

**OTSEGO COUNTY
PLANNING COMMISSION**

December 21, 2015

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 November 16, 2015 meeting
5. CONSENT AGENDA: None
6. OTHER: None
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 HEARINGS:
 1. *John & Mary Brink, owners represented by Blumberg & Blumberg PLC have requested a Special Use Permit/Site Plan Review for property located in Corwith Township:*

<i>042-027-400-025-00</i>	<i>042-027-400-030-00</i>
<i>Old 27 North</i>	<i>7297 Old 27 North</i>
<i>Vanderbilt, MI 49795</i>	<i>Vanderbilt, MI 49795</i>

Property located in a B2/General Business Zoning District
PZSU15-010- proposed use of the property is to construct a 20'x200' storage building containing 20 storage units
9. ADVERTISED CASES:
 1. *John & Mary Brink, owners represented by Blumberg & Blumberg PLC have requested a Special Use Permit/Site Plan Review for property located in Corwith Township:*

<i>042-027-400-025-00</i>	<i>042-027-400-030-00</i>
<i>Old 27 North</i>	<i>7297 Old 27 North</i>
<i>Vanderbilt, MI 49795</i>	<i>Vanderbilt, MI 49795</i>

Property located in a B2/General Business Zoning District
PZSU15-010- proposed use of the property is to construct a 20'x200' storage building containing 20 storage units
10. NEW BUSINESS:
 1. Reappointment of PC member to ZBA
 2. Proposed language *Personal Wireless Communications*
 3. 2016 Meeting Dates
11. UNFINISHED COMMISSION BUSINESS:
 1. PREZ15-001-*Cottontails Inc*
Township response
 2. 2016 Objective List
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
 1. Otsego County Parks & Recreation report/Judy Jarecki
 2. Ten Guidelines for Effective Local Zoning/Zoning Training
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for November 16, 2015

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice-Chairperson Jarecki, Secretary Arndt, Mr. Borton, Mr. Hilgendorf, Mr. Mang, Ms. Corfis

Absent: Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Hendershot

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

Public Present: Duane Hoffman, Elmira Township, Tim Maylone, Cherry Capital Connection, Randy Stults

Approval of minutes from: October 19, 2015

Chairperson Hartmann stated the first set of minutes was from October's regular meeting.

Motion made to approve minutes as written by Mr. Hilgendorf; Seconded by Mr. Mang.

Motion approved unanimously.

Approval of minutes from: *Special Meeting* October 26, 2015

Chairperson Hartmann stated minutes for a special meeting pertained to a site plan review for Wolverine Power and requested the addition of the word 'volt' on page one (1), first paragraph, second sentence...*existing International Transmission Company's (ITC) 138,000 volt transmission line which crosses...*

Motion made to approve minutes as corrected by Mr. Hartmann; Seconded by Ms. Corfis.

Motion approved unanimously.

Approval of minutes from: *Special Meeting* November 3, 2015

Chairperson Hartmann stated minutes from a second special meeting referred to a special use permit for Ponsse North America.

Motion made to approve minutes as written by Mr. Borton; Seconded by Mrs. Jarecki.

Motion approved unanimously.

Consent Agenda: None

Other: Duane Hoffman/Elmira Township Planning Commission/*MUZ Zoning District*

Chairperson Hartmann stated Mr. Hoffman and Mr. Stults were a part of a committee to write proposed language for the Multi Use Zoning District (MUZ).

Duane Hoffman, Elmira Planning Commission stated writing the proposed language for the Multi Use Zoning District had begun in 2005 and by 2007 it was thought to be a fairly complete ordinance. It was separated into

Otsego County Planning Commission

Proposed Minutes for November 16, 2015

two (2) sections, one for the main street area and one for the remaining unincorporated Village of Elmira located in Otsego County. Two thirds of Elmira was in Otsego County and the rest was a part of Warner Township in Antrim County. They had met with Warner Township for their input on compatibility.

The Otsego County Planning Commission decided a sub-committee should be formed to further strengthen the language in creating a walkable, pedestrian friendly community. The vision was much like the original concept of villages with commercial and residential uses blended together. Mr. Hoffman compared Boyne City with their vision stating the commercial and residential districts were barely defined within the district. He stated one of the things that hampered pedestrian usage was drive through establishments so they were purposely not allowed along the main street in the MUZ. He said Alden in Antrim County was another good example with commercial and residential combined, nice wide sidewalks and the majority of the parking on the main street; it was a pedestrian oriented, vibrant economic community.

With other issues going on in the County over the past few years, the MUZ was put on the back burner. This year after reviewing and some revising, the MUZ was being presented for input from the County.

Chairperson Hartmann thanked Mr. Hoffman and asked if there were any questions.

Mr. Arndt questioned the requirements for screening and also areas for outside courtyards.

Mr. Hoffman stated utilities on the roof would be screened; other screening was discussed but because of snow removal, it was not always feasible. He said the intent is to have things aesthetically pleasing. Front courtyards were an option for owners as alcoves for outdoor seating but the front facade of the building above would still meet the build to line. The build to line was designed to align all the buildings creating a greater sense of safety.

Chairperson Hartmann asked for the geographic boundaries of the Multi Use Zone.

Mr. Hoffman stated the Main Street MUZ included the Village of Elmira in Otsego County beginning at the bottom of the hill on M-32 as you enter Elmira and running all the way through to St Thomas Church; everything east of Buell Road was in Otsego County, everything west of it was in Antrim. This district was designed for mixed use developments. The Town Center MUZ included the rest of the Village. It was designed for residential use and allowed home businesses and multiple family dwellings.

Mr. Mang questioned how far back the Town Center extended from Main Street.

Mr. Hoffman replied the first two (2) parcels on either side of M-32 (Elmira's main street) were included in the Main Street MUZ and the rest of the Village was a part of the Town Center MUZ. The Town Center then became more residential and less commercial.

Mr. Mang stated he did not understand how some of the permitted uses subject to special conditions pertaining to recreational facilities related to the pedestrian friendly small town theme.

Mr. Hoffman answered small towns of long ago all offered some type of entertainment along the main street, stating recreational outlets were needed. Elmira had a very nice park located in the Town Center and they were hopeful everything would be connected by wider eight foot (8') sidewalks.

Mr. Mang questioned the parking for these facilities if on-street parking was encouraged in the district.

Otsego County Planning Commission

Proposed Minutes for November 16, 2015

Mr. Hoffman said the parking for a special use permit would be addressed at the time of review and those types of businesses would have off-street parking located in the back. The more pedestrian friendly type of businesses would encourage parking along the main street.

Mr. Schlaud questioned the setbacks and the relationship to the Schedule of Dimensions.

Mr. Hoffman stated instead of setback dimensions, they would work from a build to line in order to make everything uniform. An increase of about ten percent (10%) would be allowed at Land Use Services discretion if a need arose. The primary reason for the build to line was to keep the area open and safe. With the size of some of the platted lots in the Town Center, the line would be brought closer to make the lot buildable. A sidewalk would be a requirement of the building along with a porch to encourage a walkable, friendly community.

Chairperson Hartmann thanked Mr. Hoffman and stated he would like the MUZ worked on as a part of the objective list. He welcomed Mr. Hoffman back to discuss any needed revisions.

Public participation for items not on the agenda: None

Public Hearing: None

Advertised Case: None

Unfinished Commission Business:

1. Objective List

Chairperson Hartmann stated the updated objective list had been distributed for review in October and asked if there were any additions. Mr. Hartmann stated a sub-committee had been set up including himself, Mr. Hilgendorf and Mr. Arndt to review the wireless communications section and a possible change in the language. He stated Mr. Maylone had presented Cherry Capital's suggestions at the Elmira and Hayes Township Board meetings pertaining to changes to this section of the Otsego County Zoning Ordinance. The Land Use Services Department had received letters in favor of making changes from both townships. Chairperson Hartmann wished to add Wireless Communications to the objective list for 2016.

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Vice-Chairperson Jarecki stated the Parks & Recreation Director, Gina Marchio had resigned; the position was being advertised. They were sorry to see her go but she had gotten them through a difficult time and had moved them forward with a number of items during the short time frame she was there. She stated the Community Center was open again and looked good, although a railing was in need of repair. The Parks & Rec budget was approved for 2016 and once a new director was hired, they would put together a mission statement; they had already gotten samples. The Committee would be meeting at the County building throughout the winter because of the many activities at the Community Center. The hours of operation at the Groen Nature Preserve would be increased with the addition of another trail ranger and food plots would be planted for the animals. She also stated Amber Mapes had put on a presentation to request the use of the Community Center to hold a super hero event for families; the event would be ongoing and would be held Friday nights from 7-8 pm.

Otsego County Planning Commission

Proposed Minutes for November 16, 2015

Mr. Mang stated his term was up at the end of the year and he was not going to reapply. Livingston Township was recommending Roberta Tholl as representative and she had already applied at the County. He stated December would be his last meeting and because he was a representative to the ZBA, that position would be open also.

Ms. Corfis stated Otsego Lake Township had not had a meeting in November but were still making progress on the township Master Plan.

Vice-Chairperson Jarecki stated Corwith Township was working on funding for the Gateway Community and Trail Town.

Chairperson Hartmann stated Elmira Township was considering a township recreation committee and possible grant monies for their park.

Mr. Mang stated a recreation plan needed to be either a part of their master plan or a stand-alone plan to apply for grant money from the State.

Mr. Hoffman stated Elmira was currently working under the County's Park & Recreation Plan.

Mr. Arndt stated Bagley Township was almost finished with their Master Plan update.

Mr. Borton stated the EMS building was almost complete, looked great and Jon Deming loved giving tours; the courthouse lawn project was moving along with it being finalized in the spring. They found a replacement rock in Cheboygan; their original from Lewiston ended up having a crack. He continued saying the Finance Committee had met with all the department heads and a balanced budget was put together; it will go before the full Board and he added Lee Olsen had announced he would be retiring at the end of the year.

Mr. Schlaud stated he had received revised site plans from Telecad Wireless for PSUP15-006 and PSPR15-002 to amend the fenced area on their leased property. After discussing the matter, they were told the landscaped area had to be incorporated into their leased area, not outside of it. Telecad stated they would revise again and resubmit.

2. Update on Medical Marijuana Legislation/*Publication*
3. Parliamentary Motions Guide/*Zoning Training*

Adjournment: 7:07pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU15-010
Special Use Permit/Site Plan Review
042-027-400-025-00/042-027-400-030-00**

Exhibit List

- Exhibit #1:* Application for case PZSU15-010 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended April 28, 2015
- Exhibit #4:* Copy of Otsego County Equalization Department record cards/Warranty Deeds-0306/171, 0565/3
- Exhibit #5:* Site Plan/PZSU15-010 submitted by Applicant
- Exhibit #6:* Letter of representation from property owners
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Corwith Township dated October 30, 2015
- Exhibit #9:* Letter dated November 6, 2015 from Corwith Township
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01307951
- Exhibit #12:* General Finding of Fact/PZSU15-010
- Exhibit #13:* Specific Finding of Fact/PZSU15-010
- Exhibit #14:* Survey combining parcels

OTSEGO COUNTY

PERMIT NO: PZSU15-010

LAND USE SERVICES

Elliott B Lumberg, Atty.
(989) 732-3534

1322 Hayes Road
Gaylord, MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

APPLICATION FOR SPECIAL USE PERMIT

Date: 9-21-15

Tax Parcel Number: 69 - 042 - 027 - 400 - 030 Twp: Corwith Sec 27 N 32, R 3 W

Property location: (REQUIRED)

Address: 7297 Old 27 North City: Vanderbilt State: Mi Zip: 49795

Applicant:

Name: John Brink + Mary Brink Phone No. (989)-370-0874

Address: 617 Thumb Lake Road City: Vanderbilt State: Mi Zip: 49795

Property Owner: (If different from applicant)

Name: _____ Phone No. (____) - ____ - ____

Address: _____ City: _____ State: _____ Zip: _____

Description of project and proposed use:

Construction of 20 Storage Units - 20' x 200'

Signature of Applicant:

John Brink Mary Brink

Date: 9-21-2015

*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

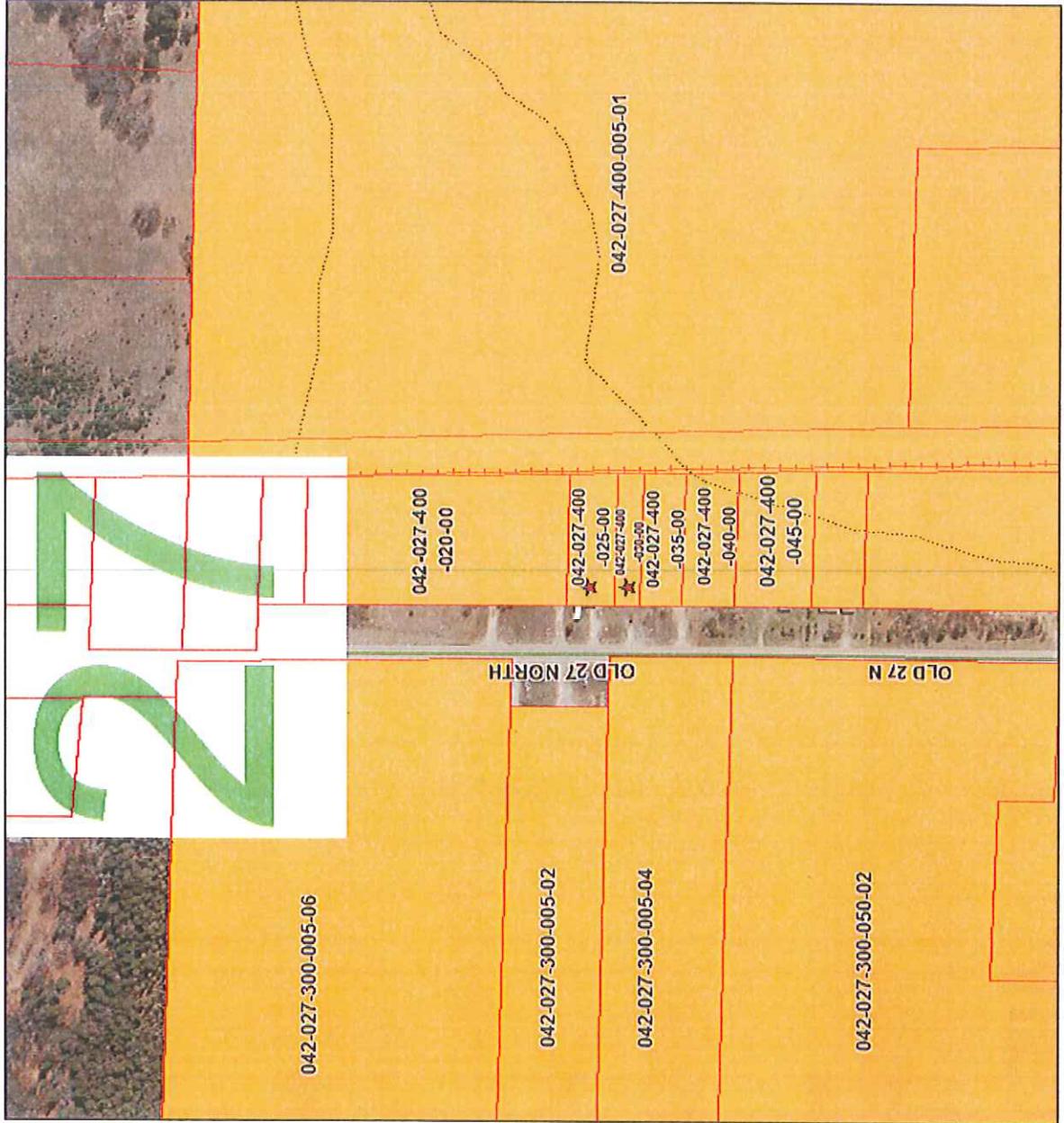
File No. _____

Fee amount: _____

Date Application Received 10-06-15

Received By: JBW

PZSU15-010
BRINK
042-027-400-025-00/042-027-400-030-00



OTSEGO COUNTY ZONING MAP

	RR/RECREATION RESIDENTIAL
	FR/FORESTRY RECREATION
	STATE LAND
	AR/AGRICULTURAL RESOURCE
	B-2/GENERAL BUSINESS
	R-1/RESIDENTIAL
	R-2/GENERAL RESIDENTIAL
	N/A
	R-3/RESIDENTIAL ESTATES
	INDUSTRIAL
	B-3/BUSINESS, LIGHT MANUFACTURING
	B-1/LOCAL BUSINESS
	PUD/PLANNED UNIT DEVELOPMENT
	C-2/CITY
	C-1/CITY
	MUZ/MULTIPLE USE ZONING
	HX/HIGHWAY INTERCHANGE

Lawyers Title Insurance Corporation

LIBER 306 PAGE 171

Form 551 6-75
WARRANTY DEED—Statutory Form
C.L. 1948, 555.151 M.S.A. 26.371

KNOW ALL MEN BY THESE PRESENTS: That Douglas E. Brink and Sharon S. Brink,
husband and wife,
whose address is 7313 Old 27 S., Vanderbilt, Michigan 49795,

Convey(s) and Warrant(s) to John R. Brink,
whose address is 7313 Old 27 S., Vanderbilt, Michigan 49795,

the following described premises situated in the Township of Corwith
County of Otsego and State of Michigan, to-wit:

The North 115 feet of the South 400 feet of that part of the Northwest 1/4 of the
Southeast 1/4 of Section Twenty-seven (27), T. 32 N., R. 3 W., lying West of the
railroad right-of-way,

STATE OF MICHIGAN } RECORDED 8th DAY OF
COUNTY OF OTSEGO } Feb A.D. 1982 AT 3:48
O'CLOCK P. M.
Ardis J. Hascok
REGISTER OF DEEDS

for the full consideration of Seventeen Thousand Nine Hundred and 00/100 (\$17,900.00) Dollars,
subject to easements of record.

Dated this 5th day of February 19 82

Witnesses:

Signed and Sealed:

E. J. Kitchen Douglas E. Brink (L.S.)
Stacy Jo Schiller Sharon S. Brink (L.S.)

(L.S.)

STATE OF MICHIGAN }
COUNTY OF Otsego } ss. _____ (L.S.)

The foregoing instrument was acknowledged before me this 5th day of February 1982
by Douglas E. Brink and Sharon S. Brink.

My commission expires April 21, 1984

E. J. Kitchen
Notary Public Otsego County, Michigan

Instrument Drafted by Sylvia Sanders, Atty. at Law Business Address 120 E. Main St., Gaylord, MI 49735

County Treasurer's Certificate
OTSEGO COUNTY } Code No. Feb. 5, 1982
TREASURER'S OFFICE }
Gaylord, Mich. }
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.
J. Matlock Deputy COUNTY TREASURER

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
19.80
Dept. of Taxation FEB-4-82 PR.10504

Recording Fee _____ When recorded return to _____
State Transfer Tax 19.80 _____
Send subsequent tax bills to _____
Tax Parcel # _____

Warranty Deed

The Grantor(s) RONALD A. HARTZ and PATRICIA J. HARTZ, husband and wife,
whose address is 25 State Park Drive, Bay City, MI 48706

convey(s) and warrant(s) to John R. Brink and Mary A. Brink, husband and wife,
whose address is 617 Thumb Lake Road, Vanderbilt, MI 49795

the following described premises situated in the Township of Corwith
County of Otsego and State of Michigan:

That part of the Northwest 1/4 of the Southeast 1/4 of Section Twenty-Seven (27), Town 32
North, Range 3 West, Commencing at a point 225 feet North of the Southwest corner of the
NW 1/4 of the SE 1/4 of said Section 27, thence running North 60 feet, thence East to
Michigan Central Railroad right-of-way, thence South along the West line of said Railroad
right-of-way to a point 225 feet North of the East and West 1/8 line in the SE 1/4 of said
Section 27, thence West to the place of beginning.

for the sum of Seven Thousand Five Hundred and No/100 (\$7,500.00) Dollars

subject to easements and building and use restrictions of record and further subject to
conditions and reservations as of record. Subject to the reservation of all gas, oil and
mineral rights in favor of the Grantor and others.

Dated this 16th day of July, 1994.

Signed in the presence of:

Margaret M. Koske
*Margaret M. Koske
John Koske
*John Koske

Signed by:

Ronald A. Hartz
*RONALD A. HARTZ
Patricia J. Hartz
*PATRICIA J. HARTZ

OTSEGO COUNTY
MICHIGAN
RECEIVED FOR RECORD

94 JUL 21 AM 3:59

EVELYN M. PRATT
CLERK / REGISTER OF DEEDS

STATE OF MICHIGAN } SS
COUNTY OF OTSEGO

The foregoing instrument was acknowledged before me on this 16th day of July, 1994, by
RONALD A. HARTZ and PATRICIA J. HARTZ.

Margaret M. Koske
Margaret M. Koske
Notary Public, Otsego County, MI
My Commission expires 1/8/95

County Treasurer's Certificate

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich. } July 22, 1994
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.
Erma Beckwith
COUNTY TREASURER

STATE OF MICHIGAN REAL ESTATE
DEPT. OF JOINT TAXATION
7-21-94
08.25

When recorded return to: Send subsequent tax bills to:

GRANTEE

GRANTEE

JOHN KOSKE
KOSKE REALTY CO.
2192 OLD 27 S
GAYLORD, MI 49735

Tax Code: 042-027-400-030-00 /S

Recording Fee: \$9 + \$1

Transfer Tax: \$8.25

778.25

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.	
HARTZ, RONALD A & PATRICIA BRINK, JOHN R & MARY A		7,500	07/16/1994	WD	Good	0565/3	DEED	0.0	
Property Address	Class: 402 Residential StZoning: B-2 Building Permit(s) Date Number Status								
7297 OLD 27 N	School: Vanderbilt Area School								
Owner's Name/Address	P.R.E. 0%								
BRINK, JOHN R & MARY A 617 THUMB LAKE RD VANDERBILT MI 49795	: 0.00								
Tax Description	2015 Est TCV 4,400(Value Overridden)								
N 60 FT OF S 285 FT OF NW 1/4 OF SE 1/4 W OF RR R/W SEC 27 T32N R3W.	Improved X Vacant Land Value Estimates for Land Table .								
Comments/Influences	Public Improvements * Factors * Description Frontage Depth Front Depth Rate %Adj. Reason Value Dirt Road 0.420 Acres 0 100 0 Gravel Road 0.42 Total Acres Total Est. Land Value = 0 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	Land Value	Building Value	Assessed Value	Board of Tribunal/ Other Review	Taxable Value
				2015	2,200	0	2,200		2,133C
				2014	2,100	0	2,100		2,100S
				2013	2,100	0	2,100		2,100S
				2012	2,200	0	2,200		2,200S
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan									

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

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.	
BRINK, DOUGLAS E & SHARON S BRINK, JOHN R		17,900	02/05/1982	WD	Good	0306/171	DEED	0.0	
Property Address	Class: 402 Residential StZoning: B-2 Building Permit(s)								
7313 OLD 27 N	School: Vanderbilt Area School								
Owner's Name/Address	P.R.E. 0%								
BRINK, JOHN R 617 THUMB LAKE RD VANDERBILT MI 49795	: 0.00								
Tax Description	2015 Est TCV 28,400 (Value Overridden)								
N 115 FT OF S 400 FT OF NW 1/4 OF SE 1/4 LYING W OF RR R/W SEC 27 T32N R3W.	Land Value Estimates for Land Table .								
Comments/Influences	Improved	X	Vacant	* Factors *					
	Public Improvements			Description	Frontage	Depth	Front Depth	Rate %Adj. Reason	Value
	Dirt Road						0.810 Acres	0 100	0
	Gravel Road						0.81 Total Acres	Total Est. Land Value =	0
	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	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
			2015	14,200	0	14,200			10,735C
			2014	10,600	0	10,600			10,566C
			2013	10,400	0	10,400			10,400S
			2012	10,200	0	10,200			10,200S

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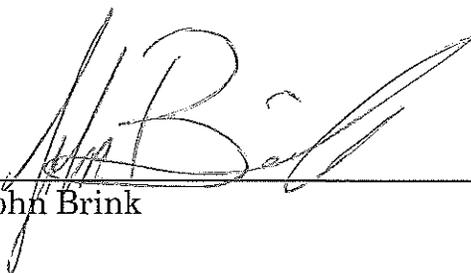
*** Information herein deemed reliable but not guaranteed***

AUTHORIZATION

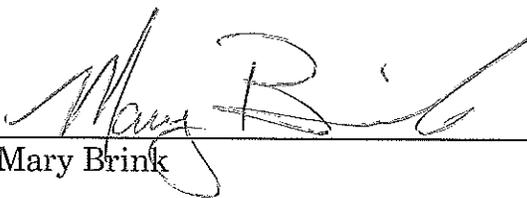
We, the undersigned, hereby authorize the law firm of Blumberg and Blumberg, P.C., to act as our representative in the process to obtain a special use permit for our project located at 7297 Old 27 North, Vanderbilt, MI.

The law firm has full authority to act on our behalf in dealings with the Otsego County Land Use Department, Otsego County Planning Commission, Corthwith Township, and the Otsego County Assessor's Office.

Dated October 7 2015.



John Brink



Mary Brink

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE
December 21, 2015

The Otsego County Planning Commission will hold a public hearing on Monday, December 21, 2015 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:

John & Mary Brink, owners represented by Blumberg & Blumberg PC, have requested a Special Use Permit/Site Plan Review for property located in Corwith Township at 7297 Old 27 N Vanderbilt, MI 49795. The proposed use of the property is to construct a 20'x200' storage building containing 20 storage units. The property is located in a B2/General Business Zoning District. Mini-storage buildings consisting of separate rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification numbers: **042-027-400-025-00**
Old 27 North
Vanderbilt, MI 49795

Legal Description:

N 115 FT OF S 400 FT OF NW 1/4 OF SE 1/4 LYING W OF RR R/W SEC 27 T32N R3W

042-027-400-030-00
7297 Old 27 North
Vanderbilt, MI 49795

Legal Description:

N 60 FT OF S 285 FT OF NW 1/4 OF SE 1/4 W OF RR R/W SEC 27 T32N R3W

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.otsego-county-mi.gov

October 30, 2015

Corwith Township
PO Box 100
Vanderbilt, MI 49795

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

If you require the applicant, Elliot Blumberg, representing Mr. & Mrs. Brink to be present at your meeting, you can notify him at:

John & Mary Brink
c/o Elliot Blumberg PLC
PO Box 67
Gaylord, MI 49734
989.732.3534

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

Township of Corwith

COUNTY OF OTSEGO
P.O. Box 100
8170 MILL STREET
VANDERBILT, MICHIGAN 49795-0100
PHONE 989-983-2865
FAX 989-983-3978

November 6, 2015

Otsego County Land Use Services
1322 Hayes Road
Gaylord, MI 49735

RE: Application for Special Use Permit – Brink Parcel #69-042-027-400-030-00

The Corwith Township Board reviewed the application for Special Use Permit submitted by John and Mary Brink on parcel number 69-042-027-400-030-00. The motion was made and unanimously approved, to recommend approval with no special conditions noted.

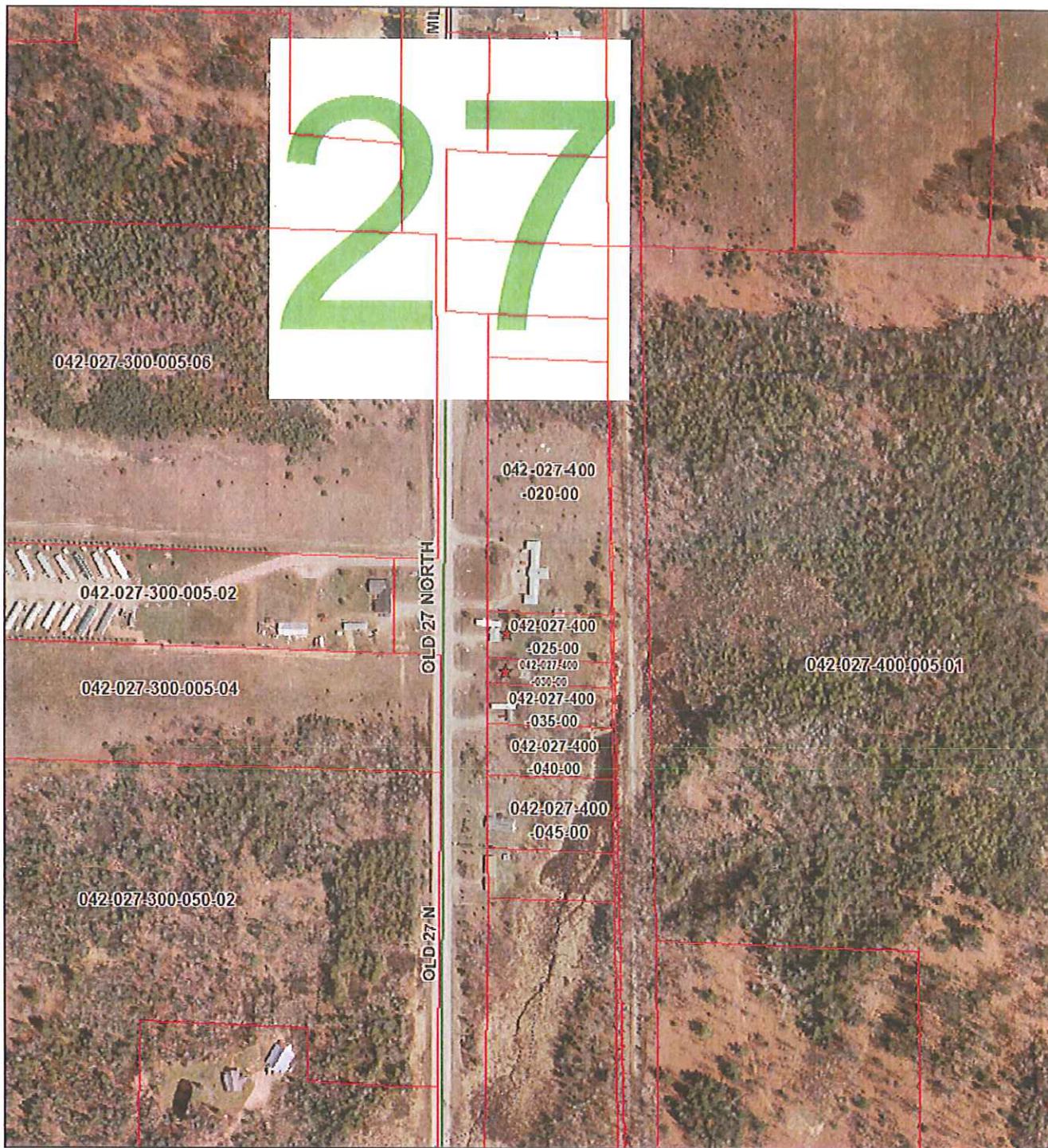
Sincerely,



Debbie Whitman
Corwith Township Clerk



PZSU15-010
BRINK
042-027-400-025-00/042-027-400-030-00



042-027-300-005-02	042-027-400-005-01
042-027-300-005-04	042-027-400-020-00
042-027-300-005-06	042-027-400-035-00
042-027-300-050-02	042-027-400-040-00
	042-027-400-045-00

OWNERS WITHIN THREE HUNDRED FEET (300')

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS	ZONING
042-027-300-005-02	7346 OLD 27 N	SUNSET ESTATES OF GAYLORD LLC	4220 US 23 S	49707 MI B-2
042-027-300-005-04		COONEY, PATRICK R	611 NORTH ST	49735 MI B-2
042-027-300-005-06		WALKOWSKI, GERALD	32734 ROBINETTE AVE	48092 MI B-2
042-027-300-050-02		NOESKE, HUGO H & ELIZABETH A	338 BADGLEY RD	49795 MI B-2
042-027-400-005-01		DEMING, JOHN R TRUST	420 BERKSHIRE LN	49735 MI B-2
042-027-400-020-00	7339 OLD 27 N	GUESS, ROBB	828 KRYSTAL MEADOW LN	49735 MI B-2
042-027-400-035-00	7273 OLD 27 N	BRINK, JOHN R & MARY A	617 THUMB LAKE RD	49795 MI B-2
042-027-400-040-00		MULLER, MICHAEL & VIRGINIA	5123 CAMERON DR	48098 MI B-2
042-027-400-045-00	7221 OLD 27 N	TRUAX, PHILLIP E & JAMIE L	7221 OLD 27 N	49795 MI B-2

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU15-010
Special Use Permit/Site Plan Review
042-027-400-025-00/042-027-400-030-00**

GENERAL FINDINGS OF FACT

1. This is a proposal for construction of a 20'x200' storage building containing twenty (20) units. *Exhibit #1, Exhibit #5*
2. The property is located in a B2/General Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
4. The property is currently under the ownership of John & Mary Brink. *Exhibit #4*
5. The property is 1.29 acres and parcels will be combined for 2016. *Exhibit #4, Exhibit #14*
6. The Public Hearing Notice was published in the Herald Times on December 4, 2015 *Exhibit #7*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
9. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
11. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been by the addressed by the Applicant. *Exhibit #4, Exhibit #5, Exhibit #11, Exhibit #12, Exhibit #13*
- 12.

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU15-010
Special Use Permit/Site Plan Review
042-027-400-035-00/**

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 11/SECTION 11.2

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

INTENT

The B2 General Business District is designed to provide sites for more diversified business types than the B1 Local Business District and often located so as to serve passer-by-traffic. Tourist services are included as being in character with the District.

SECTION 11.2 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.]

- 11.2.1 All uses subject to special conditions in the [B1](#) Local Business District
- 11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage
- 11.2.3 Rifle or pistol ranges when within a completely enclosed building
- 11.2.4 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.
- 11.2.5 Car wash
- 11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:
 - 11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets.
 - 11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
 - 11.2.6.3 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 line.
 - 11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department.
- 11.2.7 Hospitals
- 11.2.8 Commercial outdoor sport and recreational facilities
- 11.2.9 Flea markets
- 11.2.10 Mini-storage buildings consisting of separate storage rooms rented or leased by the month...

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

21.10.1 Fences designed to enclose property in any district shall be subject to the following conditions:

21.10.1.1 Fences in R1, R2, R3 or RR Districts, or any platted subdivision, site condo or PUD shall not contain barbed wire or be electrified.

21.10.1.2 No fence shall exceed six (6) feet in height in the side or rear yard. No fence in the front yard setback shall exceed four (4) feet in height and shall be of a design and material that does not obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian or vehicle property access point.

21.10.2

Specific Nonresidential Uses Requiring Fences	Minimum height for fence or wall	Function(s)	
		Screen/protect	Obscure
Drive-in restaurants, gasoline stations and vehicle repair	6'0"	X	X
Hospital and funeral home service entrances	6'0"		X
Institutional playgrounds	6'0"	X	X
Parking lots	6'0"		X
Utility buildings and substations	6'0"	X	X
Public swimming pools	6'0"		X
Junk yards	8'0"	X	X
Open storage areas of any use	6'0"		X

Note: These uses in 21.10.2 are required to be fenced or screened in all cases regardless of the use orientation to residential zoning districts or residential uses.

21.10.3 Protective and adequate fencing shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.

21.10.4 All plans for fences or walls must be approved by the Zoning Administrator for construction specifications designed to fulfill the primary function of protection and/or screening. All fences shall be maintained in a pleasing appearance.

21.10.5 The Planning Commission shall be empowered to modify fence and wall requirements as deemed necessary by conditions affecting a particular development, or to waive requirements where general welfare concerns are not served by compliance with these standards, such as the existence of permanent natural features, where there is sufficient visual or protective separation, or where there is nothing to separate. Waivers shall not be granted where such characteristics are of a temporary nature or because the adjacent area is not yet developed.

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

The purpose of this section is: to protect and enhance property values, economic welfare and community attractiveness; to provide beneficial climatic impacts by cleaning the air and providing shade; to protect health, safety and welfare by reducing air and water borne pollutants, flooding and noise; to mitigate adverse effects of sighting different uses near one another through buffering; to facilitate preservation of existing valuable trees and other vegetative cover; to provide wildlife habitat and environmental standards within developed areas; to protect privacy.

21.18.2 General Performance Standards:

This, Section 21.18 Landscaping, requirements shall not apply to single family residences located on individual lots. The Section shall apply to residential plats and site condominiums.

All areas not covered by buildings, parking or other structures shall be treated with landscape materials including street trees, shrubs and groundcovers consistent with these provisions. The selected combination of plant materials shall be a harmonious combination of deciduous and evergreen trees, shrubs, vines and/or ground covers so arranged to present an aesthetically pleasing whole.

21.18.2.1 Landscape Materials:

All landscape materials planted pursuant to the provisions of this section shall be healthy and compatible with the local climate, site soil characteristics, drainage, and available water supply.

Trees and shrubs should be at least, at the time of planting, the sizes as outlined in this section and shall be consistent with the current American Standard for Nursery Stock as set forth from time to time by the American Association of Nurserymen.

Deciduous trees shall be not less than one and one-half (1 ½) inches in diameter for single family residential uses and two and one-half (2 ½) inches in diameter for other uses.

Coniferous trees should be at least six (6) feet in height. Shrubs shall be of a size generally known in the nursery industry as requiring at least a five (5) gallon container.

All planting beds constructed pursuant to [Sections 21.18.2](#), [21.18.5](#) and [21.18.6](#) shall be mulched with mulch cover at least three (3) inches deep to retain moisture around roots.

Trees shall be planted on the project sites so as to allow for their desired mature growth.

Access to or view of fire hydrants shall not be obstructed from any side.

Plantings shall be designed so as to not conflict with power lines or impede fire safety services.

21.18.2.2 Irrigation & Maintenance Performance Standards:

All uses with the exception of single family residential, which are landscaped with live plants, pursuant to this Section shall be equipped with a watering system which will provide sufficient water to maintain plants in a healthy condition.

21.18.2.2.1 Whenever the landscaped area required by [Sections 21.18.3](#), [21.18.5](#) and [21.18.6](#) is two thousand (2,000) square feet or more of living plants whether or not the plants are contiguous, the site shall have a permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.

21.18.2.2.2 Whenever there is less than two thousand (2,000) square feet of landscaped area required by [Sections 21.18.3](#), [21.18.5](#) and [21.18.6](#) on a site, there should be at least one reliable water source available during the growing season. The hose bib or other water source shall be within fifty (50) feet from a border of the plants.

21.18.2.2.3 All irrigation systems shall be maintained in good working condition.

21.18.2.2.4 Irrigation requirements may be adjusted in part or in whole by the Zoning Administrator for landscape areas having established healthy plant material, or where irrigation is deemed unnecessary for plant health and survival.

All plants required by this Section shall be maintained in a live and healthy state. Dead or unsalvageable unhealthy plants shall be replaced with the size and type of plants required on the site development plan and by this Section. Plant materials including grasses and herbaceous plants used on berms, along road sides, etc. shall be routinely maintained during growing seasons. When growing in close proximity to residential land uses, grasses and common weeds shall be maintained at a height of ten (10) inches or less.

All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence or other forms of deterioration shall immediately be replaced or repaired.

Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or salvageable plants shall be replaced within nine (9) months of the time the plants are clearly dead.

21.18.2.3 Existing Vegetation:

If there is no practical alternative in terms of siting buildings and other development, trees and other plants may be removed.

Significant shrubs, grasses and trees are to be preserved within areas not required for development.

Healthy, younger mature plants shall be preserved which would normally succeed older plants.

Natural vegetation shall be preserved within areas below an ordinary high water mark of a lake, stream or other water body.

Existing vegetation to be preserved shall be protected during construction with barriers as required and approved by the Zoning Administrator.

The application of landscape standards within this Ordinance may be adjusted in part or in whole by the Zoning Administrator to allow credit for established healthy plant material to be retained on or adjacent to the site if such an adjustment is consistent with the intent of this Ordinance.

21.18.2.4 Berms constructed pursuant to [Section 21.18.3](#) shall be constructed with slopes not to exceed one to three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

21.18.3 Buffer Yards:

Buffer yards shall be constructed to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, water vapor, conflicting land uses and density, height, mass, layout of adjacent uses, loss of privacy, unsightly views and other potentially negative effects of development. Buffering may be achieved using landscape, building fences and berm or a combination of the above techniques.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or Private Street or right-of-way.

[Tables I](#) and [II](#) shall be used to determine buffer yard dimensions and plant materials specifications. [Table I](#) is used to determine the type of Buffer yard (A, B, C, D, E, EX, or NA) which will be required between districts or users. Once the type of Buffer yard is obtained, [Table II](#) outlines the plant material specifications for alternative widths and specifications and treatments (walls, berms, etc.) of buffer yard. Each property line should be analyzed independently to determine the appropriate buffer yard required.

The buffer yard tables are to be considered minimum standards. Increased landscaping requirements may be imposed by the Zoning Administrator or the Planning Commission if it is determined any of the following conditions exist.

The type of required buffer yard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.

The scale of the project in regard to mass and height indicates the need for a buffer yard developed specifically for the project.

The proposed use is next to an existing sensitive use such as a school, church or residential area.

21.18.4 Roadside Greenbelt Buffers:

Unless as otherwise required by [Section 21.18.3](#), required front yards shall be landscaped with a minimum of one (1) tree, not less than one and one-half (1½) inches in diameter for single family residential uses and two and one half (2½) inches in diameter of other use, for each one thousand (1000) square feet, or major portion thereof, of front yard abutting a road right-of-way. The remainder of the greenbelt shall be landscaped provided however, rock or other inorganic ground cover shall not exceed twenty (20) percent of the yard area.

Access ways from public rights-of-way through required landscaped strips shall be permitted, but such access ways shall not be subtracted from the square foot dimension used to determine the minimum number of trees required.

21.18.5 Screening of Unsightly Areas:

Unsightly areas, including but not limited to outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other areas from which the property is visible. Such screening shall not be located as to interfere with required maintenance activities of utility boxes.

Whenever plants are used as a screen, they should provide an effective opaque screen within three (3) years of the time they are planted.

The materials and colors of the screen should blend with the site and the surroundings.

21.18.6 Parking Lot Screening:

Unless otherwise required by [Section 21.18.3](#) or [21.18.4](#), a no-building buffer strip not less than ten (10) feet wide shall be required on the perimeter of all parking lots containing twenty-seven hundred (2,700) square feet or more of parking area where not adjacent to buildings. Said buffer strip shall be used for landscaping, screening or drainage as required herein.

Landscaping design standards:

21.18.6.1 Any required planting strip shall be a minimum of ten (10) feet in width.

21.18.6.2 One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage. (This requirement shall not duplicate the requirements of [Sections 21.18.4](#) or [21.18.3](#).)

21.18.6.3 Where screens of non-living material are used, at least one (1) shrub or vine shall be planted on the right-of-way or property line side for each ten (10) lineal feet of screen or fraction thereof.

21.18.6.4 Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.

21.18.6.4.1 Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

21.18 TABLE I : Planting Buffer Yard

Proposed Development Zoning District	Boundary Zoning District 											M U Z M A I N S T R E E T	M U Z T O W N C E N T E R	H I G H W A Y I N T E R C H A N G E	I I N D U S T R I A L		
	R-1	R-2	R-3	RR	FR	AR	B-1	B-2	B-3								
R-1	N																
R-2	B	N															
R-3	C	B	N														
RR	C	C	B	N													
FR	C	C	B	B	N												
AR	C	C	C	C	C	N											
B-1	B	B	B	B	B	B	N										
B-2	C	C	B	C	C	C	B	N									
B-3	C	C	C	C	C	C	B	B	N								
MUZ - MAIN STREET	A	A	A	B	C	C	A	A	B	C							
MUZ - TOWN CENTER	A	A	A	B	C	C	A	A	A	C	N						
HIGHWAY INTERCHANGE	C	C	C	C	C	C	B	B	B	B	C	N					
I - INDUSTRIAL	E	E	E	E	D	D	D	D	D	C	C	C	E	E	C	N	

Key: N= No buffer yard required /See TABLE II

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

Outdoor light fixtures are electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include search, spot and flood lights for buildings and structures, recreation areas, parking lot lighting, landscape lighting, billboards and other signs (advertising or other), street lighting, product display area lighting, building overhangs and open canopies.

All outdoor lighting fixtures including pole mounted or building mounted yard lights, dock lights, and shoreline lights other than decorative residential lighting such as low level lawn lights, shall be subject to the following regulations:

21.19.1 Lighting shall be designed and constructed in such a manner:

21.19.1.1 To insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property,

21.19.1.2 That all light sources and light lenses are shielded,

21.19.1.3 That any light sources or light lenses are not directly visible from beyond the boundary of the site,

21.19.1.4 That light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.

21.19.2 Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test. A United States flag, Michigan flag or a flag of a veteran's organization chartered by the United States Government shall be allowed to have light illuminating them from below

21.19.3 There shall be no blinking, flashing, or fluttering lighting, including changes in light intensity, brightness or color, except that lights may be controlled by a dimmer which can be periodically adjusted for conditions and signs as allowed in [21.38.2.1](#). Beacon lights are not permitted except where required by law.

21.19.4 No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

21.19.5 Decorative lights during holiday seasons shall be allowed.

21.19.6 Modification of these outdoor lighting standards may be permitted by the Zoning Board of Appeals for temporary uses of not more than ten (10) days per year, following these provisions as closely as possible.

FINDINGS UNDER SECTION 21.27

SECTION 21.27 PARKING

There shall be provided in all districts at the time of erection or enlargement of any main building or structure or use, automobile off-street parking space with adequate access to all spaces.

21.27.1 Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

21.27.2 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

21.27.3 In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.

21.27.4 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.

21.27.5 Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof.

- 21.27.6 The parking or storage of any commercial motor vehicle shall be prohibited in any R1, R2 or RR District, or in any residential area with lots of twenty thousand (20,000) square feet or less. (See definition of COMMERCIAL MOTOR VEHICLE.)
- 21.27.7 For the purpose of computing the number of parking spaces required, the definition of FLOOR AREA, USABLE shall govern.
- 21.27.8 For those uses not specifically mentioned in the Off-street Parking Schedule, requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type.
- 21.27.9 Entrance drives to the property and off-street parking area shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different Zoning District. A greater distance may be required by the Planning Commission if the lesser would cause a traffic issue.

21.27.10 Off-street Parking Schedule

The minimum number of off-street parking spaces required by use shall be in accordance with the following schedule:

MINIMUM PARKING SPACES REQUIRED

LAND USE

PER UNIT OF MEASURE

Commercial

Planned Shopping Center	1 per 200 sq. ft. of usable floor area
Auto Wash-Automatic	5 per wash stall plus 1 per employee
Auto Wash-Automatic-Drive-in	1 for each 2 employees
Auto Wash-Self Service	1 per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
Banks	1 per 200 sq. ft. of usable floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Office	1 per 200 sq. ft.
Billiard Hall	2 per game table
Bowling Alley	5 per lane
Taverns	1 per 100 sq. ft. of usable floor area
Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through Uses-Restaurant, Banks, Drug Pick-up, Laundries, Payment Furniture, Appliances, Plumbers, Electricians Minor Repair Services	In addition to the required parking for the principal use, the Drive-through facilities requirement in <u>Article 18</u> shall be followed 1 per 800 sq. ft. of usable floor area
Vehicle Service Station	2 per service stall, plus 1 per employee
Gasoline Convenience Store	1 per 300 sq. ft. of usable floor area

Laundromat	1 per 3 machines for washing
Funeral Home/Mortuary	1 per 200 sq. ft. of usable floor area
Motels, Hotels, Motor Inns, Cabin Courts, Bed & Breakfast Facilities and Tourist Lodging Facilities	1 per 150 sq. ft. of usable floor area, the Planning Commission may reduce up to half if they reserve land for open space
Vehicle Sales	1 per 200 sq. ft. of showroom usable floor area
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self-Storage Rental Units	1 per 10 units
Personal Service Establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft. of usable floor area
Rental Shops	1 per 200 sq. ft. of usable floor area in addition to a loading and unloading area; and a vehicle turnaround drop-off area
Rifle or Pistol Range Windows or other Drive-up Service Windows...	2 per range plus 1 per employee

NOTES

- a. Sq. ft. refers to square feet of usable floor area unless otherwise noted.
- b. 1 unit per measure shall be interpreted to mean 1 per each unit, as 1 per "each" three (3) persons.
- c. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.
- d. Employees, refers to all permanent staff and part time equivalents in the largest working shift. Maximum capacity is the maximum occupancy permitted by applicable building, fire, or health codes.

21.27.11 Parking Area Design Standards

The layout of off street parking facilities shall be in accord with the following minimum requirements:

<u>Parking Pattern</u>	<u>Maneuvering Lane width</u>	<u>Parking Space width</u>	<u>Parking Space length</u>
Parallel	12ft	8ft	23ft
30-53°	9ft	20ft	
54-74°	9ft	20ft	
75-90°	9ft	20ft	

All spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited. Adequate ingress and egress to a parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across land zoned for residential use.

Each entrance and exit to and from any off street parking lot located in an area zoned for other than residential use shall be at least twenty-five (25) feet from adjacent property located in any residential district.

Buffer yards shall be required per standards set by [Section 21.18](#). A buffer yard without buildings shall be required not less than ten (10) feet wide on the perimeter of all parking lots. Said buffer yard shall be used for landscaping, screening and/or drainage as required by this ordinance.

All parking areas containing twenty-seven hundred (2700) square feet or more shall provide snow storage area. Snow storage shall be provided on the ratio of ten (10) square feet per one hundred (100) square feet of parking area. Parking area is calculated at two hundred seventy (270) square feet per parking space. Snow storage areas shall be located in such a manner that they do not interfere with the clear visibility of traffic on adjacent streets and driveways

One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage.

Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.

Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

21.27.12 Federal and State requirements regarding handicapped parking and access shall apply.

21.27.13 Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that the area of sufficient size to meet parking space requirements of this article is retained as open space and the owner agrees to construct the additional parking at the direction of the Planning Commission.

21.27.14 Parking lot cross-connections shall be used in addition to frontage roads or shared driveways, when in the opinion of the Planning Commission, cross-connections do not hinder traffic.

21.27.15 All parking in the Highway Interchange Commercial District shall be in the rear or side yard.

FINDINGS UNDER SECTION 21.38

SECTION 21.38 SIGNS AND BILLBOARDS

Any publicly displayed sign, symbol or notice on premises to indicate the name of the occupant, to advertise the business there transacted, or directing to some other locale, shall be regulated as follows, and shall require permits in accordance with the terms of the County Building Code:

21.38.1 Signs Permitted

21.38.1.1 Name Plates in All Districts Residential, business or industrial name plates which are not illuminated and do not exceed a total area of two (2) square feet, may be permitted in any district, and may be permitted in addition to any other legal sign.

21.38.1.2 Accessory Signs in [R1](#), [R2](#), [R3](#), [RR](#), [FR](#) and [AR](#) Districts One (1) sign not to exceed fifteen (15) square feet may be permitted for uses other than dwelling units, in [R1](#), [R2](#), [R3](#), and [RR](#) Districts. In the [FR](#) and [AR](#) Districts, one (1) sign not to exceed thirty-two (32) square feet in area and measuring not more than four (4) feet by eight (8) feet shall be permitted.

21.38.1.3 Accessory Signs in B, HX and I Districts

A. Signs for Single Business: A single business on one (1) lot or combination of lots in the [B1](#), [B2](#), [B3](#), [I](#) and/or [HX](#) District may install accessory signs in accordance with the following regulations:

1. Accessory Signs in B1, B2, B3 and/or I Districts may be permitted at the rate of two (2) per use, except that at least one (1) sign shall be affixed to or be within two (2) feet of and be parallel with the wall of the main building. One (1) sign may be a freestanding or pylon sign.
2. Signs mounted on and parallel with the wall of the main building shall not exceed a total area of two and one half (2½) feet times the length of the mounting wall.

3. Freestanding signs intended for local or passerby traffic shall not exceed a height of twelve (12) feet measured from the average grade at the base of the sign to the top of the sign. No freestanding sign shall exceed an area of thirty-two (32) square feet, and no such sign shall be longer than three (3) times its width.
 4. Pylon signs, designed and intended to attract traffic from a major expressway or highway, are approved but shall not exceed a height of thirty-five (35) feet and must be constructed and mounted by approval methods set forth in the State Construction Code provided they meet the Airport Zoning Ordinance standards.
- B. Signs for Shopping Centers, Shopping Centers, Commercial Developments or Two (2) or more stores, offices, research or manufacturing facilities, or retail developments with multiple stores or Commercial PUDs or retail stores with an area over one hundred thousand (100,000) square feet or other Commercial Developments requiring Special Use Approval which have common off street Parking and/or entrance, may install accessory signs in accordance with the following regulations:
1. Signs which direct traffic movement within a property, and which do not exceed four (4) square feet in area for each sign are permitted.
 2. One (1) free-standing identification sign for each street that the development faces.
 - a. The free standing sign shall state only the name of the Shopping Center or multiple use development and Tenants located therein.
 - b. No freestanding sign face shall exceed an area of one hundred (100) square feet.
 - c. Freestanding signs shall not exceed a height of twenty five (25) feet measured from the average grade at the base of the sign to the top of the sign face. The structure supporting the sign shall not exceed a height of thirty (30) feet measured from the average grade at the base of the structure. The height shall not exceed three (3) times the width.
 - d. Tenants of the shopping center or the owner of outlots included within the development plan or PUD shall not be permitted individual free standing signs, except gas stations as noted below.
 3. Businesses within the development or PUD shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed twenty percent (20%) of the area of the largest wall.
 4. All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than twenty percent (20%) of the total window area.
 5. An automobile service station located on an outlot or on an individual lot within the development or PUD may have one (1) free standing sign in addition to the free standing sign utilized for the development. The free standing sign shall be for the purpose of advertising gasoline prices and other services provided on the premises. The service station sign shall comply with the regulations for a single business on its own lot as noted in [Section 21.38.1.3\(A\)](#) above.

21.38.1.4 Non Accessory Signs and Billboards

Billboards, poster boards, and non accessory signs may be permitted in B2, B3, & I Districts provided the area of the sign does not exceed an area of two hundred (200) square feet in B2 & B3 Districts and three hundred (300) square feet in I Districts. A non accessory sign or billboard shall not measure longer than three (3) times its width.

Signs that come under the jurisdiction of P.A. 106 of 1972 are under the jurisdiction of the Township, if the Township has adopted a sign ordinance.

21.38.1.5 Sign Lighting (also see [SECTION 21.19 LIGHTING, OUTDOOR](#))

Signs internally illuminated or with a light emanating surface are allowed only in the RR, FR, AR, B1, B2, B3, I, HX, MUZ-Main Street and MUZ-Town Center Districts provided they meet the other requirements of this ordinance and are setback a minimum of ten (10) feet from all road right-of-ways and seventy-five (75) feet from any other property line.

Signs internally illuminated or if sign has a light emanating surface, all light sources and reflecting surfaces immediately adjacent to the light source shall be shielded from view. Sign luminance level, beginning one (1) hour after sunrise and continuing until one (1) hour before sunset, shall not be greater than three thousand (3,000) nits, nor greater than one hundred (100) nits at all other times.

Signs externally illuminated, the light on the proposed sign shall be mounted on the top of the sign, shall be directed downward onto the sign and shall be shielded so as to prevent rays of light from being directed into the sky or onto any portion of a street, road, highway or adjacent properties. Illumination shall be limited such that reflected luminance does not exceed one hundred (100) nits per square meter.

21.38.2 Signs Prohibited

- 21.38.2.1 Signs containing flashing, intermittent or moving lights. (A sign with messages or images accomplished by instantaneous re-pixilation NOT more often than one (1) time in any sixty (60) seconds shall NOT be considered flashing, intermittent or moving and shall be ALLOWED.)
- 21.38.2.2 Signs with moving or revolving parts.
- 21.38.2.3 Signs affixed to trees, rocks, shrubs or similar natural features.
- 21.38.2.4 Signs insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic control signs or devices.
- 21.38.2.5 Signs utilizing vehicles, trucks, vans, or other wheeled devices, unless such signs are used for periods of less than seven (7) consecutive days in any ninety (90) day period, or unless such signs have been approved by the Planning Commission as meeting a special purpose, need and/or as being appropriate for the particular use.
- 21.38.2.6 Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed seven (7) days within any ninety (90) day period.
- 21.38.2.7 Signs which overhang or extend into a dedicated public right-of-way, without the written consent of the government unit having jurisdiction.

21.38.3 Signs Not Requiring a Zoning Permit

- 21.38.3.1 Name Plates not to exceed two (2) square feet.
- 21.38.3.2 Existing signs may be changed or altered so long as none of the provisions of the Zoning Ordinance are violated.
- 21.38.3.3 Bulletin Boards that do not exceed fifteen (15) square feet for churches, public and semi-public institutions, and/or schools.
- 21.38.3.4 Signs that have been approved in conjunction with a valid zoning permit for any principal use of use as detailed in a plot plan or site plan.
- 21.38.3.5 Street name signs and other signs established by state, county, or township units of government when necessary for giving proper directions or otherwise safeguarding the public in any district.
- 21.38.3.6 Non-advertising signs erected by any organization, person, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district.
- 21.38.3.7 Temporary signs not exceeding ten (10) square feet advertising a premises being for rent, for lease, and/or for sale in any district. All such signs shall be removed within fourteen (14) days of the consummated lease or sale of the premises.
- 21.38.3.8 Accessory signs on farms advertising stock, produce, and other farm products produced on the premises, provided the area of sign does not exceed thirty-two (32) square feet.
- 21.38.3.9 Accessory directional signs each not to exceed two (2) square feet in area on buildings, such as but not necessarily limited to: entrance, exit, loading dock, low clearance, garage, office, warehouse, boiler room, service, and the like.
- 21.38.3.10 Up to two (2) accessory property directional signs each not to exceed two (2) square feet in area, identifying or directing to the following: entrance, exit, visitors parking, no parking, other traffic flow directions, and similar functional signs.

It is intended that accessory property directional signs be included on the site plan for approval as to location and number by the Planning Commission.

21.38.4 Placement of Signs and Setbacks, Signs in any zoning district must be placed at least ten (10) feet back from any right-of-way or lot-line.

21.38.5 Off Premises Directory Sign – Private, Where a business use or tourist service facility is not located directly on a major tourist route, but is dependent upon passerby traffic for support, one (1) off the premises directory sign located on a County maintained road may be permitted in business or non-business districts, on each road or link or segment of road that affords access to the use, but entails a major change in the direction of travel.

Off premises directory signs shall not exceed an area of fifteen (15) square feet. Community directional signs serving more than one (1) use may be permitted to a maximum size of thirty-two (32) square feet.

21.38.6 Sign Variances, In order to provide relief for reasons of practical difficulty and to allow greater flexibility in property and use signing, the Zoning Board of Appeals may, after a public hearing, permit signs that:

21.38.6.1 Exceed the maximum number of signs permitted when there is more than one (1) bordering street to serve the use.

21.38.6.2 Exceed the maximum sign area for reasons of unusual setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use.

21.38.6.3 Revolve, provided it can be demonstrated that a stationary sign would not afford reasonable notice to the use.

21.38.6.4 Have intermittent lighting in order to construct a public service time and temperature sign in those instances where the applicant can demonstrate a need or show community desire for such a sign service.

21.38.6.5 Exceed the maximum height in those instances where a taller sign is necessary to overcome natural conditions (topography, vegetation, etc.).

In granting sign variances, the Zoning Board of Appeals shall consider the impact of each sign on adjoining residential districts, scenic views, out of character skyline intrusions, and obstructions to signs or uses on adjoining properties. Also the purpose of the sign and its applicability to uses that serve tourists or passerby motorists shall be considered in granting or denying a sign exception.

FINDINGS UNDER SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

21.42.1 Residential Trash Receptacles shall be placed at curbside no earlier than twenty-four (24) hours from the scheduled pick-up day. Any trash receptacle placed at curb side shall be removed from curb side no later than twenty-four (24) hours after the scheduled pick-up day.

21.42.2 Commercial Trash Receptacles / Dumpsters may be placed upon a parcel of land in such a manner to facilitate loading and unloading. They may be placed no closer than ten (10) feet to any adjoining property. All Trash Receptacles shall be properly maintained with working lids and the lids shall be maintained in a closed position.

21.42.2.1 During the site plan review process the Planning Commission or Zoning Administrator may require Commercial Businesses abutting land zoned Residential (R1, R2, R3, RR) or existing residential development in other zoning districts (HX) to maintain a greater setback than ten (10) feet but in no case shall the required setback be greater than twenty five (25) feet.

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

21.42.4 Trash Receptacles / Dumpsters meeting the requirements of Sections 21.42.1, 21.42.2 & 21.42.3 shall not be considered unsightly areas as covered in Section 21.18.5.

FINDINGS UNDER ARTICLE 19/PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

- 19.7.1** The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
HAS – HAS NOT BEEN MET
- 19.7.2** The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
HAS – HAS NOT BEEN MET
- 19.7.3** The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
HAS – HAS NOT BEEN MET
- 19.7.4** The proposed special land use will be designed, constructed, operated, and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.
HAS – HAS NOT BEEN MET
- 19.7.5** The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
HAS – HAS NOT BEEN MET
- 19.7.6** The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
HAS – HAS NOT BEEN MET
- 19.7.7** If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity or rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET
- 19.7.8** The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

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 related to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

CERTIFICATE OF SURVEY



0 100 200

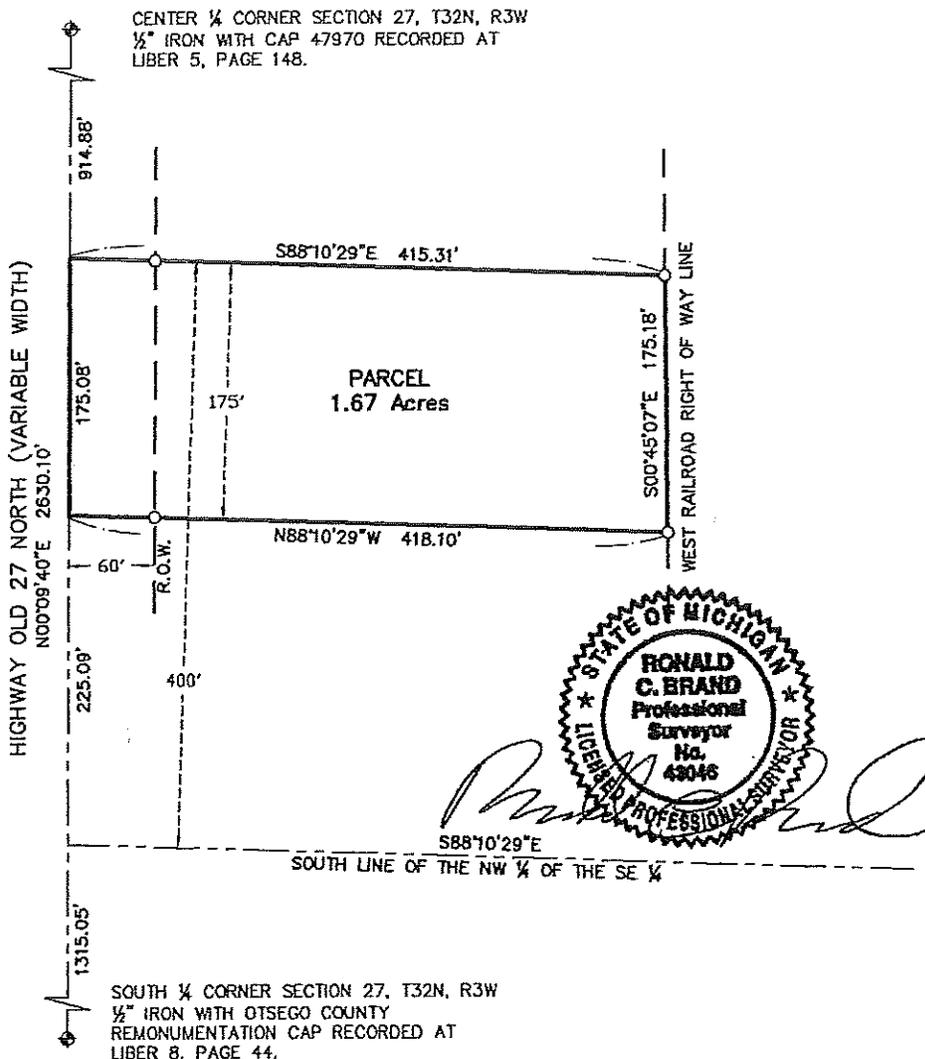


- ½" x 18" REROD WITH CAP SET
- ◆ QUARTER CORNER

DESCRIPTION: A parcel of land situated in the Township of Corwith, County of Otsego, State of Michigan, and described as:

The North 175 feet of the South 400 feet of the Northwest ¼ of the Southeast ¼, lying West of the Railroad right of way, Section 27, Town 32 North, Range 3 West.

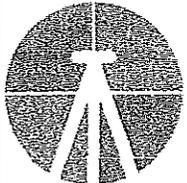
SUBJECT TO All valid agreements, covenants, easements and restrictions, if any.



ERROR OF CLOSURE IS < 1 / 5000

BASIS OF BEARING: NAD83 MICHIGAN CENTRAL STATE PLANE GRID

Brand Land Surveying LLC
Ronald C. Brand
Professional Surveyor No. 43046



Brand Land Surveying LLC
533 Greenfield Drive
Gaylord, Michigan 49735
989-732-8077
www.brandlandsurveying.com

I, Ronald C. Brand, a Licensed Professional Surveyor in the State of Michigan, hereby certify that I have surveyed and mapped the above parcel of land; That the ratio of closure of the unadjusted field observations was within the accepted limits.

Alteration of any part of this document without the permission of Brand Land Surveying LLC is prohibited

CLIENT: Brink
LOCATION: Section 27
Town 32 North, Range 3
West, Corwith Township,
Otsego County
FLD. BK. 5114 PG. 0
DATE: _____
SHEET

Proposed Language for Personal Wireless Service

21.46.2.6 The tower itself must be of monopole design. Guyed and self-supporting towers may be considered in FR and AR districts with application to the Planning Commission and requires a Special Use Permit (Section 19.7). Maximum height of guyed and self-supporting towers to be 150 feet; these towers must be centered within a 1.5 acre parcel. Climbing barriers are allowed and recommended.

21.46.2.10 ...is no longer needed. A tower is to be removed after not being used for twelve months (ref: 21.46.4).

....The amount of the security bond or letter of credit is to be determined by the Planning Commission.

21.46.2.11

Professional sealed documents are required for all Wireless Communications Towers (Section 23.2.2). **For projects that involve less than ten (10) square feet of soil disruption, soil samples and water flow analysis will not be required.**

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.

Section 8.2 Permitted Uses Subject to Special Conditions

8.2.22 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed

Section 9.2 Permitted Uses Subject to Special Conditions

9.2.25 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed

Note: Blue indicates existing sections with suggested modifications.

The others sections are additions that need to be added.

The bold section under 21.46.2.11 was added by me, although it wasn't agreed upon during our meeting: it seems like a reasonable request.

Comments and suggestions are encouraged!



PLANNING COMMISSION 2016 MEETING DATES

Meetings are held in the multipurpose room at the
Otsego County Land Use Services / Building Department facility, *1322 Hayes Road*, Gaylord, Michigan

**ALL MEETINGS BEGIN AT 6:00 PM
THIRD MONDAY OF EACH MONTH**

MONDAY EVENINGS

JANUARY 18, 2016

FEBRUARY NO MEETING SCHEDULED/PRESIDENT'S DAY

MARCH 21, 2016

APRIL 18, 2016

MAY 16, 2016

JUNE 20, 2016

JULY 18, 2016

AUGUST 15, 2016

SEPTEMBER 19, 2016

OCTOBER 17, 2016

NOVEMBER 21, 2016

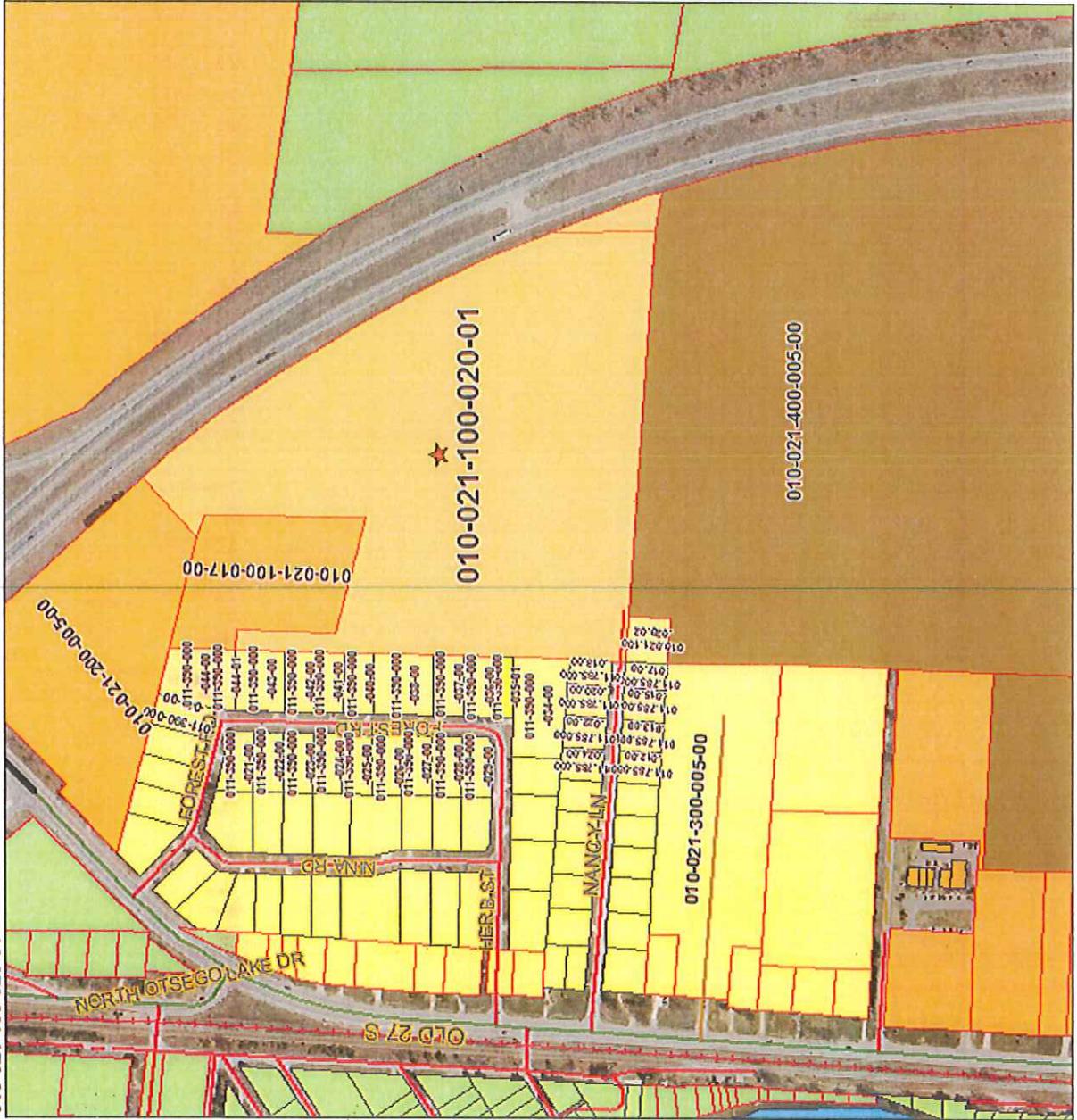
DECEMBER 19, 2016

**ANY CHANGES TO THE MEETING DATES, TIMES OR LOCATIONS SHALL BE MADE PUBLIC
AT LEAST EIGHTEEN (18) HOURS PRIOR TO THE MEETING IN QUESTION.**

Visit the County Website Events Calendar for any updates to meeting postings: <http://www.otsegocountymi.gov/events-calendar-9/>

In compliance with the Americans Disabilities Act, persons with physical limitation that may tend to restrict access to or participation in this meeting should contact the Land Use Services office (989-731-7420) at least twelve (12) hours prior to the scheduled start of the meeting.

PREZ15-001
 COTTONTAILS INC
 010-021-100-020-01



ZONING LEGEND

	RR/RECREATION RESIDENTIAL
	FR/FORESTRY RECREATION
	STATE LAND
	AR/AGRICULTURAL RESOURCE
	B-2/GENERAL BUSINESS
	R-1/RESIDENTIAL
	R-2/GENERAL RESIDENTIAL
	N/A
	R-3/RESIDENTIAL ESTATES
	I/INDUSTRIAL
	B-3/BUSINESS, LIGHT MANUFACTURING
	B-1/LOCAL BUSINESS
	PUD/PLANNED UNIT DEVELOPMENT
	C-2/CITY
	C-1/CITY
	MUZ/MULTIPLE USE ZONING
	HX/HIGHWAY INTERCHANGE

Bagley Township
Otsego County Michigan

Bagley Township Planning Commission
PO Box 52
Gaylord, Michigan 49734

Subject: Public Hearing Results and Recommendation, Rezoning from B1 to B2

Case: County PREZ15-001, Rezone
To Accommodate Communication Tower
Original Case: 2015 PSUP15-006
PIN: 010-021-100-020-01

Date and Location: Original: July 30, 2015, Bagley Township Hall
7:00PM
Rehearing: November 23, 2015
7:00PM

Noticed: On Site

Delivery: Initial by email, petitioner by phone

Previous Case Results:

Commissioners read and discussed the B-2 uses by right and special uses and felt that some of the uses would certainly have an adverse impact on the residents. Chairman made the point that special uses are not uses by right and would have to be reviewed and could be denied if adverse impact could be shown on the residents. Chairman made the point that uses shown in B-2 tend to be traffic oriented, if not dependent and installing such entities 700 feet off of the Old 27 would not be practical.

More general discussion followed. Commissioners suggested that the request be considered as a special use application rather than a rezone which the Chairman pointed out could not be done given the case as it had been submitted to Township.

Chairman informed the petitioner that whatever the Township vote, the case could go forward to the County. Petitioner noted that the zoning director felt the zoning was reasonable given the other zoning at the B-2 level around the immediate neighborhood. These issues did not seem to change the opinions of the commissioners.

7:50PM Discussion ended.

Chair accepted a motion from Beckett to recommend approval of the rezoning from B-1 to B-2 to the Township Board. The motion was seconded by Trigger.

Beckett, Parsell, Trigger, Loney voted no

Arndt voted yes

Motion Fails

1. New hearing, same parcel, same case number. Meeting opened at 7:00PM November 23rd by Arndt, case re-announced to attendees. Notes here are paraphrased from the discussion and commission conclusions at the hearing.

Members Present: Arndt, Parsell, Loney, Goebel

Absent: Beckett

Representing the Applicant: Andy Behrenwald for Cottontails Inc

Other Attendees: Paul Hartman, Chairman, Otsego County PC
6 Homeowners from Nancy Lane and Forest Road

2. Applicant was invited to speak. Representative Behrenwald briefed the committee on the plan for installing a new communication tower and the new location. He indicated a desire to rezone the parcel in question to match the other parcel he has in the area. He indicated that the tower construction was underway based on the special use permit approved by us and the Planning Commission. He briefed the commissioners on the new location of the tower which would now be accessed off Nancy Lane and explained the possible time till completion of said tower and the expected traffic along Nancy Lane. He then explained the businesses that had expressed interest in the property for development to the commissioners and the assembled residents.

3. Meeting was opened to public comment.

Essential comments echoed by the citizens:

- A. There is a great concern about the increase in traffic which might occur along Nancy Lane and Forest Road if more development occurs. This was the major concern echoed from all.
- B. There was less concern about traffic to the tower for service that would also add stress to the roads-Nancy and Forest--now in fair condition.
- C. There was limited concern about the potential use and its effect on the homes along Forest if the property were to be developed by a medium retail project.
- D. Paul Hartman, Chair, OCPC reminded the assembly that any development would also be subject to a site plan review before final plans could be approved.
- E. Discussion followed with input from all homeowners.

4. **Meeting was closed to public comment.** Meeting became a working discussion among the commissioners, with property owners and petitioner offering responses to the discussion.

Three conditions were discussed and perfected prior to talk of a motion for a vote:

- A. **Should the property be developed, a 100 foot restricted “no development” area** shall be respected from the east line of the home sites on Forest Road (the west line of the subject to be rezoned) with the owner of the development property installing a low earth berm of 3 feet at its peak from existing ground level in that 100 foot restricted area and to be planted with conifers or equally dense shrubs to screen future development on the rezoned parcel from the Nancy Lane and Forest Road residents. That said berm shall extend from the south property line of the now existing Lot 41, parcel number 011-390-000-041-00 to the north right of way of Nancy Lane so as not to block access to said street by the owners of Parcel 2, parcel number 010-021-100-020-02. Lands north of the north limit of this berm to the Verizon property show approximately 68 feet between the home site east borders of Lots 42, 43, and 44 and the Verizon property west of this line, not sufficient to construct a berm further.
- B. **If 010-021-100-020-01 is ever developed** as allowed in zoning B-2 with or without special conditions scrutiny, access to the development shall **not** be proposed or approved over Nancy Lane or Herb Street or Forest Road as long as the surrounding subdivision is viable and/or occupied. New access shall be encouraged over parcel 010-021-200-005-00 north of the subdivision or from another location.
- C. **Current Owner agrees to install a sign or a gate** at the terminus of the future berm location restricting access or advising “Private Property” or a similar *message now* to prevent traffic from accessing 010-021-100-020-01 and the tower site without permission.

Once the conditions were read and transcribed, property owner and the homeowners present appeared to be satisfied that their respective interests were satisfied.

Parsell moved: I recommend that the commission recommend approval of the request to rezone said parcel 010-21-100-020-01 with the conditions imposed in items A-C above on page 3 made part of the motion to approve.

Loney seconded the motion.

Vote:

Loney:	Yes
Parsell:	Yes
Goebel:	Yes
Arndt:	Yes

Motion Passes; None opposed on the record

Period of discussion was closed at 8:24PM.

Chairman will report the results of the vote and recommendation to the Township Board with a copy to the County Planning and Zoning Department

There being no further business, the meeting was adjourned at 8:31PM.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kenneth R. Arndt". The signature is written in a cursive style with a large initial "K".

Kenneth R. Arndt
Chairman

Approved for the Board:

William Giles
Supervisor

Distribution:

Bill Giles, Supervisor
Township Clerk
Planning and Zoning, Otsego County

SECTION 21.18 LANDSCAPING

21.18.3 Buffer Yards:

Buffer yards shall be constructed to mitigate problems associated with traffic, noise, vibration, odor, glare, dust, smoke, pollution, water vapor, **conflicting land uses** and density, height, mass, layout of adjacent uses, loss of privacy, unsightly views and other potentially negative effects of development. Buffering may be achieved using landscape, building fences and berm or a combination of the above techniques.

Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Buffer yards shall not be located on any portion of an existing or dedicated public or Private Street or right-of-way.

Tables I and II shall be used to determine buffer yard dimensions and plant materials specifications. Table I is used to determine the type of Buffer yard (A, B, C, D, E, EX, or NA) which will be required between districts or users. Once the type of Buffer yard is obtained, Table II outlines the plant material specifications for alternative widths and specifications and treatments (walls, berms, etc.) of buffer yard. Each property line should be analyzed independently to determine the appropriate buffer yard required.

The buffer yard tables are to be considered minimum standards. Increased landscaping requirements may be imposed by the Zoning Administrator or the Planning Commission if it is determined any of the following conditions exist.

The type of required buffer yard will not sufficiently mitigate noise, glare, fumes, smoke, dust or unsightly views within the site.

The scale of the project in regard to mass and height indicates the need for a buffer yard developed specifically for the project.

The proposed use is next to an existing sensitive use such as a school, church or residential area.

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	
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	
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	