes areas designated for commercial development, which are primarily Interstate access dependent. This district primarily serves thru traffic and tourist needs. Uses that are consistent with these areas include, but are not limited to, gasoline stations, lodging facilities, entertainment facilities, restaurant facilities and similar tourist related developments, as well as warehouses, storage buildings, wholesale facilities and other similar uses. This district is intended to serve traffic entering or leaving the Interstate. These areas may require municipal water and sewer services and/or other comparable forms of water and sewer services with approval by the municipality and District Health Department...

PERMITTED USES SUBJECT TO SPECIAL CONDITIONS in the zoning district only when access is from a service road. Access shall not be off Marlette Road in Otsego Lake Township and Mill Street in Corwith Township.

- 14.2.5 Retail uses over one hundred thousand (100,000) square feet
- 14.2.6 Offices and showrooms of plumbers, electricians, decorators or similar trades, with outdoor storage
- 14.2.7 Rental shops with outdoor storage
- 14.2.8 Nursery sales and garden supply centers with outdoor display areas
- 14.2.9 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage
- 14.2.10 Rifle or pistol ranges when within a completely enclosed building as an accessory use
- 14.2.11 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view
- 14.2.12 Sales, rental, and service centers for mobile home, modular home, manufactured homes, or farm equipment provided:
 - 14.2.12.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two streets.
 - 14.2.12.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off street parking lots.
 - 14.2.12.3 No sales or display shall occupy any public street or road right-of-way; and, further, must be set back at least twenty (20) feet from the front property
- 14.2.13 Above-ground storage of flammable or hazardous material provided:**
 - 14.2.13.1 Aggregate storage above 5000 gallons up to 20,001 gallons shall be in a single tank**
 - 14.2.13.2 Signage on the tank shall be limited to that which is statutorily required by law.**
 - Advertising signage of any type will be prohibited on the tank.**
 - 14.2.13.3 Tank location is to be a minimum of fifty (50) feet from the traffic pattern on the site**

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU16-002
Special Use Permit
060-002-400-010-00**

Exhibit List

- Exhibit #1:* Applications for case PZSU16-002 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended June 2015
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended September 2016
- Exhibit #4:* Copy of Otsego County Equalization Department record card/Warranty Deed 0106/592
- Exhibit #5:* Cherry Capital SUP Narrative
- Exhibit #6:* Site Plan for case PZSU16-002 submitted by Applicant
- Exhibit #7:* Martindale Tower Aerial View
- Exhibit #8:* Review letter CTM Engineering LLC/Drawings w/specs
- Exhibit #9:* Authorization letter for Cherry Capital Connection LLC to represent Fleming Shaff Acres
- Exhibit #10:* Public Hearing Notice
- Exhibit #11:* Letter to Elmira Township Planning Commission dated August 26, 2016
- Exhibit #12:* Elmira Township Planning Commission September 27, 2016 meeting minutes
- Exhibit #13:* Map and list of parties notified
- Exhibit #14:* Receipt #01310406
- Exhibit #15:* General Finding of Fact/PZSU16-002
- Exhibit #16:* Specific Finding of Fact/PZSU16-002
- Exhibit #17:* Letter from MDOT dated July 26, 2016
- Exhibit #18:* Street Address Application
- Exhibit #19:*

**OTSEGO COUNTY
LAND USE SERVICES
1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov**

APPLICATION FOR SPECIAL USE PERMIT

Date: July 25, 2016	Parcel Number: <u>002</u> - <u>400</u> - <u>010</u> - <u>00</u>
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PROPERTY LOCATION: (REQUIRED)

Address: 4274 Martindale Rd.		City: Gaylord	Zip Code: 49735
Township: Elmira	Zoning District: AR	Section: 2	T <u>31</u> N/R <u>4</u> W

APPLICANT:

Name: Cherry Capital Connection LLC		<input checked="" type="radio"/> Owner	Agent/Other Interest <i>(circle one)</i>	
Address: 97 Lake St. P. O. Box 866		City: Elk Rapids	State: MI	Zip Code: 49629
Phone: (231) 264- 9970		Fax: (231) 264- 9945		

PROPERTY OWNER: (If different from Applicant)

Name: Fleming Shaff Acres		Phone: (989) 217 - 1395		
Address: 4264 Martindale Rd.		City: Gaylord	State: MI	Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:

128 Foot Personal Wireless Telecommunications Tower triangular in shape, 12 inches on a side, base of tower is placed in an excavation 12 inches in diameter and approximately 3 ft. deep. Cherry Capital Connection is the owner of the tower and we are leasing the tower site space for the owner of the real estate, Fleming Shaff Acres.

SIGNATURE OF APPLICANT:

Bruce Vaughn

DATE:

July 25, 2016

***All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes but is not limited to, all copies of drawing and blueprints.

OFFICE USE ONLY

Date Application Received: <u>8.18.2016</u>	Permit Number: <u>PZSA16-000</u>
Date Application Complete: <u>8.24.2016</u>	Fee: <u>\$700</u> Receipt Number: <u>01310406</u>

OTSEGO COUNTY
LAND USE SERVICES
 1322 HAYES RD GAYLORD MI 49735
 PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: Cherry Capital Connection LLC	<input checked="" type="checkbox"/> Owner / <input type="checkbox"/> Agent / <input type="checkbox"/> Other Interest <i>(circle one)</i>
Address: P. O. Box 866, Elk Rapids, MI 49629	
Phone: (231) 264-9970	Fax: (231) 264-9945

PROPERTY OWNER: *(If different from Applicant)*

Name: Fleming Schaff Acres	
Address: 4264 Martindale Rd., Gaylord, MI 49735	
Phone: (989) 217 - 1395	Fax: () -

PROPERTY LOCATION:

Township: Elmira	Section: 2	T <u>31</u> N/R <u>4</u> W	Zoning District: AR
Site Address: 4274 Martindale Rd., Gaylord, MI 49735			
Parcel Number: <u>002</u> - <u>400</u> - <u>010</u> - <u>00</u> -			
Description of Project and Proposed Use: 128 Foot Personal Wireless Communications Tower triangular in shape, 12 inches on a side base of tower is placed in an excavation 12 inches in diameter and approximately 3 feet deep. Cherry Capital Connection is the owner of the tower and we are leasing the tower site space from the owner of the real estate, Fleming Schaff Acres			

Signature of Applicant: <i>Bruce Vaughn</i>	Date: July 25, 2016
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***** Attention *****

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

The following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.
Yes No NA if "NA" explain: _____
2. Proof of property ownership and whether there are any options on the property or any liens against it.
Yes No NA if "NA" explain: This is a site lease
3. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
Yes No NA if "NA" explain: _____
4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).
Yes No NA if "NA" explain: _____
5. The address and or parcel number of the property.
Yes No NA if "NA" explain: _____
6. Name and address of the developer (if different from the applicant).
Yes No NA if "NA" explain: Applicant is developer
7. Name and address of the engineer, architect and/or land surveyor.
Yes No NA if "NA" explain: No engineering needed for site development
8. Project title.
Yes No NA if "NA" explain: _____
9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.
Yes No NA if "NA" explain: _____
10. A vicinity map drawn at a scale of 1"=2000' with North point indicated.
Yes No NA if "NA" explain: _____
11. The gross and net acreage of all parcels in the project.
Yes No NA if "NA" explain: _____
12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
Yes No NA if "NA" explain: _____
13. Project completion schedule/development phases.
Yes No NA if "NA" explain: Tower will be completed 180 days from final permit approval

14. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified.

Yes No NA if "NA" explain: _____

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

15. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes No NA if "NA" explain: _____

16. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes No NA if "NA" explain: No changes to existing grade are being made

17. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes No NA if "NA" explain: No hard surface run off created, no retention basin needed

18. Location and type of significant existing vegetation.

Yes No NA if "NA" explain: _____

19. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes No NA if "NA" explain: _____

20. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes No NA if "NA" explain: _____

21. Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment and the method of screening where applicable.

Yes No NA if "NA" explain: Refer to sheet 6 of master print set, shed is attached to tower

22. Location of existing public roads, right-of-ways and private easements of record and abutting streets. Notation of existing traffic counts and trip generation estimates may be required if deemed appropriate by the Zoning Administrator or Planning Commission.

Yes No NA if "NA" explain: No roads or drives being constructed

23. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes No NA if "NA" explain: None being constructed

24. Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing) and fire lanes.

Yes No NA if "NA" explain: None being constructed

25. Location, size, and characteristics of all loading and unloading areas.

Yes No NA if "NA" explain: None being constructed

26. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

Yes No NA if "NA" explain: None being constructed

27. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes ___ No ___ NA if "NA" explain: None being constructed

28. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.

Yes No ___ NA ___ if "NA" explain: _____

29. Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools if applicable.

Yes ___ No ___ NA if "NA" explain: None being constructed

30. Location, size and specifications of all signs and advertising features with elevation views from front and side.

Yes ___ No ___ NA if "NA" explain: No signage

31. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

Yes ___ No ___ NA if "NA" explain: No lighting

32. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes ___ No ___ NA if "NA" explain: None being constructed

33. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes ___ No ___ NA if "NA" explain: No landscaping being done

34. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.

Yes ___ No ___ NA if "NA" explain: No trash receptacles planned or needed

35. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials or hazardous materials, as well as any containment structures or clear zones required by government authorities.

Yes ___ No ___ NA if "NA" explain: No storage being constructed

36. Identification of any significant site amenities or unique natural features.

Yes ___ No ___ NA if "NA" explain: No site amenities

37. Identification of any significant views onto or from the site to or from adjoining areas.

Yes ___ No ___ NA if "NA" explain: No significant views

38. North arrow, scale and date of original submittal and last revision.

Yes No ___ NA ___ if "NA" explain: _____

39. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.

Yes ___ No ___ NA if "NA" explain: Per section 23.2.4.1 we are respectfully requesting that this requirement be waived. A three foot hole 12 inches in diameter is the extent of the significant data. Per the check list most

40. Paid appropriate fees to Otsego County. sections do not have any data. Requiring an architect, engineer or landscape architect appears to serve no useful purpose. The site is not being significantly changed.
Yes No ___ NA ___ if "NA" explain: _____

*****Attention*****

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. In the immediate area of the seal there shall also be the following statement, signed by the professional sealing the plans:

I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated: _____

Or

I do hereby certify that those plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information; the design of this project is in compliance with the Otsego County Zoning Ordinance dated _____, except for the following items:
(List known variations from the Ordinance)

*** Please see response to item number 39 ***

*****OFFICE USE ONLY*****

Date Application Received: 8.18.16	Fee: —	Receipt Number: 01316406
Permit No: PZ3616.000	Soil Erosion Permit No: —	
Approved:	Denied:	By:
Conditions:		
Reasons:		

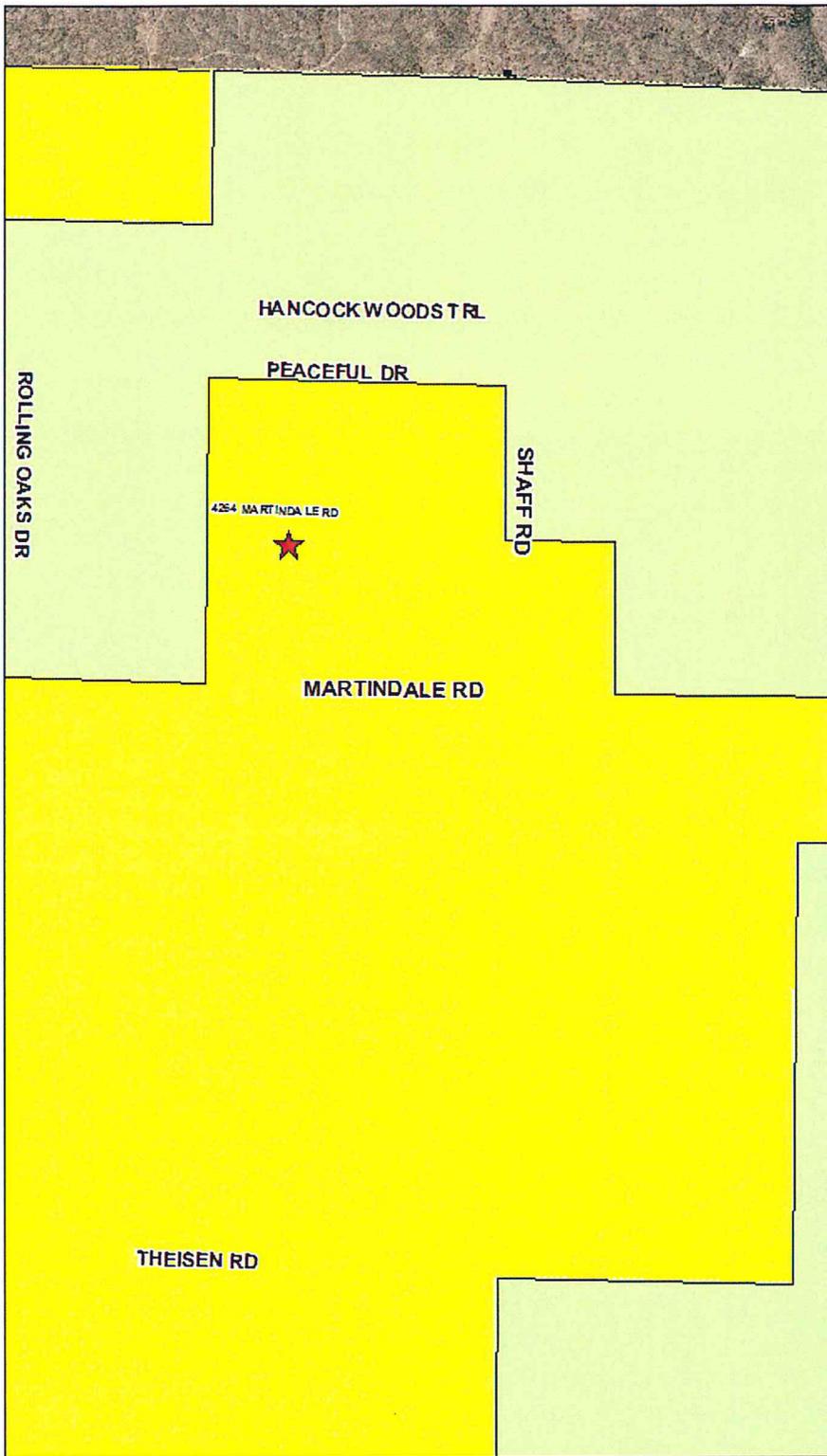
PZSU16-002

CHERRY CAPITAL CONNECTIONS LLC

060-002-400-010-00

4264 MARTINDALE RD

OTSEGO COUNTY ZONING MAP



ZONING LEGEND	
	AR/Agricultural Resource
	PUD/Planned Unit Development
	R2/General Residential
	I/Industrial
	B3/Business & Light Manufacturing
	RR/Recreational Residential
	R1/Residential
	R3/Residential Estates
	B1/Local Business
	B2/General Business
	State Land
	FR/Forest Recreational
	Undefined

Exhibit 2

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
FLEMING, ETHEL M	FLEMING, ETHEL M	0	02/25/1988	Msc	Affidavit	0404/506	DEED	0.0
FLEMING, DARRELL H & ETHEL	FLEMING SHAFF ACRES	0	06/18/1965	WD	No Sale Price	0106/592	DEED	0.0
HANSEN, WILLIAM H & OLIVE	FLEMING, DARRELL H & ETHEL	0	07/21/1939	QC	No Sale Price	0044/286	DEED	0.0
<p>Property Address 4264 MARTINDALE RD Owner's Name/Address FLEMING SHAFF ACRES 4264 MARTINDALE RD GAYLORD MI 49735</p>								
<p>Tax Description W 1/2 OF SE 1/4 SEC 2 T31N R4W Comments/Influences</p>								
Class: 102 Agricultural S Zoning: AR		Building Permit (s)		Date		Number		Status
School: Gaylord Community		RES. ADD/ALTER/REPAIR		06/18/2002		PB002807		
P.R.E. 100% / / Qual. Ag.		RES. ADD/ALTER/REPAIR		06/12/2002		PZ020309		
: 0.00		2014 Est TCV 487,800 (Value Overridden)						
Improved		X Vacant		Land Value Estimates for Land Table .				
Public Improvements		* Factors *		Description		Frontage		Depth
Dirt Road		Gravel Road		Paved Road		Storm Sewer		Sidewalk
Water		Sewer		Electric		Gas		Curb
Street Lights		Standard Utilities		Underground Utils.		Topography of Site		Level
Rolling		Low		High		Landscaped		Swamp
Wooded		Pond		Waterfront		Ravine		Wetland
Flood Plain		Who		When		What		Year
2014		243,900		0		243,900		2014
2013		257,000		0		257,000		2013
2012		255,400		0		255,400		2012
2011		247,500		0		247,500		2011
Assessed Value		Building Value		Tribunal/Other		Board of Review		Taxable Value
207,764C		204,493C		199,701C		194,451C		207,764C
204,493C		199,701C		194,451C				204,493C
199,701C		194,451C						199,701C
194,451C								194,451C

*** Information herein deemed reliable but not guaranteed***

OTSEGO COUNTY GAYLORD, MICH.
 TREASURER'S OFFICE No. 12, 1965
 I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection.
 COUNTY TREASURER
 (PHOTO COPY FORM) DOWLING BROS. & CO. KALAMAZOO, MICH.

Recorded July 12, 1965
 at 9:30 o'clock
 Liber 106 of Deeds, Page 592
 Register of Deeds.

LIBER 106 PAGE 592

This Indenture, made May 18, 1965
 BETWEEN Darrell H. Fleming and Ethel M. Fleming, husband and wife,
 Route #2, Gaylord, Michigan,
 1 parties of the first part,
 and Flemings - Shaff Acres, a Co-partnership,
 1 party of the second part,
 whose address is Route #2, Gaylord, Michigan

Witnesseth, That the said party of the first part, for and in consideration of the sum of ONE DOLLAR and Other Good and Valuable Consideration to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, his heirs and assigns, FOREVER, all that certain piece or parcel of land situate and being in the Township of Elmira County of Otsego and State of Michigan, and described as follows, to-wit:

Southeast quarter (SE 1/4) Section Two (2);
 The Northwest quarter (NW 1/4); The North one-half of the Northeast quarter (N 1/2 of NE 1/4); Southwest quarter of the Northeast quarter (SW 1/4 of NE 1/4); Northwest quarter of the Southeast quarter (NW 1/4 of SE 1/4), All in Section Eleven (11), AND ALSO,
 The West 100 acres of the Northwest quarter (NW 1/4); the North one-half of the Southwest quarter (N 1/2 of SW 1/4); and the Northwest quarter of the Southeast quarter (NW 1/4 of SE 1/4), Section Twelve (12), ALL being in T 31N, Range 4 W, Otsego County, Michigan,
 Subject to any mineral rights reserved or leased of record.

Together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To Have and to Hold the said premises, as herein described, with the appurtenances, unto the said party of the second part and to ~~his~~ its SUCCESSORS and assigns, FOREVER. And the said party of the first part, for himself, his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, ~~his~~ its SUCCESSORS and assigns, that at the time of the delivery of these presents he is well seized of the above granted premises in fee simple; that they are free from all incumbrances whatever

and that he will, and his heirs, executors, and administrators shall Warrant and Defend the same against all lawful claims whatsoever,

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.
 In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, and Delivered in Presence of
 Melvin A. Freel
 Georgia D. Respecki
 Melvin A. Freel
 Georgia D. Respecki

Darrell H. Fleming
 Ethel M. Fleming
 Darrell H. Fleming
 Ethel M. Fleming

STATE OF MICHIGAN, } on May 18, 1965
 COUNTY OF Otsego } ss. before me, a Notary Public, in and for said County, personally appeared Darrell H. Fleming and Ethel M. Fleming to me known to be the same person s described in and who executed the within instrument, who severally acknowledged the same to be their free act and deed.

This instrument drafted by
 MELVIN A. FREEL, Attorney
 Gaylord, Michigan

Georgia D. Respecki
 Notary Public,
 Otsego County, Michigan,
 My commission expires 11-25-67, 19

FOR DOCUMENTARY STAMPS

SEE FOOT NOTES ON OTHER SIDE.



July 25 2016

OTSEGO COUNTY LAND USE SERVICES SUP for property: 002-400-010-00
 Fleming Farm 4264 Martindale – Personal Wireless Services Telecommunication tower

Objective: Cherry Capital Connection is requesting approval of a Special Use permit. We are requesting that the SUP be evaluated based on language approved at the June 2016 Planning Commission meeting. The SUP is for a 128-foot guy tower. The guy tower is of lattice design and is 12 inches triangular.

Since this is our first SUP in Otsego county and the language is newly approved we are asking for guidance in our application submittal. Per section 21.46.2.6 we are requesting that the planning commission consider and we are submitting the required SUP.

1. Per section 2.2 (Definitions) personal Wireless Services Telecommunications Towers and Facilities
2. Section 21.46.2.1 No existing towers within 1 mile.
3. Section 21.46.2.2 Shelter not in road-way or easement
4. Section 21.46.2.3 Land being leased for guy tower meets the needs of the tower, zoning fall requirements and Article 17 (88,000 square or 2.2 acres)
5. Section 21 46 2.4 Setbacks met and greater than 100% of tower height from property lines
6. Section 21.46.2.5 Otsego County airport manager has directed CCC to submit our request to MDOT tall Structures division. FAA has been contacted and has no restrictions.
7. Section 21.46.2.6 Guyed and self-supporting towers may be considered by the planning commission and require a special use permit.
 - a. 21.46.2.6.1 does not exceed 150 feet
 - b. 21.46.2.6.2 we are significantly greater than 120% of the tower height from any of the property lines
 - c. 21.46.2.6.3 8-foot climbing barriers will be installed
8. Section 21.46.2.7 Site plan submitted with considerations
 - a. Service building is attached to tower and is a tool shed 4 x 2 by 6 feet tall
9. Section 21.46.2.8 No lights
10. Section 21.46.2.9
 - a. Requesting the planning commission approve utilizing yellow guy protection sleeves for high visibility to be installed not fencing.
 - b. Signage will be installed on 6 foot locked fence surrounding the tower. This signage provides contact information.

11. Section 21.46.2.10

12. We are requesting that the security requirement be waived. The total cost of construction of the tower is under \$5,000. Items that demonstrate the low cost of removal are: a. no concrete foundation, b. guy anchors do not require concrete and c. the tower itself weights less than 450 pounds.

13. Section 21.46.2.11 Sealed construction documents are provided in electronic form (Reference Site plan review section 23.2.2)
14. Section 21.46.2.12 Construction requires a 12-inch diameter hole 3 feet deep. The total soil disruption is significantly less than 20 square feet so no soil sample or water flow analysis is required.
15. Section 9.2 and Section 9.2.25 Permitted use with SUP (permit criteria include Article 21.46 see above comments)



Cherry Capital Connection, LLC

Northern Michigan's Telecommunication Provider

www.cherrycapitalconnection.com



P.O. Box 866
Elk Rapids, MI 49629
855-674-4159

16. Section 23.2.1 Site Plan review required for Special Land Use (see Article 19 and Section 21.46.2.11)
 - a. Section 23.2.1.1 Cherry Capital Connection, LLC P.O.Box 866 Elk Rapids, MI 49690 231-264-9970
 - b. Section 23.2.1.2 Lease
 - c. Section 23.2.1.3 Agent Authorization
 - d. Section 23.2.1.4 Fleming Farm 4264 Martindale see Agent Authorization
 - e. Section 23.2.1.5 002-400-010-00
 - f. Section 23.2.1.6 see section 23.2.1.1
 - g. Section 23.2.1.7 Reference sealed construction documents
 - h. Section 23.2.1.8 Fleming Farm Personal Wireless Services Telecommunications tower and Facility
 - i. Section 23.2.1.9 Construction of a 128-foot guy tower
 - j. Section 23.2.1.10 Vicinity Map Included
 - k. Section 23.2.1.11 2.2 acres
 - l. Section 23.2.1.12 Agricultural
 - m. Section 23.2.1.13 Approximately 180 days from final permit approval.
17. Section 23.2.2 leased space is 2.2 acres per article 17
 - a. Section 23.2.2.1 included
 - b. Section 23.2.2.2 Considered not required per Section 21.46.2.12
 - c. Section 23.2.2.3 Considered not required per Section 21.46.2.12
 - d. Section 23.2.2.4 See site plan
 - e. Section 23.2.2.5 Considered not required per Section 21.46.2.12
 - f. Section 23.2.2.6 No building proposed
 - g. Section 23.2.2.7 Proposed accessory structure (rubber maid tool shed)
 - h. Section 23.2.2.8 Included no impact on traffic (no occupancy – Dark operation)
 - i. Section 23.2.2.9 No streets, drives, curb cuts, or access easements required
 - j. Section 23.2.2.10 No proposed or existing curbing, barrier free access, carports, parking areas and fire lanes
 - k. Section 23.2.2.11 No loading or unloading areas required
 - l. Section 23.2.2.12 No sidewalks, walkways, bicycle paths or public area uses
 - m. Section 23.2.2.13 No water supply lines, wells, storm sewers, treatment systems
 - n. Section 23.2.2.14 Per electrical code a branch will be developed. No existing power on 2.2 acre site
 - o. Section 23.2.2.15 No common Facilities
 - p. Section 23.2.2.16 No advertising features
 - q. Section 23.2.2.17 No exterior lights
 - r. Section 23.2.2.18 No screening features
 - s. Section 23.2.2.19 No buffering features
 - t. Section 23.2.2.20 No trash no solid waste
 - u. Section 23.2.2.21 No storage facilities
 - v. Section 23.2.2.22 No site amenities
 - w. Section 23.2.2.23 No significant views or unique natural features
 - x. Section 23.2.2.24 Scale information provided
 - y. Section 23.2.2.25 Sealed documents for site plan
 - i. Per section 23.2.4.1 we are respectfully requesting that this requirement be waived. A three-foot hole 12 inches in diameter is the extent of the significant data. Per the check list most sections do not have any data. Requiring an architect of landscape architect appears to provide no useful purpose. The site is not being significantly changed.



Cherry Capital Connection, LLC

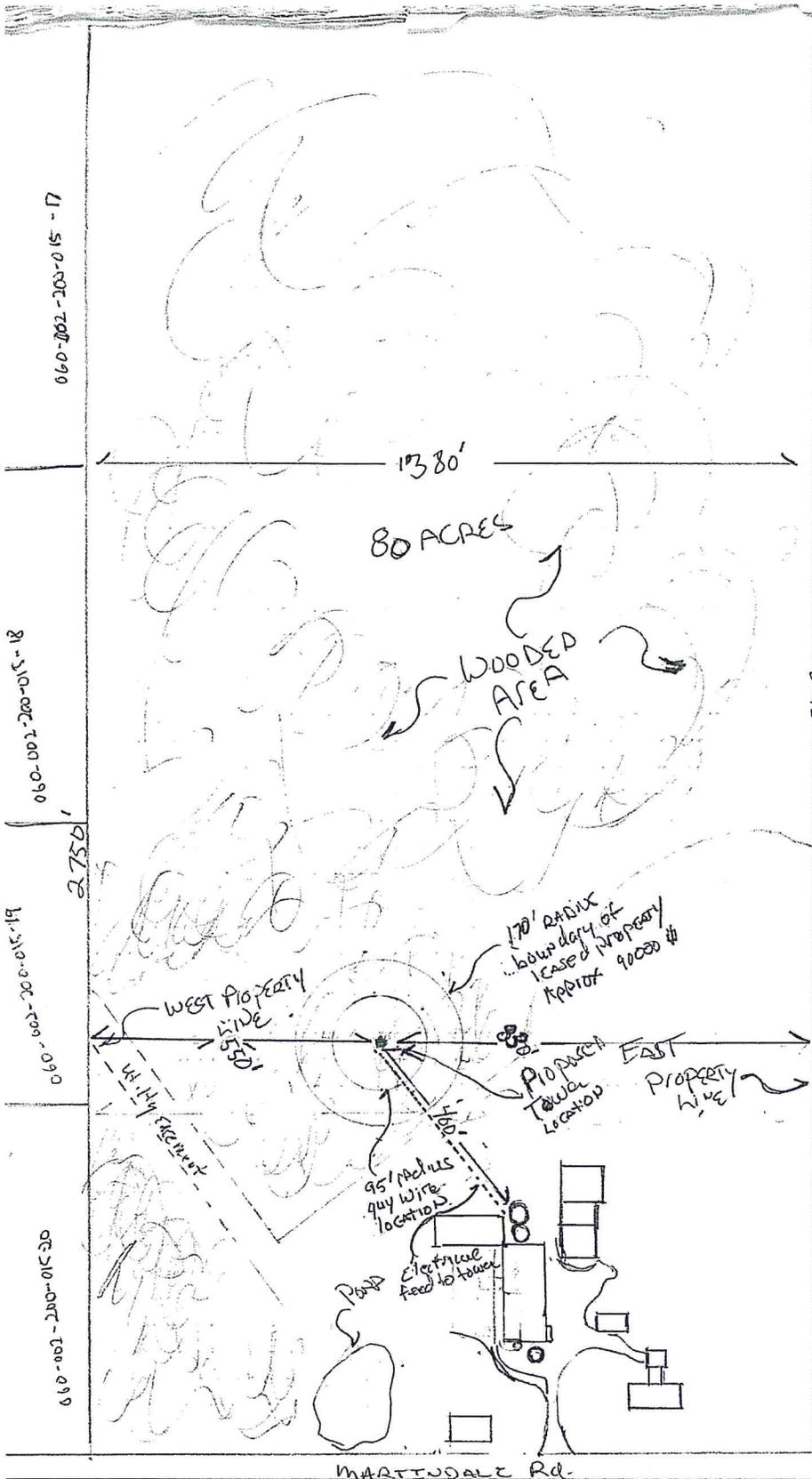
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P.O. Box 866
Elk Rapids, MI 49629
855-674-4159

- z. Section 23.2.3
 - i. Per section 23.2.4.1 we are respectfully requesting that this requirement be waived. A three-foot hole 12 inches in diameter is the extent of the significant data. Per the check list most sections do not have any data. Requiring an architect of landscape architect appears to provide no useful purpose. The site is not being significantly changed.
- aa. Section 23.2.4 see above comments
- bb. Section 23.2.5 Fee submitted with application
- cc. Section 23.3 Pre-Application conference has been done and continues
- dd. Section 19.1
- ee. Section 19.2 Verify what with land use the total fee requirements
- ff. Section 19.3
 - i. Similar to Site plan review
- gg. Section 19.5
- hh. Section 19.6
- ii. Section 19.7 Meets all requirements
- jj. Section 19.8 Meets requirements
- kk. Section 19.9 Meets all requirements
- ll. Section 19.10 No amendments
- mm. Section 19.11 Construction will be completed within 180 days
- nn. Section 19.12 no reapplication required at this time



060-002-400-005-04

Cherry Capital Limited
 P.O. Box 816
 97 Lehigh St.
 Elk Rapids, MI 49729
 231-264-9970
 Applicant

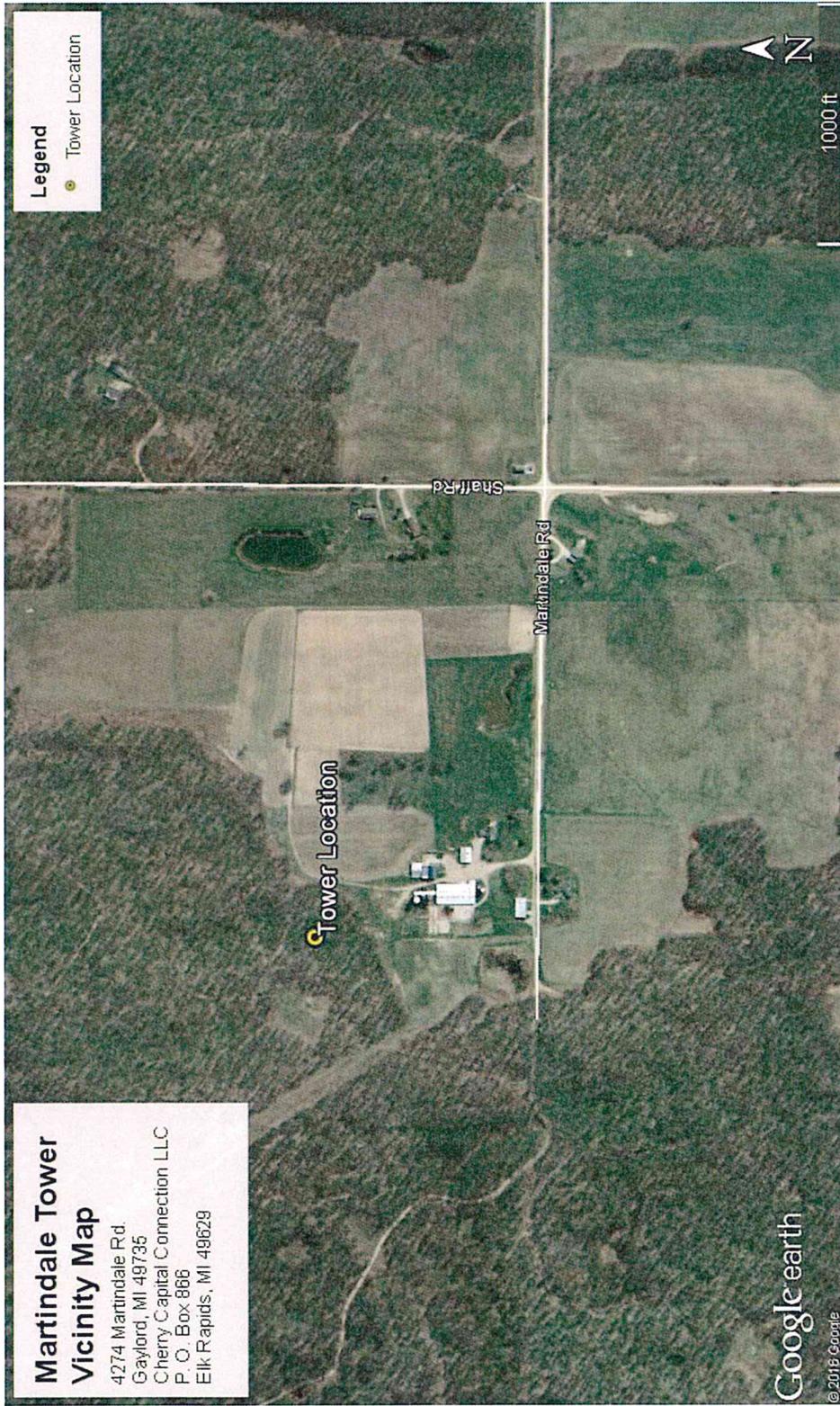
Fleming Shalk News
 4264 Martindale Rd
 Elk Rapids, MI
 231-264-1345
 Owner

MARTINDALE Rd.

060-011-00-005-01

Exhibit 6

MARTINDALE TOWER
 42774 MARTINDALE Rd
 Scale 1" = 200'
 Parcel # 060-002-400-010-4
 August 18, 2006
 Bruce Vaughn
 231-264-9970





Mr. Bruce Vaughn

Cherry Capitol Connection, LLC

PO Box 866

Elk Rapids, MI, 49629-0866

Re: Communication Tower Review

CTM – G14031

Dear Mr. Vaughn,

Per your request, we have reviewed the information that you supplied to determine the area of the antennae that can be supported by the tower. The tower sections and equipment are to be supplied by the American Tower Company. Also supplied is an outline of the parts to be used with the various installations as well as the supplier that supplies the various parts. Along with this information are sketch drawings #1 thru #5 showing the assembly of the items for towers to a height of just under 130 feet.

The towers, when constructed utilizing the above referenced materials and meeting the standards for tower structures outlines in TIA-222 will meet the requirements for this area. The standards that they meet include dead load, live load, wind load, and icing for towers constructed in an open area with wind speeds of 90 MPH coming from any directions. In these conditions the tower has the ability to support a total antenna area of 7.0 square feet. The initial installation will have an antenna area of only 1.361 square feet.

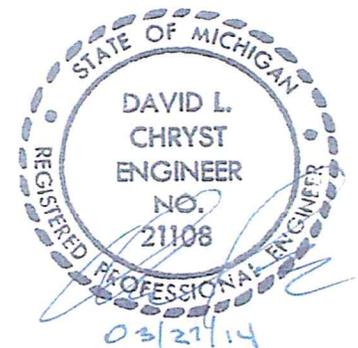
This should answer the questions raised to date.

Very truly yours,

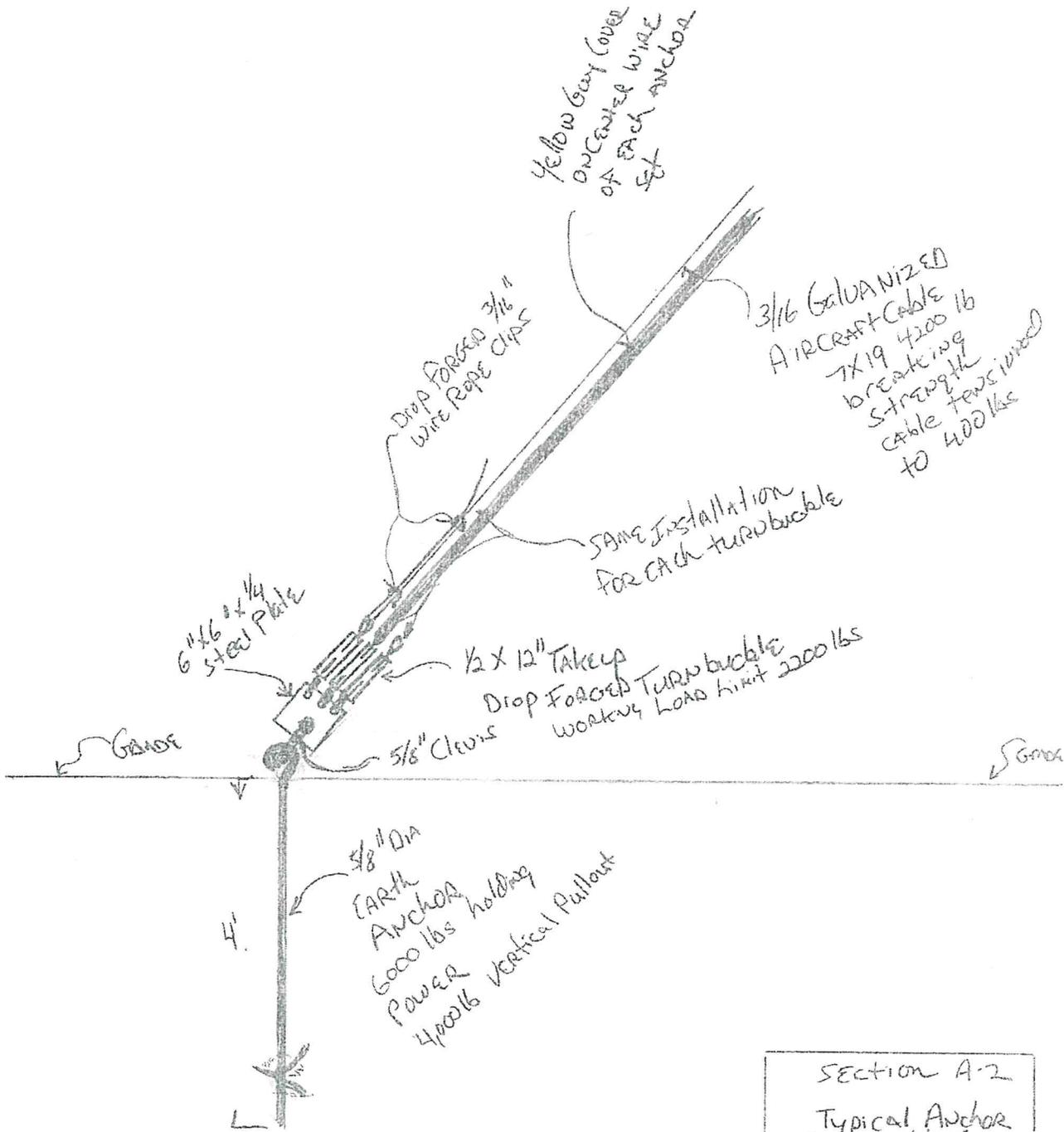
CTM Engineering, LLC

David L Chryst , PE.

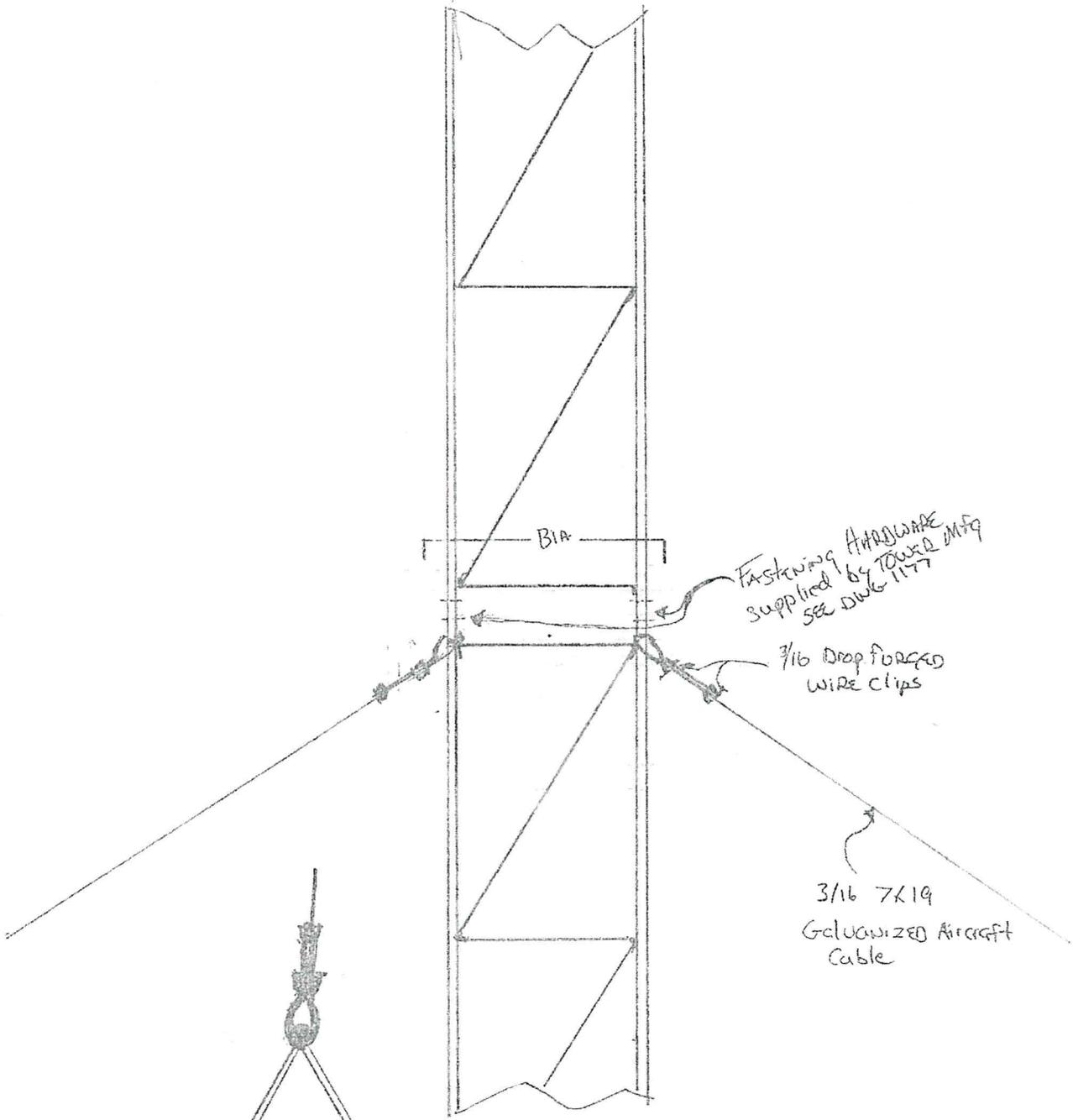
Enclosures



Old Munson Hall • 921 W. 11st St. • Suite 2W • Traverse City, MI 49684
(231) 946-1919 • Fax (231) 946-5224 • Cell (231) 633-1919 • dlc@ctmengineeringllc.com



SECTION A-2
 Typical Anchor Turnbuckle, Guy Wire Assembly w/ Guy Cover
 Scale 1" = 1'

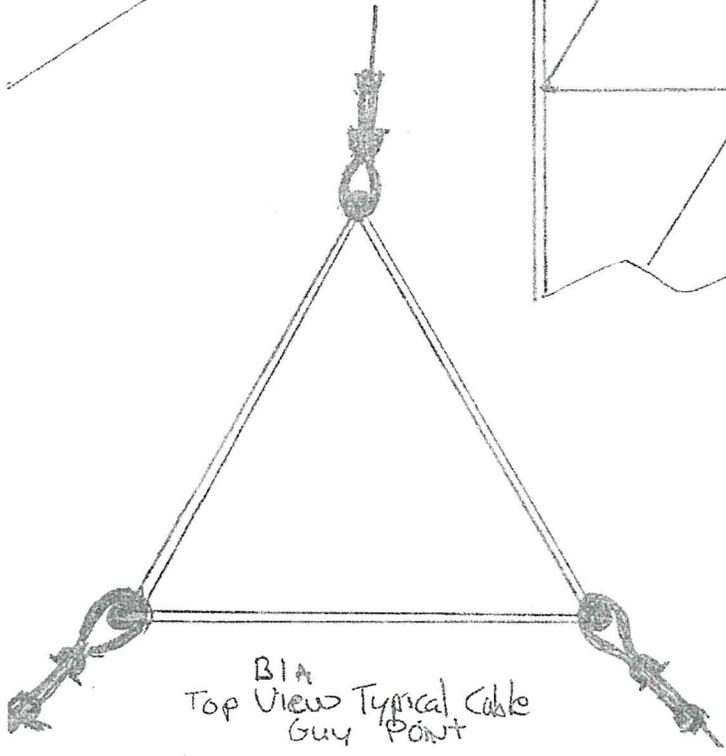


Fastening Hardware
 supplied by TOWER MFG
 see DWG 1177

3/16 Drop Forged
 Wire Clips

3/16 7X19
 Galvanized Aircraft
 Cable

Section B-1
 Typical Guy
 Attachment
 on Tower
 Scale - NONE

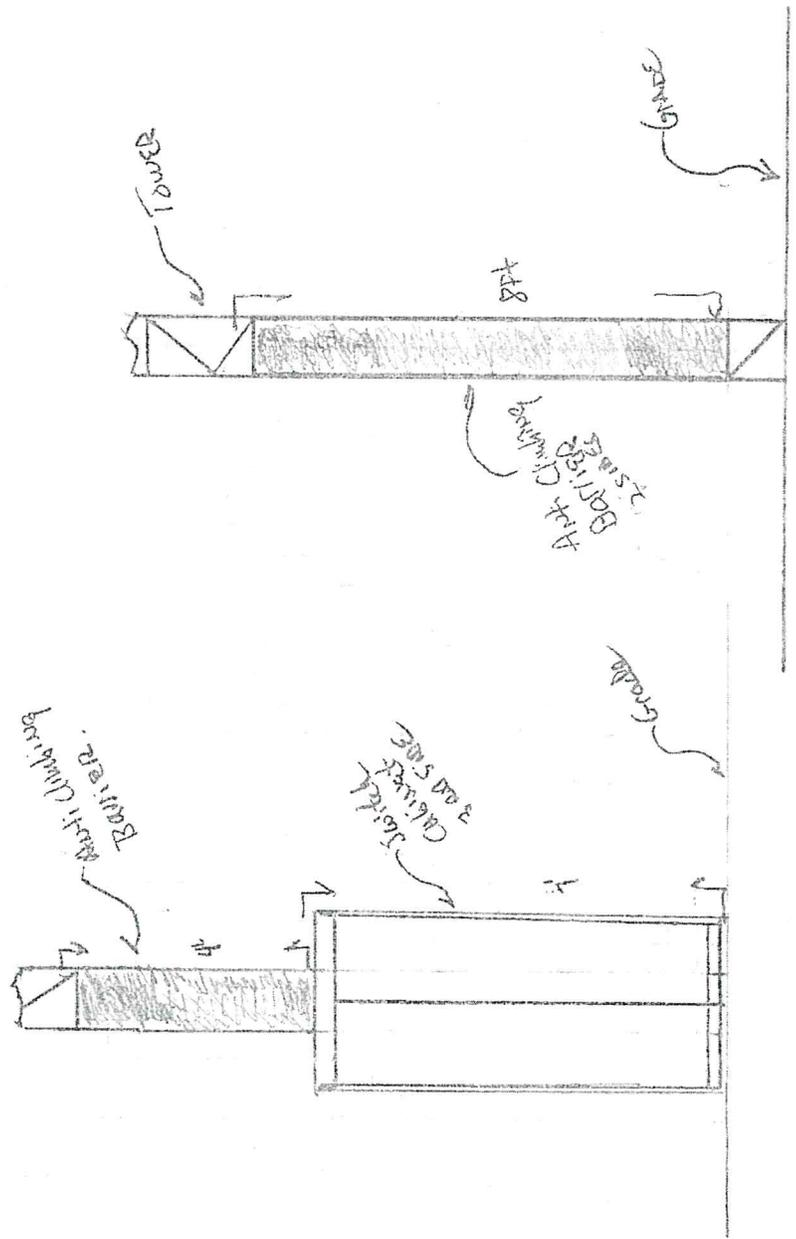


B1A
 Top View Typical Cable
 Guy Point

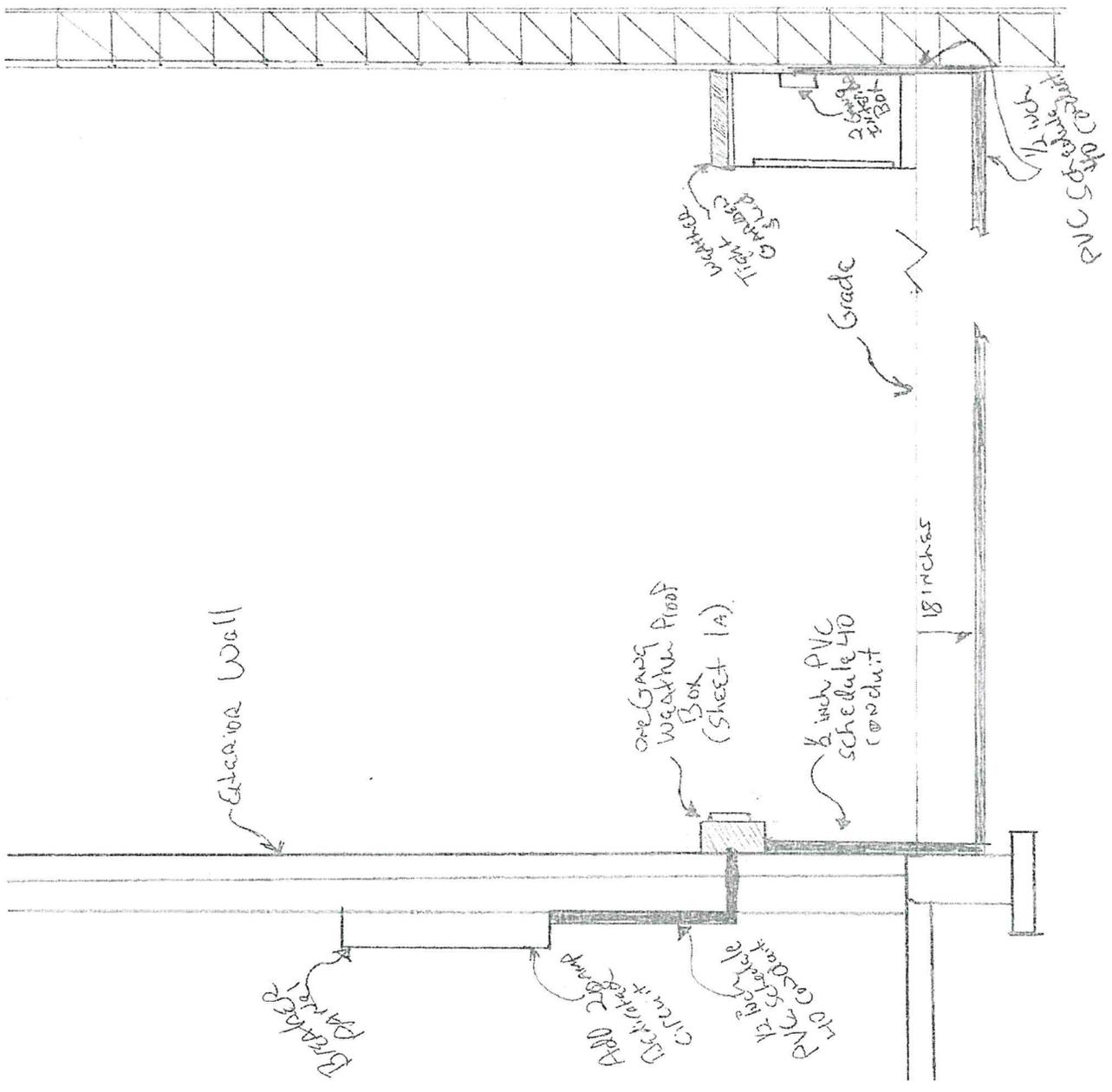
P65

Anti-Climbing
 Barrier
 Typical
 Chubby Capital
 Connection
 10-2014
 Bruce VanSlyke

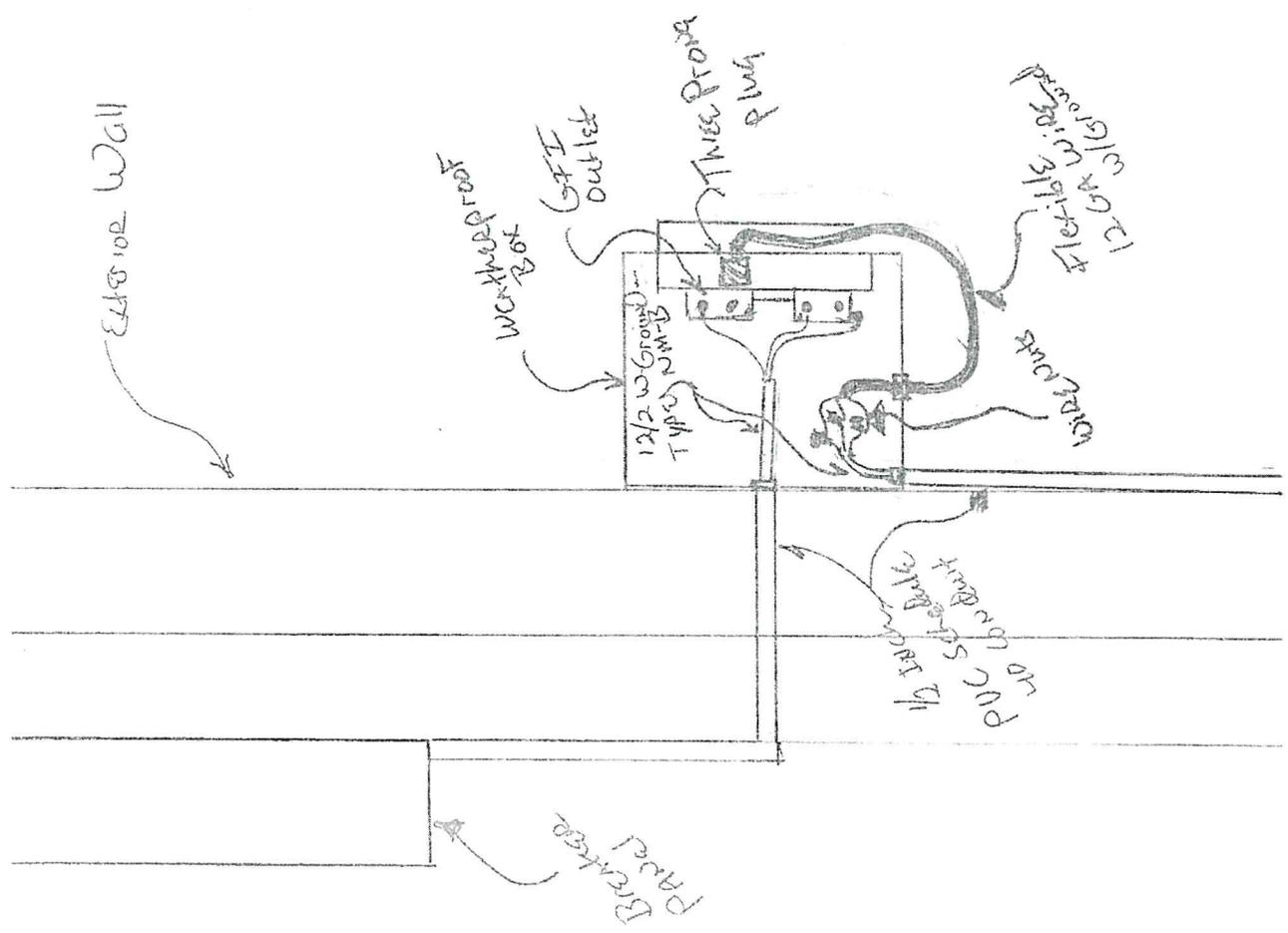
Anti-Climbing barrier
 is constructed with 2x4
 marine grade plywood
 that is cut to fit between
 the vertical supports
 of the tower, each 8'
 panel is fastened to the
 tower in 8 separate
 places.

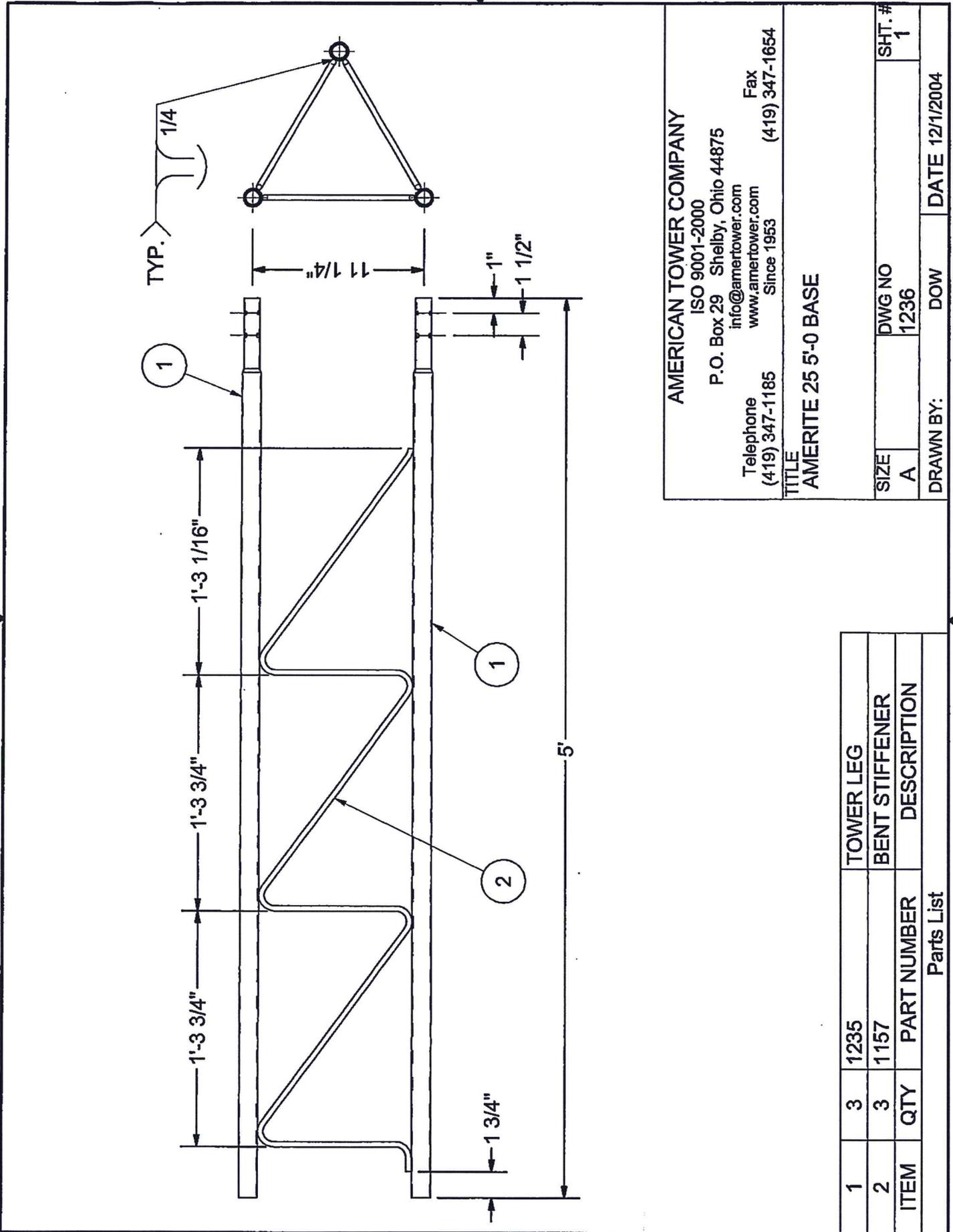


Cherry Capital
 Inspection
 Typical Electrical
 Circuit
 1/2 Scale



Cherry Capital
 Connection
 One Gang
 Weatherproof
 Box, No Seal





AMERICAN TOWER COMPANY

ISO 9001-2000

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Since 1953

TITLE

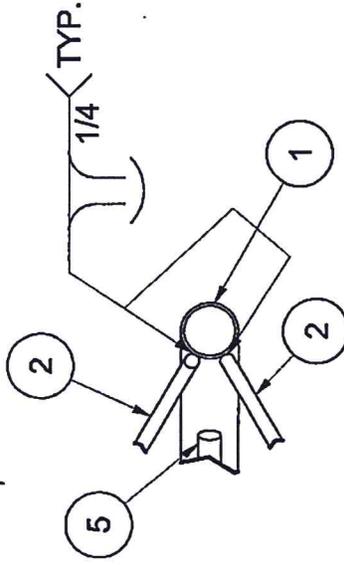
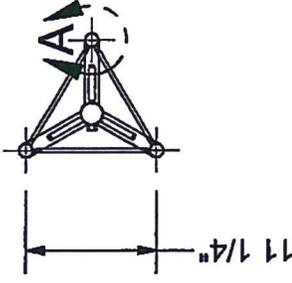
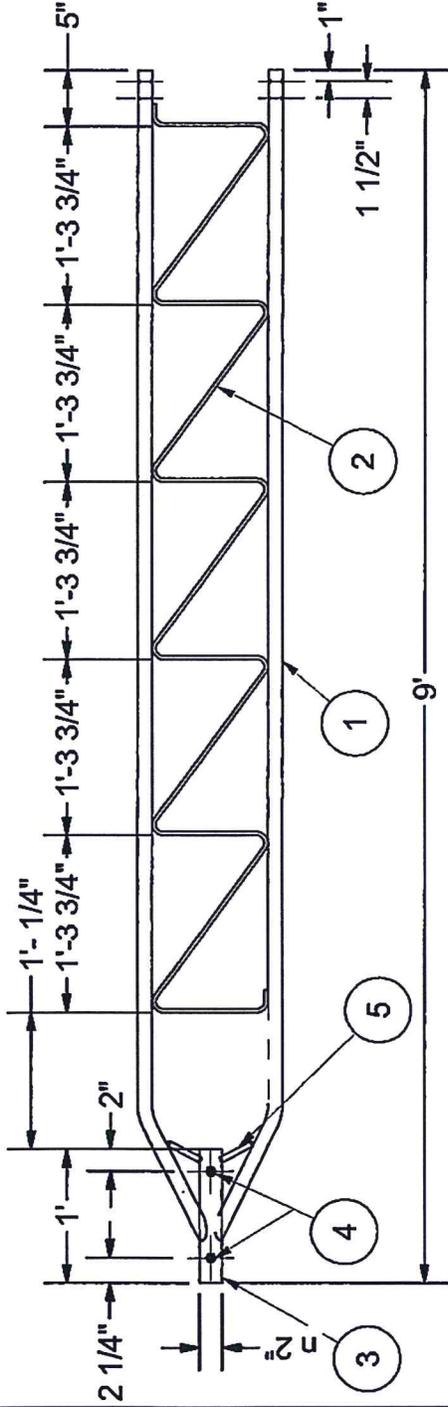
AMERITE 25 5'-0 BASE

Parts List			
ITEM	QTY	PART NUMBER	DESCRIPTION
1	3	1235	TOWER LEG
2	3	1157	BENT STIFFENER

SIZE A	DWG NO 1236	SHT. # 1
-----------	----------------	-------------

DRAWN BY: DOW	DATE 12/1/2004
------------------	-------------------





DETAIL A

ITEM	QTY	PART NUMBER	DESCRIPTION
5	3		STIFFENER
4	2	ANSI B18.2.2 - 1/2 - 13	Hex Nut
3	1	1172	CENTER TUBE
2	3	1161	BENT STIFFENER
1	3	1178	TOWER LEG
Parts List			

AMERICAN TOWER COMPANY

ISO 9001-2000

P.O. Box 29 Shelby, Ohio 44875

Info@amertower.com

www.amertower.com

Fax

(419) 347-1654

Since 1963

Telephone

(419) 347-1185

REV

AMERITE 25 TRB TOP SECTION

SIZE

A

DWG NO

1178

DRAWN BY:

DOW

DATE 4/9/2004

Results are based on the following Retail Service Center: MEDINA, OH

6"X48" EARTH ANCHOR

SKU: 741567 Model: 901018A

MEDINA, OH - QOH: 23

Qty: Quick Add
 Add To Cart



Status	Promo	Qty	Visio
UPS	Y	Mult 3	1 376:
Price Code	Blind [D]	Mult 1	10 774:
Country	CHINA	Drop Ship	572:
UPC	00099713910188	Member Retail	15.:
		Unit	EAC

Back | Midwest Air Technologies (3672) | Earth Anchor | Feedback | Print Option

Screw In Earth Anchor.

Screw into the ground to hold down tents, canopies, storage buildings, fencing, playground equipment, trees, planes, as well as hundreds of other uses. Not for use on manufactured homes, refer to manufactured home anchors and accessories. All painted red.

Specification	Description
Type	Single
Overall Length	48"
Diameter	6"
Helix Diameter	11/64"
Material	Steel
Finish	Owder coated red paint

SKU	Description	Model	Type	Overall Length	Diameter	Helix Diameter	Material
722249	3"X15" EARTH ANCHOR	901111A	Single	15"	3"	1/8"	Steel
741549	3"X30" EARTH ANCHOR	901113A	Single	30"	3"	9/64"	Steel
741558	4"X40" EARTH ANCHOR	901114A	Single	40"	4"	9/64"	Steel
741567	6"X48" EARTH ANCHOR	901018A	Single	48"	6"	11/64"	Steel

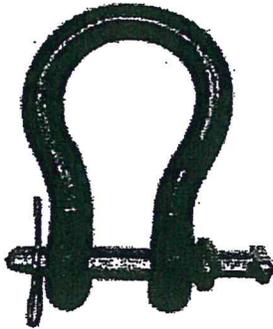
Unit Cube	0.3948	Claim Policy	List and Destroy [A]	Sub Type
Unit Weight	6.1670	Aux Qty	0	Sub Item 1
Deliverable via Ground	Yes	Max Qty	0	Sub Item 2
Deliverable via Water	Yes	Do It Best MC	48.8	Other
Deliverable via Air	Yes	INCOM Code	D	FLC Code
				INCOM-D 1420

Retail Service Center	QOH	Estimated in Stock	Retail Service Center	QOH	Estimated in Stock
DIXON, IL	164		MONTGOMERY, NY	43	
LEXINGTON, SC	37		SIKESTON, MO	70	
MEDINA, OH	23		WACO, TX	80	
MESQUITE, NV	10		WOODBURN, OR	16	

Last Updated: 3/7/2014 9:21:52 AM

Number	Name
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Results are based on the following Retail Service Center: MEDINA, OH



3/4" STRAIGHT CLEVIS
SKU: 716121 Model: S49010400-CL490104
 MEDINA, OH - QOH: 48

Qty: Quick Add
 Add To Cart

Status	Norm		Qty	Visio
UPS	Y	Mult 3	1	682
Price Code	Blind [D]	Mult 1	25	677
Country	INDIA	Drop Ship		258
UPC	00087196491041	Member Retail		14
		Unit		EAC

Back | Speeco Farmex (6616) | Clevis | Feedback | Print Options

Straight Clevis.

Forged black powder-coated finish with heat-treated pin. Forging provides better grain structure alignment without built-in stress and more consistency in strength, quality, and conformity.

Specification	Description
Type	Straight
Body Diameter	5/8"
Opening	7/8"
Usable Length	3-1/4"
Pin Diameter	1/2"
Finish	Black powder-coated
Working Load Limit	12,000 lbs

SKU	Description	Model	Type	Body Diameter	Opening	Usable Length
716121	3/4" STRAIGHT CLEVIS	S49010400-CL490104	Straight	5/8"	7/8"	3-1/4"
711784	7/8" STRAIGHT CLEVIS	S49010500-CL490105	Straight	7/8"	1-5/16"	3-1/4"
716103	7/8"LONG STRAIGHT CLEVIS	S49010600-CL490106	Straight	7/8"	1-5/16"	4-1/4"

Unit Cube	0.026	Claim Policy	List and Destroy [A]	Sub Type	
Unit Weight	2.2000	Aux Qty	0	Sub Item 1	
Deliverable via Ground	Yes	Max Qty	0	Sub Item 2	
Deliverable via Water	Yes	Do It Best MC	43.3	Other	INCOM-C
Deliverable via Air	Yes	INCOM Code	C	FLC Code	4073

Retail Service Center	QOH	Estimated in Stock	Retail Service Center	QOH	Estimated in Stock
DIXON, IL	40		MONTGOMERY, NY	24	
LEXINGTON, SC	20		SIKESTON, MO	61	
MEDINA, OH	48		WACO, TX	45	
MESQUITE, NV	68		WOODBURN, OR	31	

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Number	Name
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316 Stainless Steel Strand

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Battling Cage Hardware**BLACK Aircraft Cable****EHS Guy Strand****Eye Bolts**

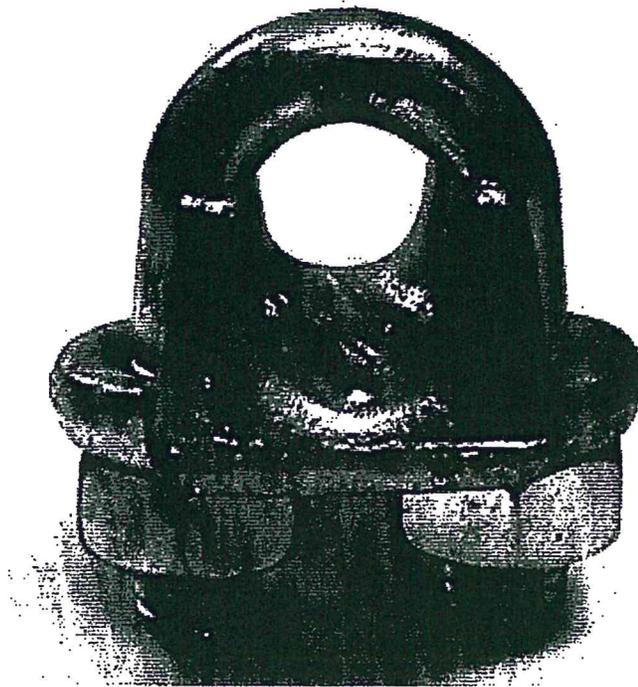
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[Stainless Steel Eyebolts](#)

Eye Nuts**Galvanized Aircraft Cable**

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[5/64" Aircraft Cable](#)
[7/32" Aircraft Cable](#)
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[Eye Holst Hooks](#)
[Lag Screw Hooks](#)
[Forged Eye Lag Screws](#)
[J Lag Hooks](#)



Drop Forged Wire Rope Clip 3/16"

Price: **\$0.45**

This item is in stock

Quantity: | 1

Brief Description

Detailed Description

Specifications

Manufacturer: N/A

SKU: GDFRCLIP187-001

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Drop Forged Turnbuckle, Jaw/Eye, 1/2" x 12" Take-up

Price: \$7.95

This item is in stock

Quantity: [Add To Cart](#)**Brief Description****Detailed Description****Specifications**

Galvanized Drop Forged Jaw/Eye Turnbuckle, 1/2", 12" Take-up. Working Load Limit (WLL) 2200 lb.

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- [3/16" 1x19 Strand](#)
- [5/32" 1x19 Strand](#)

316 Stainless Steel Aircraft Cable

- [1/4" Aircraft Cable](#)
- [1/8" Aircraft Cable](#)
- [3/16" Aircraft Cable](#)

316 Stainless Steel Strand

- [3/16" 1x19 Strand](#)
- [5/32" 1x19 Strand](#)

Batting Cage Hardware

BLACK Aircraft Cable

EHS Guy Strand

Eye Bolts

Galvanized Eyebolts

Stainless Steel

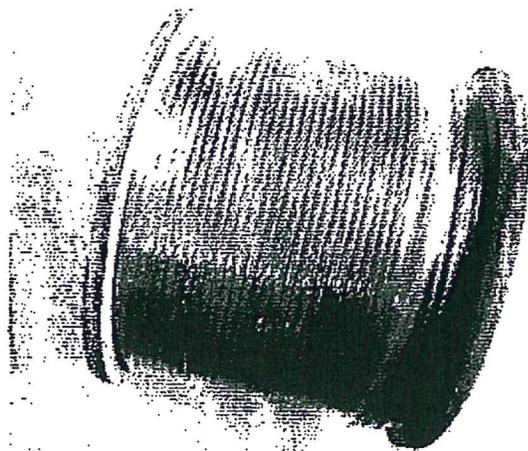
Eyebolts

Eye Nuts

Galvanized Aircraft

Cable

- [1/16" Aircraft Cable](#)
- [1/2" Wire Rope](#)
- [1/4" Aircraft Cable](#)
- [1/8" Aircraft Cable](#)
- [3/16" Aircraft Cable](#)
- [3/32" Aircraft Cable](#)
- [3/8" Aircraft Cable](#)
- [5/16" Aircraft Cable](#)
- [5/32" Aircraft Cable](#)
- [5/64" Aircraft Cable](#)
- [7/32" Aircraft Cable](#)
- [Snare Cable](#)



Galvanized Aircraft Cable 3/16", 7x19, 1000 ft reel

Price: **\$129.00**
This item is in stock

Quantity:

Brief Description	Detailed Description	Specifications
Galvanized Aircraft cable, 3/16" diameter, 7x19 construction, 4200 lb breaking strength.		

[E-mail a friend about this item.](#)
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SLOUGH LAW PLC

Wm Paul Slough | Attorney at Law

February 25, 2015

Mr. Vern Schlaud
Otsego County Land User Services
1322 Hayes Road
Gaylord, MI 49735

Re: **Construction of 128-foot Wireless Tower
Fleming Shaff Acres**

Dear Mr. Schlaud:

I represent Fleming Shaff Acres, a co-partnership between Eugene and Barbara Fleming.

Please accept this letter as authorization for Cherry Capital Connection, LLC to request on behalf of Fleming Shaff Acres a permit to construct a 128-foot wireless tower at 4264 Martindale Road, Gaylord, MI 49735. Fleming Shaff Acres owns the property in question, demonstrated by the attached printout from equalization.

My client is unaware of any options, liens or other encumbrances on the property at issue, other than road right-of-ways and utility easements of record.

Thank you for your attention to this matter.

Sincerely,
SLOUGH LAW PLC

Wm Paul Slough

Enc.
cc: clients

tel: 989.705.9025
fax: 877.350.3479

440 W. Main St., Suite E, Gaylord, MI 49735

paul@sloughlaw.com
www.sloughlaw.com



Otsego County Map Document



web mapping by
 Analgam LLC

Disclaimer:

This map does not represent a survey or legal document and is provided on an "as is" basis. Otsego County expresses no warranty for the information displayed on this map document.

 1:16000
 Map Publication:
 Wed Feb 25 2015 06:05:20 AM

**OTSEGO COUNTY
PLANNING COMMISSION**

**PUBLIC HEARING NOTICE
October 17, 2016**

The Otsego County Planning Commission will hold a public hearing on Monday, October 17, 2016 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

The purpose of the public hearing will be to obtain citizen comment on the following:

Cherry Capital Connection LLC, representing Fleming-Shaff Acres, property owners has requested a Special Use Permit for property located in Elmira Township at 4264 Martindale Rd Elmira, MI 49730. The proposed use of the property is to locate a one hundred twenty-eight foot (128') internet communications tower. The property is located in an AR/Agricultural Resource Zoning District. Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty feet (150') or less in height, self-supporting (lattice) or guyed is a permitted use subject to special conditions in the AR Zoning District.

Parcel identification number: 060-002-400-010-00
4264 Martindale Rd
Elmira, MI 49730

Legal Description:

W 1/2 OF SE 1/4 SEC 2 T31N R4W

All citizens are welcome to attend the meeting or provide written comment. If written comments are provided the comments must be received at the Otsego County Land Use Services Office by noon (12:00 pm) the day of the meeting.

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at (989) 731-7400.



Otsego
COUNTY
M I C H I G A N

**Department of
Land Use Services**

1322 Hayes Rd • Gaylord, MI 49735
Phone (989)731-7400 • Fax (989)731-7419
www.otsegocountymi.gov

August 26, 2016

Elmira Township
PO Box 99
Elmira, MI 49730

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, I am forwarding the enclosed application for Special Use Permit review.

If you require the applicant, Cherry Capital Connections LLC to be present at your meeting, you can notify them at:

Cherry Capital Connection LLC
PO Box 866
Elk Rapids, MI 49629
231.264.9970

If you have any questions, please contact us and we will be glad to assist you. We look forward to your input concerning this matter. Thank you for your participation in County Zoning.

Sincerely,

Vern Schlaud
Otsego County Land Use Director

cbw

encl

9/27/16

Call to Order. Elmira Township Planning Commission meeting. Duane Hoffman opened the meeting with the pledge of allegiance.

Roll Call: Gloria Torello, Paul Hartmann, Duane Hoffman. For others attending the meeting see the sign in sheet.

Approval of Minutes: Paul moved and Duane 2nd a motion to approve the August 2016 minutes. The motion passed unanimously.

Update on Wolverine Power: Ken Bradstreet, Wolverine, provided an update including, sound walls around motors are being installed. The sound consultant is involved. Ongoing work is being made to address the low tone rumble c-scale/vibration scale attributed to intermittent occurrences on the heaters. Heater 1 was described as not having c-scale noise, Heater2 was described as having intermittent c-scale noise and rumbling, work continues on adjustments. The gas skid shall be to be enclosed in 6-8 weeks to address noise. Conformance testing is needed on the gas skid with enclosure in place.

Gas purge when transformer starts is the source of the loud noises heard at startup/shutdown. Wolverine is checking with GE before making adjustments and fixing the noise issue so as the warranty is not voided. Public comments on the gas purge noises included the noise scares the cats, the noise wakes up the kids.

Initial sound readings "look good" and making improvements.

David Hessler, sound consultant, on site.

Door on stack to be insulated.

Joe Hughes of Wolverine reported grass, asphalt, sign, gravel are in place and construction is winding down. Fence to be in place by the end of the year. Tree cutting is needed for fence placement. Substation fence will direct snow mobiles away from the substation. Tree planting to occur next spring.

The high pitched sound is attributed to the gas skid, walls are to be built around the gas skid and a roof is to be constructed over the gas skid.

Public Comments on Wolverine:

The public appreciate efforts at addressing noise. The public wants to see sound test results. Scott from the audience wants Wolverine to focus on low pitch as when Scott used his monitor his monitor registered low pitch noise.

Noise can be heard in the house and throughout property, this is a nuisance. Real life situation goes beyond what the consultants can model. The noise is not pleasant and the noise is still a nuisance, and ongoing improvements over time are needed. With fall, the sun is setting earlier, it has been raining,

house windows are closed, furnaces are running, it is suggested Wolverine return to a spring 2017 ETPC meeting to hear from neighbors about the status of noise.

There were concerns expressed about Wolverine, in the future, operating 24 hours a day, 7 days a week. Open communication from Wolverine's on future plans was requested. Bradstreet said the units were not purchased to run 24 hours a day, 7 days a week.

EJ Iron works is moving to Warner Township, Antrim County. Power from Wolverine goes on the grid and may supply EJ. The question was asked will Wolverine plant run more? EJ runs on a 1515 MW load received from the base load on the grid. EJ will be one of Wolverine's customers.

Who supplies Elmira's electricity? Consumers, and others.

Wolverine is trying to get their electric across the Mackinac Bridge and serve the eastern UP.

Duane would like Wolverine to return in spring with noise data. Bradstreet will try to participate in a spring meeting.

Noise is not close to normal back ground readings. Kids won't sleep with window open as it sounds like a logging truck that never goes by.

Wolverine plans an open house in October, no set date.

MISO directs Wolverine when to provide electricity/operate. MISO provides day ahead planning.

Bradstreet is to share information with Duane on a website address where MISO lists when power from Wolverine is requested...the public is interested in knowing when Wolverine operates so as to plan for house/yard activities that may be impacted by noise from Wolverine.

New Business

Cherry Capital Connections (CCC), at Fleming Farm, made an application for a special use permit to install a personal wireless tower.

Tim Maylone from CCC spoke about the personal wireless tower. There are potentially 7-8 locations in Otsego County where the towers are wanted. Fleming Farm is the first. There is an outstanding issue, is a sealed site plan required? Tim Maylone said he found no engineering firm to give a quote to produce a sealed site plan. The tower is placed on a 2-acre circle acres equaling about 1.2 times the tower height. The tower is 128 feet tall, weighs 400 lbs. The tower will have a 10' x 10' fence around the base with a climbing barrier placed 8' foot up on the tower. There is a 3' x 4' x 6' tall shed attached one side of three-sided tower.

The tower serves a three-mile radius area and has the capability to serve a bigger area but the speed slows down the farther away from the tower. The tower is made to last 60 years and the business model is a 30 year life for the tower. The tower receives internet capability in a wireless way then from the tower fiber lines connect the tower to houses. If permitted, CCC would then need to secure private

Right of Ways (ROW) to place the fiber line going house to house, and there is not an interest in using the road ROW. Technology will be updated over time based on demand.

Cherry Capitol Connections and Flemings wants special use permit PZSU16-002, and they want the permit to waive the sealed site plan requirement.

Paul moved to approve special use permit application from Cherry Capitol Connections, Special Use Permit application number PZSU16-002, to install 128-foot-tall personal wireless tower, and waive the requirement for a sealed site plan. Duane seconded.

Discussion:

The intent is to not set a precedent for waiving the sealed site plan requirement, but based on this specific case, Fleming property is relatively flat, the project is not within 500 feet of power lines, the projects is over 500 feet from any lot line, the project is in an agriculture zoning district, the project is 400 feet from the nearest structure.

Tim Maylone said he made three calls to engineer firms and did not get a response for a bid for a sealed site plan. Applicant pointed out Otsego county zoning ordinance 23.2.4.1 includes, "the data would serve no useful purpose."

Paul described the difference between a sealed site plan and a plot plan. A sealed site plan would require an engineer to survey and stake the tower and associated equipment, and after construction verify the construction was completed per the sealed site plan. By contrast, Paul described a plot plan would have critical dimensions, be drawn to scale, and the County building inspector may verify the placement of the tower based on the plot plan, with reasonable accuracy.

Duane called for a vote. The motion passed unanimously. The application will now go to the Elmira Township Board.

Update from County Planning Commission-Paul. The hwy interchange district changed to included 20,001-gallon flammable liquid storage tanks.

Update from Neighboring Communities-Duane. Nothing to report

Update from Recreation Committee-Gloria.

Torello moved to support the 2017 goals of the Recreation Committee. Paul seconded. These are the 2017 goals:

- Remove spring riders
- Remove tires
- Address the wood chips under swings
- Remove slide
- Replace spring riders with the same or equivalent
- Replace climbing structure

- Replace slide

Duane requested a goal for 2017 include a rain pavilion. This was not added to the 2017 goals. A vote was called on the motion, the motion passed unanimously.

Torello moved to support the revisions to the draft Recreation Committee bylaws including:

1. The Recreation Committee is responsible for identifying recreation opportunities and identifying maintenance needs and pursuing maintenance completion through budget allowances from the Elmira Township Board.
2. Review the Elmira Township Recreation plan annually and revise as necessary.

Paul second the motion. A vote was called on the motion, the motion passed unanimously.

Highway Cleanup was rained out. Spring 2017 is the next cleanup date.

Next meeting: October 25, 2017. Duane will be absent.

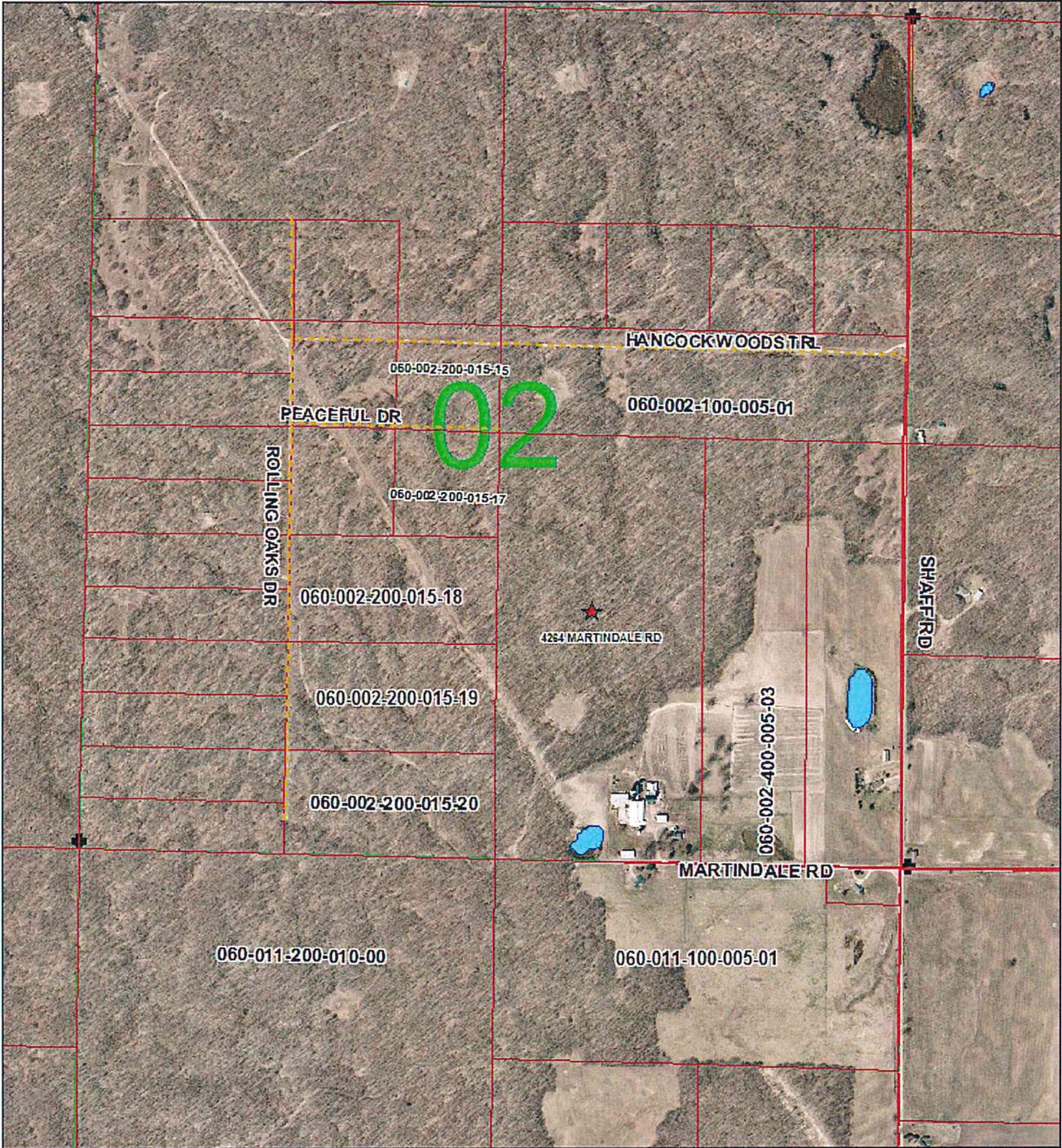
Cc: Sue Schedig

OWNERS WITHIN THREE HUNDRED FEET (300')

PARCEL ID	PROPERTY ADDRESS	OWNER NAME	ADDRESS	CITY	STATE	ZIP CODE	ZONING
060-002-100-005-01		NORBERG, CURT J & DEBRA A	8407 CURLEY TRL	CALEDONIA	MI	49316	FR
060-002-200-015-15		HURON COMMUNITY BANK	PO BOX 312	EAST TAWAS	MI	48730	FR
060-002-200-015-17		HURON COMMUNITY BANK	PO BOX 312	EAST TAWAS	MI	48730	FR
060-002-200-015-18		HURON COMMUNITY BANK	PO BOX 312	EAST TAWAS	MI	48730	FR
060-002-200-015-19		HURON COMMUNITY BANK	PO BOX 312	EAST TAWAS	MI	48730	FR
060-002-200-015-20		HURON COMMUNITY BANK	PO BOX 312	EAST TAWAS	MI	48730	FR
060-002-400-005-03		FLEMING-SHAFF	4264 MARTINDALE RD	GAYLORD	MI	49735	AR
060-011-100-005-01	4039 MARTINDALE RD	FLEMING SHAFF ACRES	4039 MARTINDALE RD	GAYLORD	MI	49735	AR
060-011-200-010-00		FLEMING, RAYMOND J & MARY ANNE	7773 STATE RT 45 NW	N BLOOMFIELD	OH	44450	AR

PZSU16-002

CHERRY CAPITAL CONNECTIONS LLC
060-002-400-010-00
4264 MARTINDALE RD



- | | |
|--------------------|--------------------|
| 060-002-100-005-01 | 060-002-200-015-20 |
| 060-002-200-015-15 | 060-002-400-005-03 |
| 060-002-200-015-17 | 060-011-100-005-01 |
| 060-002-200-015-18 | 060-011-200-010-00 |
| 060-002-200-015-19 | |

OTSEGO COUNTY LAND USE SERVICE
 1322 HAYES RD
 GAYLORD, MI 49735
 PH: 989-731-7400
 FAX: 989-731-7419
 INSPECTION LINE: 989-731-7401



Paid By:

CHERRY CAPITAL CONNECTION LLC
 PO BOX 866
 ELK RAPIDS, MI 49629

RECEIPT NUMBER

01310406

08/24/2016

Type	Record	Category	Description	Amount
Permit	PZSU16-002	ADMIN ZONING	SPECIAL USE PERMIT/PC	\$ 700.00

Total	\$ 700.00
Cash	
Check	\$ 700.00
Credit	
Transferred	
Tendered	\$ 700.00
Change	\$ 0.00
To Overpayment	\$ 0.00

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU16-002
Special Use Permit
060-002-400-010-00**

GENERAL FINDINGS OF FACT

1. This is a proposal for an internet communications tower. *Exhibit #1, Exhibit #5, Exhibit #6, Exhibit #7*
2. The property is located in an AR/Agricultural Resource Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in an AR/Agricultural Resource Zoning District. *Exhibit #3*
4. The property is currently under the ownership of Fleming-Shaff Acres. *Exhibit #4*
5. Cherry Capital Connections LLC/Bruce Vaughn is representing Fleming-Shaff Acres, property owners. *Exhibit #9*
6. The Public Hearing Notice was published in the Herald Times on September 30, 2016. *Exhibit #10*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #11, Exhibit #12*
8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #13*
9. The required fees have been collected by Otsego County Land Use Services. *Exhibit #14*
10. A letter from MDOT determines no permits are required of them. *Exhibit #17*
11. A street address has been issued for the wireless tower. *Exhibit #18*
12. 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*
13. Cherry Capital Connections LLC is requesting a waiver of a stamped engineered site plan and security bond. *Exhibit #5, Exhibit #3*
14. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and most requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #6, Exhibit #8, Exhibit #15, Exhibit #16*
- 15.

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU16-002
Special Use Permit
060-002-400-010-00**

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 9

ARTICLE 9 AN AGRICULTURAL RESOURCE DISTRICT

SECTION 9.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

The following uses may be permitted, subject to the conditions herein imposed for each use, the review standards of [Article 19](#) and only after the review and approval of the site plan by the Planning Commission. [See [Article 21](#) for applicable Specific Requirements for Certain Uses, if any and [Article 23](#) for Site Plan Requirements.]

...

9.2.21 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height, or with lights [See [Article 21.46](#)]

9.2.22 WTG Large

9.2.23 Anemometer Tower [See [Article 21.47](#)]

9.2.24 Unlisted property uses if authorized under [Article 21.44](#).

9.2.25 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes [Article 21.46](#)]

FINDINGS UNDER ARTICLE 21/SECTION 21.46

SECTION 21.46 WIRELESS COMMUNICATIONS:

Reference the Telecommunication Act (Act 104 of 1996 as amended) and the Michigan Zoning and Enabling Act (Act 110 of 2006 as amended including Act 143 of 2012). These set forth provisions concerning placement, location and construction of towers and related facilities for wireless services, provide rules for changes to existing towers and set time frames for municipality action. The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the section are to:

- (1) Protect residential zoning districts from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the county;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

- (7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Wireless and cellular phone service are specially determined to not be essential services, nor to be public utilities as such terms are used in this Ordinance.

It is not the intent to create "antennae farms" with a number of monopoles and antennae in a small area. Also, it is not the intent to regulate ham radio antennae under this section, or to regulate towers installed at single family dwellings for personal television reception.

SECTION 21.46.1 DEFINITIONS:

As used in this section, the following terms shall have the meanings set forth below:

1. Antenna means any exterior transmitting or receiving device mounted on a tower, building structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
3. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting (lattice) towers, guyed towers, or monopole towers (including telephone poles). The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
4. Co-location shall mean the location by two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the County.

SECTION 21.46.2 WIRELESS COMMUNICATIONS TOWERS OF ONE HUNDRED NINETY (190) FEET OR LESS AND RELATED FACILITIES:

Construction of Wireless Telecommunication Antenna Towers of one hundred ninety (190) feet or less and Equipment Shelter Buildings are allowed in Otsego County subject to the following provisions:

21.46.2.1 Prior to approval of any new tower to be located within one (1) mile of an existing tower or other structure of equal or greater height than the proposed tower, applicant shall contact owner(s) of all said towers or structures and request permission to locate or co-locate in lieu of construction of a new tower. No new tower request shall be granted until proof of contact(s) has been provided to the zoning administrator.

21.46.2.1.1 As an alternative to contacting owners of all towers or structures, as described in the above paragraph, location or co-location on existing towers or structures shall be approved by the Zoning Administrator under applicable provisions, including 21.46.2.7.1.

An accessory equipment shelter building shall meet all normal requirements of accessory buildings. Any location or co-location shall not result in a height of more than twice the height of the existing structure.

21.46.2.2 Wireless Telecommunication Antenna Towers and Equipment Shelter Buildings shall not be placed in any road right-of-way or in any easement for road purposes.

21.46.2.3 Such towers and facilities shall be placed on parcels (whether the land is owned or leased by the tower owner) that have an area no less than the minimum parcel size for the district, as listed in Article 17. No variances shall be granted to reduce this size limit.

21.46.2.4 All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than one hundred percent (100%) of the tower's height from any property line or any residence.

21.46.2.5 A tower proposal of more than thirty-five (35) feet shall be submitted to the Otsego County Airport Manager and FAA for review and approval prior to issuance of a zoning permit.

21.46.2.6 The tower itself must be of monopole design. Guyed and self-supporting towers may be considered by the Planning Commission and require a special use permit. (Section 19.7)

21.46.2.6.1 Maximum height of guyed and self-supporting towers to be one hundred fifty feet (150').

21.46.2.6.2 Guyed towers must have a clear area radius of one hundred twenty percent (120%) of their height to protect surrounding properties/structures should a tower collapse.

21.46.2.6.3 Eight (8) foot climbing barriers are required on guyed towers.

21.46.2.7 All such tower location proposals shall be submitted with a site plan (Section 23.2).

21.46.2.7.1 The following conditions are required for approval of an application.

Antennas may or may not be mounted on existing structures. The tower and antenna are painted or screened as to blend into the background.

The service building shall be constructed of material such as wood, brick, or stucco, and shall be designed to blend into the natural setting and surrounding buildings. In no case will metal exteriors be allowed for service buildings.

Unless technically impossible, all connecting wires from towers to accessory buildings shall be underground.

Unless technically impossible, all electrical and other service wires to the facility shall be underground.

The service building shall be no larger than necessary to house the equipment and shall meet all setback requirements of this Ordinance.

21.46.2.8 Lighting shall be designed in accordance with Section 21.19 in addition to the following:

Lights shall not be permitted on the tower or antennae unless FAA regulations require them.

Light poles and fixtures shall be located as low as practical; a greater number of low "area" lights are favored over higher lights. Incandescent lights are favored over sodium or mercury-type street lighting.

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6') safety fence with a locked gate. For towers with guy wires, anchor points must have individual six foot (6') fencing or yellow guy protection "sleeves" for high visibility. The Planning Commission will determine which of the two (2) will be required based upon the site chosen for the tower. Signage must be installed on the six foot (6') fence with locked gate stating the owner's name and contact information, including an emergency telephone number.

*21.46.2.10 The application shall include a description of security. Security shall be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned for more than twelve (12) months or is no longer needed. In this regard, the security shall, at the selection of the applicant, be in the form of cash or letter of credit to remove the tower in a timely manner as required under Section 21.46.4, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the

county in securing removal. The amount of the security bond or letter of credit is to be determined by the Planning Commission. ([Section 25.6](#))

***21.46.2.11 Professional sealed documents are required for all Wireless Communications Towers ([Section 23.2.2](#))**

21.46.2.12 For projects involving less than twenty (20) square feet of soil disruption, soil samples and water flow analysis will not be required.

SECTION 21.46.3 WIRELESS TELECOMMUNICATION ANTENNA TOWERS OVER ONE HUNDRED NINETY (190) FEET AND RELATED FACILITIES:

Construction of Wireless Communications Towers over one hundred ninety (190) feet and Equipment Shelter Buildings are a Permitted Uses Subject to Special Conditions under [Article 19](#). Requirements include all those in [Section 21.46.2](#), plus the following:

21.46.3.1 In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on Otsego County, location, co-location, or the provision of more than one (1) antenna on a single tower may be allowed by the Zoning Administrator and/or required by the Planning Commission.

21.46.3.1.1 As an alternative to the provisions of [21.46.3.1.2](#) below, location or co-location on existing towers or structures shall be approved as a Principal Use Permitted by the Zoning Administrator under applicable provisions, including [21.46.2.7.1](#). An accessory equipment shelter building shall meet all normal requirements of accessory buildings.

If not locating or co-locating on existing towers or structures, the applicant shall be required to provide information regarding the feasibility of location or co-location as part of the Special Land Use application.

Factors to be considered in determining feasibility or co-sharing include available space on existing structures, towers, the tower owner's ability to lease space, the tower's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, and any FCC limitations on tower sharing.

21.46.3.1.2 The applicant shall be required to send a certified mail announcement to all other tower owners in the area, stating their sighting needs and/or sharing capabilities in an effort to encourage tower sharing. The applicant shall not be denied space on a tower unless mechanical, structural, or regulatory factors prevent sharing.

21.46.3.1.3 Further the applicant may be required to provide a letter of intent to lease excess space on a facility and commit to: Responding to any requests for information from another potential shared use applicant. Negotiating in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable; and making no more than a reasonable charge for a share use lease.

21.46.3.2 Tower heights shall be no more than required according to engineering requirements for a specific site or the technical capabilities of the antennas being mounted. The applicant shall provide funds to the county determined by the Planning Commission to be sufficient to acquire an independent technical and engineering evaluation of the need for any tower in excess of one hundred ninety (190) feet. Where the independent evaluation shows that service can be provided by a one hundred ninety (190) foot or lower tower no tower in excess of one hundred ninety (190) feet shall be allowed. The Zoning Board of Appeals shall not grant a variance from this requirement.

SECTION 21.46.4 REMOVAL OF WIRELESS COMMUNICATION TOWERS:

21.46.4.1 A condition of every approval of a wireless communication tower shall be adequate provision for removal of all or part of the facility by users and owners when the tower has not been used for a period of twelve (12) months. For purposes of this section, the removal of antennas or other

equipment from the facility, or the cessation of operations shall be considered as the beginning of a period of nonuse.

21.46.4.2 At such time that removal is required, the property owner or persons who had used the facility shall immediately apply or secure the application that require demolition or removal and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

21.46.4.3 If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the County may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and /or enforced from or under the security posted at the time application was made for establishing the facility.

SECTION 21.46.5

All towers in [Section 21.45](#) must comply with FCC and FAA regulations.

FINDINGS UNDER SECTION 23.2

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

****Items to be determined by the Planning Commission***

FINDINGS UNDER ARTICLE 19:

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 used 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

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.

AERONAUTICS COMMISSION

Rick Fiddler, Chairperson
Russ Kavalhuna, Vice Chair
Mike Trout, Commission Director
Pete Kamarainen
J. David VanderVeen
Roger Salo
Capt. Joe Gasper
Brig. Gen. Len Isabelle
Laura Mester
Kevin Jacobs

STATE OF MICHIGAN



Rick Snyder, Governor

Michigan Department of Transportation

2700 Port Lansing Rd Lansing, MI 48906
Phone: 517-335-9949 Fax: 517-886-0366

July 26, 2016

Bruce Vaughn
Cherry Capital Connection
97 Lake St
Elk Rapids, MI 49629

Re: The Office of Aeronautics review of the following proposal:

The Office of Aeronautics has conducted a review of the following proposal:

FAA Airspace Case #:	N/A
Height Above Ground:	128
Overall Height:	1533
Geographic Coordinates:	45d06m8.90sN / 84d45m45.34sW

Michigan's Tall Structure Act (Act 259, P.S. 1959, as amended by Act 296 P.A. 1986), places authority for review of construction proposals which may affect Michigan airspace with the Michigan Aeronautics Commission (MAC). The Michigan Aeronautics Commission has delegated its authority for airspace reviews and approvals to the Michigan Department of Transportation's Office of Aeronautics.

After the Office's review of the study listed above, it has been determined that No Permit is required for the referenced application. However, this notice concerns the effect on air navigation specific to the Michigan Tall Structure Act and does not relieve the proponent of any compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If any changes are made to either the location or overall height, the application must be re-submitted or re-evaluation.

I can be contacted at telephone number 517-335-9949 or email address MDOT_Tall_Structures@michigan.gov if you have any questions or comments.

A handwritten signature in cursive script that reads "Linn P. Smith".

Mr. Linn P. Smith
Aviation Planning and Zoning Specialist
Office of Aeronautics

OTSEGO COUNTY EQUALIZATION DEPARTMENT

800 Livingston Blvd Ste 1-D
Gaylord, MI 49735

Phone: (989) 731-7410 Fax: (989) 731-7418

APPLICATION FOR STREET ADDRESS

THERE IS A \$25.00 CHARGE FOR A PROPERTY ADDRESS

Date July 25, 2016

Bruce
(231) 735-5237

Property Owner Fleming Schaff Acres

Applicant or Contractors Name Cherry Capital Connection LLC

(231) 264-9970

Current P. O. Box 866 *(231) 264-9970* Fax# *(231) 264-9945*

Mailing Street Elk Rapids Apt# Phone # MI Fax#

City Elk Rapids State MI Zip 49629

Property Code Number 69 - 060 - 002 - 400 - 010 - 00

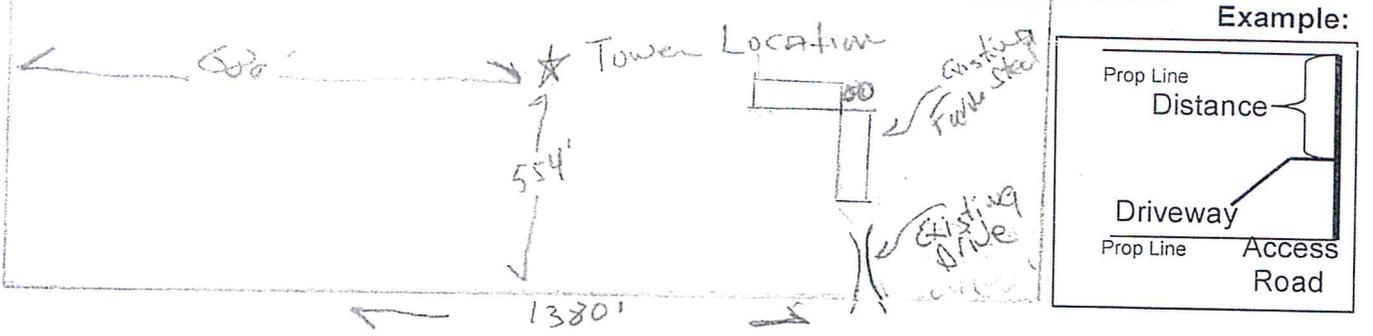
Is this parcel part of a property split occurring since the first of January?
Yes ___ No X If yes, please include date of land division approval _____

Type of Structure to be Built: (Check one) Approximate Start of Construction
 Home Pole Building Commercial/Industrial Date: 09 / 15 / 2016
 Garage Temporary Electrical Tower/Well Site Other _____

Name of Access Road There will be no road associated with the tower

Signature of Applicant Bruce Vaughn

BRIEFLY SKETCH PROPERTY BOUNDARIES AND LOCATION OF THE DRIVEWAY
PLEASE INCLUDE DISTANCE OF DRIVEWAY FROM PROPERTY LINES



OFFICE USE: rev 7/08
OFFICIAL HOUSE NUMBER ASSIGNED TO THIS PARCEL 4274 Martindale Rd
DATE ASSIGNED: 8/5/16 POST OFFICE: Gaylord MI 49735

2016 OBJECTIVE LIST

OBJECTIVE	INTENT	COMMENTS	COMPLETED
1. Wireless Communications/Personal Section 21.46	Add specific language concerning personal wireless communications-lattice towers	Committee formed/Volunteers: Mr. Arndt, Mr. Hartmann, Mr. Hilgendorf	✓ August 15, 2016
2. Non-Conforming Structures/Section 21.26	Act of God language developed to insure property owners the ability to reconstruct their residence in the event of a natural disaster/Setbacks/Time limit	Committee formed/Volunteers: Mr. Arndt, Mr. Hartmann, Mr. Hilgendorf, Mr. Klee	
3. Multi-Use Zoning District	Paul Hartmann working with Elmira Township seeking action for the County Planning Commission/Recommended in the 2009 Otsego County Master Plan	Presented at November 2015 meeting	✓ August 15, 2016
4. Sign Ordinance/Section 21.38	Review of current sign language, temporary placement of banners and special events	Ken Arndt to provide file from previous work	
5. Private Roads/Emergency Vehicle Access	Develop very basic requirements for private roads within Otsego County to insure access is available to all emergency vehicles	Ken Arndt to provide file from previous work	
6. Large Tract Forestry Zoning District	The developing of Ordinance language to protect large parcels from being split up into small parcels, protecting the "up north nature" of Otsego County.	Paul Hartmann sent info from Gloria Torello/To be discussed w/legal counsel for language	
7. Overlay District Pigeon River	A recommended action in the 2009 Otsego County Master Plan/Developing special conditions to ensure the protection of the unique characteristics of the Pigeon River Country Area.	To be discussed w/legal counsel for language	

Planning Commission 2017 Objectives Worksheet

	OBJECTIVE	PRIORITY Urgent Important Desirable
A		
B		
C		
D		
E		
F		
G		
H		
I		
J		
K		

PRIORITY KEY
URGENT = Imperative, must do
IMPORTANT = Essential, should do
DESIRABLE = Important, could do

Please list the items you believe the Planning Commission should be working on in 2017. Once all members have responded, a list will be compiled and we will prioritize it.

Vern Schlaud, Director
 Otsego County Land Use

Planning Commission Members Representatives of Important Segments of the Community

Section 125.3815 (3) of the Planning Enabling Act (Act 33 of 2008) requires that the members of a planning commission shall be representative of important segments of the community such as the economic, governmental, educational, and social development of the local unit of government in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall be representative of the entire territory of the local unit of government to the extent practicable.

Please check the boxes below of the major interests of the community you are willing to represent under the above requirements.

- Agriculture
- Natural Resources
- Recreation (Judith Jarecki)
- Educational (Jim Hilgendorf)
- Public Health (Ken Arndt)
- Government (Ken Borton)
- Transportation
- Industry
- Commerce (Paul Hartmann)
- _____
- _____

Signature