

OTSEGO COUNTY PLANNING COMMISSION

March 17, 2014
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 January 20, 2014 meeting
5. CONSENT AGENDA: None
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 HEARINGS:

John & Dalores Burau/4458 Orchard Dr Gaylord, MI/011-610-000-013-00
SUP/SPR14-001 request for a professional office building for financial services located in a R2/General Residential Zoning District
9. ADVERTISED CASES:

John & Dalores Burau/4458 Orchard Dr Gaylord, MI/011-610-000-013-00
SUP/SPR14-001 request for a professional office building for financial services located in a R2/General Residential Zoning District
10. UNFINISHED COMMISSION BUSINESS:
 1. Otsego County Master Plan/Jim Hilgendorf/Committee meeting report
 2. 'Service Roads' Definition sent to Townships/Definition revision
 2. SUP/SPR13-001 North Gardens/Site Plan Update/Conditions met
 3. HX Zoning District/Otsego Lake Township/Township Public Hearing held 1.9.14/Update
11. NEW BUSINESS:
 - 1.
 - 2.
12. REPORTS AND COMMISSION MEMBER'S COMMENTS
 1. Otsego County Parks & Recreation Plan update
 2. Frederic Township Master Plan update
 3. Periodic Review Updating the Zoning Ordinance/Zoning Training
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for January 20, 2014

Call to Order: 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice-Chairperson Jarecki, Secretary Stults, Mr. Borton, Mr. Hilgendorf, Mr. Arndt, Mr. Klee, Ms. Nowak, Mr. Hendershot, Mr. Mang
Absent: Mr. Brown

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

Public Present: Gary Lytle

Consent Agenda: None

Approval of minutes from December 16, 2013:

Mr. Mang stated he felt the definition for '*service road*' was incomplete and the phrase '*or through street*' should be added to the end of the definition. He inquired if it was the same definition that was sent to Townships and requested research into the matter:

Secretary Stults said the definition had already been adopted by the Board of Commissioners and to correct it was a little more involved. A typo would be easy to correct, adding additional language would need to be researched.

Mr. Hilgendorf requested the second paragraph on page seven (7) be stricken because he did not believe those were his words.

Chairperson Hartmann requested a motion to accept the minutes as corrected with research into the exact definition sent to Townships.

Motion made to approve minutes as corrected by Mr. Hilgendorf; Seconded by Mr. Klee.

Motion approved unanimously.

Other: None

Public participation for items not on the agenda: None

Public Hearing: None

Advertised Case: None

Unfinished Commission Business:

1. Otsego County Master Plan/Jim Hilgendorf/Committee meeting report
Mr. Hilgendorf stated the Master Plan Committee had met twice and presented the minutes.

Otsego County Planning Commission

Proposed Minutes for January 20, 2014

Mr. Mang requested a correction be made to November 4th's minutes. He stated in the second paragraph, fourth bullet point... *The Master Plan was written using very expensive software by LIAA...* corrected as... *The Master Plan was written using very expensive software by R. Clark Associates...*

Mr. Hilgendorf stated after reviewing the Master Plan Executive Summary and the guidelines obtained from MSU Extension, the Committee was recommending an update of the statistics, gathering information from the 2010 census along with other pertinent information and also the addition of a Transportation Plan.

Motion made by Mr. Hilgendorf to update the pertinent statistics of the Master Plan with the information from the 2010 census and adding a Transportation Plan to the Otsego County Master Plan; Seconded by Secretary Stults.

Motion approved unanimously.

2. Executive Committee report/2014 Objective List

After compiling information from Planning Commission members, an objective list was composed for 2014 by the Executive Committee.

Motion made by Secretary Stults to approve the 2014 Objective List and recommend to the Otsego County Board of Commissioners; Seconded by Vice Chairperson Jarecki.

Motion approved unanimously.

3. Capital Improvement Committee report

A public hearing was held December 16, 2013 and the Planning Commission made their recommendations to the Otsego County Board of Commissioners concerning the amendments to the 2014-2019 Capital Improvement Plan.

4. HX Zoning District/Otsego Lake Township extension granted

Secretary Stults stated a public hearing had been held at Otsego Lake Township on January 9, 2014 and there was citizen concern over the boundaries of the Highway Interchange Zoning District. The Township Planning Commission was holding off on their recommendation to the County Planning Commission until they could meet and discuss the issues.

New Business:

1. 2014 Planning Commission Meeting Schedule

Motion made by Mr. Hendershot to approve the Planning Commission 2014 Meeting Schedule; Seconded by Mr. Mang.

Motion approve unanimously.

2. 2013 Annual Report to the Board of Commissioners

Motion made by Mr. Arndt to approve the 2013 Annual Report to the Otsego County Board of Commissioners; Seconded by Ms. Nowak.

Motion approve unanimously.

Otsego County Planning Commission

Proposed Minutes for January 20, 2014

Reports and Commission Member's Comments:

1. Sample Checklist to Guide Decisions on Special Land Use/Zoning Training Guide distributed to members for training purposes.

2. Library Strategic Planning meeting report/Chuck Klee
Mr. Klee attended the Otsego County Library Strategic Planning meeting on Wednesday, October 23, 2013 and reported the library would review the ideas from the input sessions to update their plan for the next five years.

3. Crawford County Master Plan update
Mr. Schlaud stated Crawford County had presented an update for their Master Plan and the Planning Commission had responded stating no problems had been found with the surrounding borders.

Ms. Nowak commented on the upcoming public meeting concerning the Gaylord Downtown Renaissance scheduled for Thursday, January 23, 7:00 pm in the Sugar Bowl Restaurant's banquet room. It is being organized by Jim Flint, Gaylord resident.

Mr. Mang commented he had attended a presentation at the NOAA Thunder Bay National Marine Sanctuary concerning the planning for bodies of water and surrounding areas. He stated it was sponsored by MSU Extension and was very educational.

Mr. Arndt stated Bagley Township drafted a document with their concerns on parking and was almost complete. It would possibly be presented at the next meeting.

Mr. Schlaud announced a Special Use Permit (SUP) case had been sent to Bagley Township for their input and would likely be on the agenda for March.

Adjournment: 6:58 pm by Chairperson Hartmann.

Christine Boyak-Wohlfeil, Recording Secretary

Randy Stults, Planning Commission Secretary

Otsego County Land Use Services

PERMIT NO: SUP/SPN/1-001

1322 Hayes Road
Gaylord, MI. 49735
Phone 989-731-7420 * Fax 989-731-7429

APPLICATION FOR SPECIAL USE PERMIT

Date: 01/11/14

Tax Parcel Number: 011-610-000-013-00 Twp: Bayley Sec 28 N 30, R 3 W

Property location: (REQUIRED)

Address: 4458 Orchard Dr City: Gaylord State: MI Zip: 49735

Applicant:

Name: John W Burau Phone No. (989)-732-2527

Address: 4458 Orchard Dr City: Gaylord State: MI Zip: 49735

Property Owner: (If different from applicant)

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

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

Description of project and proposed use:

Edward Jones Investments agent office replacing previous dental office.
Dentist has retired. Dentist still owns the building and will be the land lord.
There is no change in the exterior of the building except for conservative signage.

Signature of Applicant:

John W Burau

Date:

01/11/14

*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 _____

Received By: _____

APPLICATION FOR A SPECIAL USE PERMIT

19.3.1 John W. Burau & Dalores E. Burau
4458 Orchard Drive
Gaylord, MI 49735-9593
989-732-2527

19.3.2 4458 Orchard Drive
Lot 13
Oak Manor
Gaylord, MI 49735
Tax I.D. # 011-610-000-013-00
Lot 13, OAK MANOR, part of SE ¼ of NW ¼ and part of Gov't Lot 2, Section 28,
T30N, R3W, Bagley Township, Otsego County, Michigan according to the Plat thereof
as recorded in liber 4 of Plats, pages 10 & 11, Otsego County Records.

19.3.3 We, John W. Burau & Dalores E. Burau are the rightful owners of Lot 13 - 4458
Orchard Drive, Gaylord, Michigan

Signed: John W. Burau 01/11/14

Signed: Dalores E. Burau 01/11/2014

19.3.4 See Site Plan drawing

19.3.5 The proposed special use will essentially be a continuum of the special use which
has been present at this location for the past 35 years; that is a professional office
building with less traffic than previously existed.

19.3.6 All of the supporting evidence for complying with section 19.7 is outlined in
answers to section 19.7

ADDRESSING SECTION 19.7

- 19.7.1 Accounting, and meet and greet type Businesses are allowed in R2 Zone.
- 19.7.2 The proposed business is an indoor business with no negative impact on the environment.
- 19.7.3 The proposed business type typically has low traffic and produces nothing noxious to bother any neighbor.
- 19.7.4 This business will be less intrusive than the previous business of 35 years at this location.
- 19.7.5 This business will not place any greater demand on public resources than a typical R2 residence.
- 19.7.6 The proposed business will use the same water well and septic system as the previous dental office and be served by the same public streets and highways. Refuse pickup will be typical residential.
- 19.7.7 The soil in this area percolates very well, and the site is not adjacent to a body of water or wet land. There is a 40 year history of no flooding or high water.

OTSEGO COUNTY LAND USE SERVICES DEPARTMENT
1322 HAYES ROAD
GAYLORD MICHIGAN 49735
989-731-7420 * FAX 989-731-7429

Application for Site Plan Review

Applicant:

Name: John W. & Dalores Burau Owner / Agent / Other interest (circle one)

Address: 4458 Orchard Dr Gaylord Mi 49735

Phone 989-732-2527 Fax _____

Property Owner: (if different from applicant)

Name: _____

Address: _____

Phone: _____ Fax: _____

Property Location:

Township Bayley Section 28 Town 30N Range R3W Zoning District _____

Site Address: 4458 Orchard Dr Gaylord Mi 49735

Parcel Code: 011 - 610 - 000 - 013 - 00

Description of Project and Proposed Use:

Edward Jones Investments agent office replacing previous dental office - Dentist has retired. - Dentist's F. 11/10/13 building and will be the landlord. No change in the exterior of the building except for conservative signage.

Signature of Applicant:  Date: 01/11/14

*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 not limited to, to copyrighted drawings and blueprints.

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 No options or liens
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 Applicant owns property
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 owns property
7. Name and address of the engineer, architect and/or land surveyor.
Yes No Na if "Na" explain Surveyor - Carl J. Robinson
8. Project title.
Yes No Na if "Na" explain Edward Jones Office
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 See Plat MAP Oak Manor Subdivision
10. A vicinity map drawn at a scale of 1" = 2000' with north point indicated.
Yes No Na if "Na" explain ON Plat MAP " " "
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 R₂
13. Project completion schedule/development phases.
Yes No Na if "Na" explain _____
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 3 acres and 1" = 100 or fewer feet or less if the site is larger than 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. All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:
Yes No Na if "Na" explain _____
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 Fairly level land-Percolates very well- 40 yr flood history
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 Soil is sand w/ Sandy loam overburden
18. Location and type of significant existing vegetation.
 Yes No Na if "Na" explain can be seen in photos
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 None existant
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 one and two story residential homes
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 None
22. Location of existing public roads, rights-of-way 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 _____
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 _____
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 _____
25. Location, size, and characteristics of all loading and unloading areas.
 Yes No Na if "Na" explain Not needed
26. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
 Yes No Na if "Na" explain _____
27. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and 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 This is a single building
28. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.
 Yes No Na if "Na" explain utilities all underground + enter at rear
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 Single building
30. Location, size and specifications of all signs and advertising features with elevation views from front and side.
 Yes No Na if "Na" explain _____

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 Lights on building - can be seen in photos

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 No Fences, walls or Screens

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 Vegetation comprises Hardwoods, pines, shrubs, grass and ground covers

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

Yes No Na if "Na" explain use current storage under stairwell

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 _____

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

Yes No Na if "Na" explain _____

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

Yes No Na if "Na" explain _____

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 _____

40. Paid appropriate fees to Otsego County.

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.

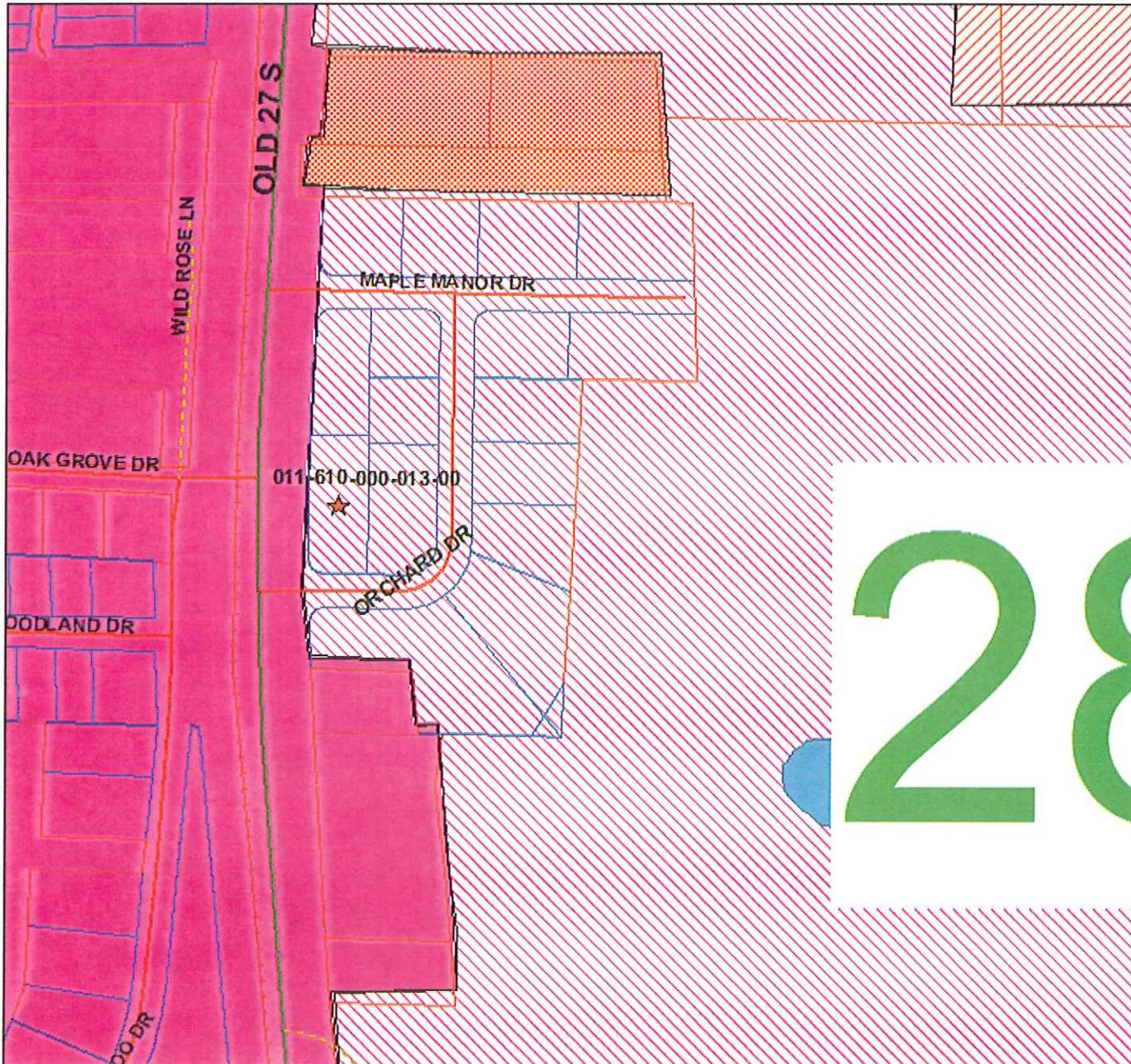
I do hereby certify that these plans have been prepared under my sustained review and, to the best of my professional knowledge, understanding and information, the design of this project is in compliance with the Otsego County Zoning Ordinance dated: _____

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)

OTSEGO COUNTY ZONING MAP

SUP/SPR14-001-BURAU
011-610-000-013-00
BAGLEY TOWNSHIP



| 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 Recreation |
| | Undefined |

WARRANTY DEED
STATUTORY FORM

LIBER 179 PAGE 503

KNOW ALL MEN BY THESE PRESENTS: That Lloyd A. Wolf and Roberta L. Wolf,
husband and wife,

whose address is P. O. Box 697, Gaylord, Michigan 49735,

Convey and Warrant to John William Bureau and Dalores Elaine Bureau, husband and wife,

whose street number and postoffice address is Route 3, Box 792, 4655 Birch Drive, Gaylord, Michigan 49735,

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

Lot Thirteen (13), OAK MANOR, according to the plat thereof as recorded in Liber 4
of Plats pages 10-11, Otsego County Records,

STATE OF MICHIGAN } RECORDED 10TH DAY OF
COUNTY OF OTSEGO } JAN A. D. 19 74 AT 9:00
CLOCK A. M. *Theodore A. Reed*
REGISTER OF DEEDS

6105

MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING BURTON TITLE INSURANCE

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining,

for the sum of ~~FIFTY THOUSAND THREE HUNDRED FORTY FOUR AND 07/100 DOLLARS~~
Fifty-five Thousand Four Hundred Thirty-nine and 07/100 (\$55,439.07) Dollars

subject to easements, restrictions and reservations of record.

Dated this 27th day of December 19 73

Signed in the presence of:

Signed by:

Sylvia Sanders *Lloyd A. Wolf*
Sylvia Sanders Lloyd A. Wolf
Angeline J. Latuszek *Roberta L. Wolf*
Angeline J. Latuszek Roberta L. Wolf

STATE OF MICHIGAN } ss.
COUNTY OF Otsego }

The foregoing instrument was acknowledged before me this 27th day of December

1973 by Lloyd A. Wolf and Roberta L. Wolf.

My Commission expires October 17, 19 76 *Sylvia Sanders*
Sylvia Sanders Otsego Notary Public,
County, Michigan

County Treasurer's Certificate

OTSEGO COUNTY } Gaylord, Mich.,
TREASURER'S OFFICE } ss. *Jan 10, 1974*
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.
Robert A. Hayes COUNTY TREASURER

OTSEGO
COUNTY
009657

1-10-74
STATE OF MICHIGAN REAL ESTATE
TRANSFER TAX
Dept. of JAN 10 1974 61.05
Taxation RS.10604

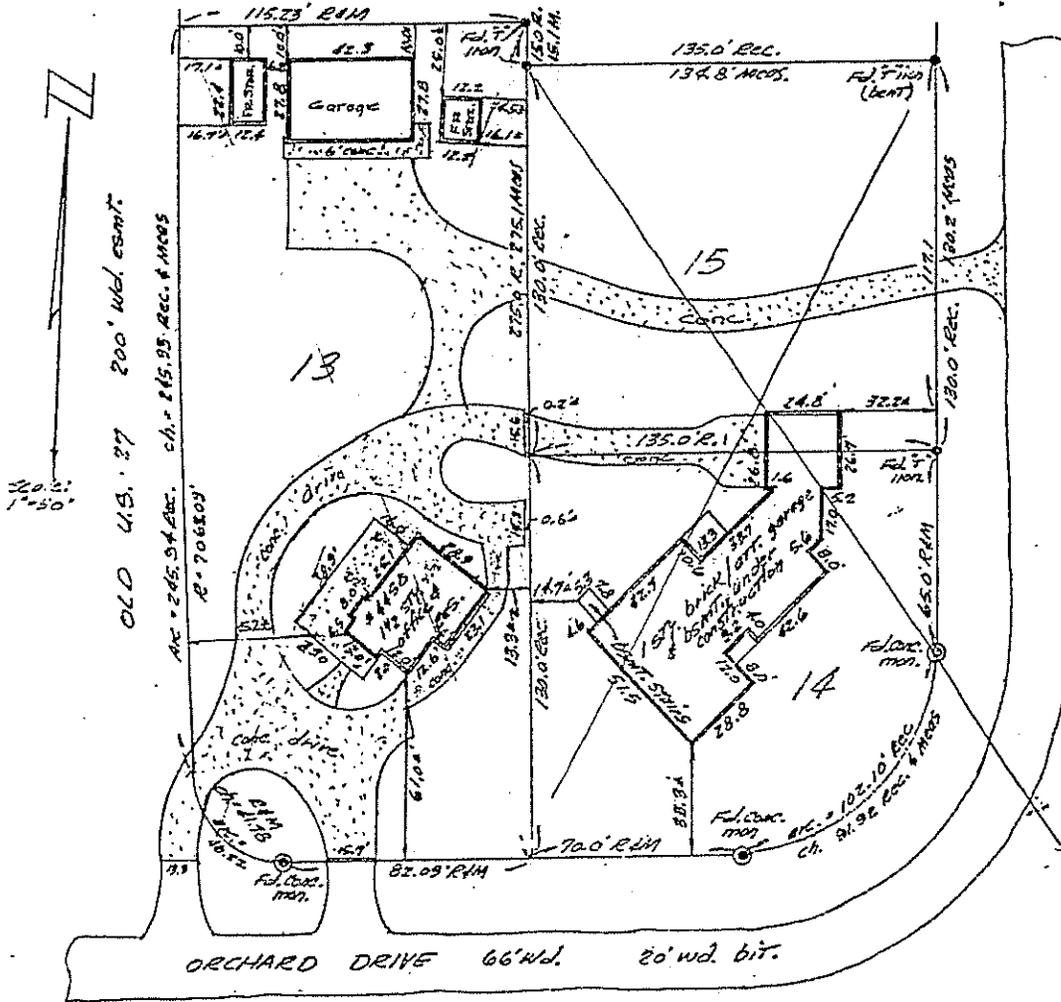
When Recorded Return To: Send Subsequent Tax Bills To: Drafted by: Sylvia Sanders
Attorney at Law
Business Address 120 E. Main St.
Gaylord, Michigan 49735

Tax Parcel # _____ Recording Fee _____ Revenue Stamps _____

BURTON ABSTRACT AND TITLE COMPANY HAS OPERATED CONTINUOUSLY SINCE 1866

MORTGAGE REPORT CERTIFIED TO

OLD KENT BANK OF GAYLORD
P.O. Box 600
Gaylord, MI 49735



DESCRIPTION (4458 Orchard Drive):

Lots 13, 14 & 15, DAK MANOR, part of SE 1/4 of NW 1/4 and part of Gov't Lot 2, Section 28, T30N, R3W, Bagley Township, Otsego County, Michigan according to the plat thereof as recorded in liber 4 of Plats, pages 10 & 11, Otsego County Records.

WE HEREBY CERTIFY TO:
MORTGAGEE: OLD KENT BANK OF GAYLORD
MORTGAGOR: JOHN W. & DELORES E. BURAU

1/22/87 LOT 13 EXCLUDED FROM RE-CERTIFICATION

For the purpose of a mortgage loan only, made or to be made to said mortgagor that this is a correct report made of the above described property, and that the buildings and other visible improvements shown are situated entirely on said described property and do not encroach on any adjoining property, nor are there any visible encroachments on the above described property, except as shown thereon. This report is for mortgage purposes only and no corners were set or dimensions specified for use in building of improvements or fences.

C. I. ROBINSON & ASSOC, INC.
 CONSULTING ENGINEERS • LAND SURVEYORS

669 W. Pinebriar
Gaylord, Michigan 49735
 (617) 732-8711 (517) 732-1424

| | | | | |
|-------------------------|------|-------|-------|---------|
| <i>Carl I. Robinson</i> | DATE | DRAWN | CHECK | JOB NO. |
| | | GA | = 112 | 870617 |

PAID

STATE OF MICHIGAN } RECORDS 9th DAY OF
COUNTY OF OTSEGO } May A.D. 19 90 AT 11:08
CLOCK A M.
Arlis J. Hedcock
REGISTER OF DEEDS

OLD KENT BANK
AND TRUST COMPANY
MORTGAGE DEPT.

[Space Above This Line For Recording Data]

MORTGAGE

THIS MORTGAGE ("Security Instrument") is given on May 8, 1990. The mortgagor is John W. Burau, a/k/a John William Burau and Dalores E. Burau, a/k/a Dalores Elaine Burau whose address is 4458 Orchard Drive, Gaylord, MI 49735 ("Borrower"). This Security Instrument is given to OLD KENT BANK OF GAYLORD

which is organized and existing under the laws of the State of Michigan, and whose address is P.O. Box 600, 123 W. Main St., Gaylord, MI 49735 ("Lender"). Borrower owes Lender the principal sum of NINETY NINE THOUSAND SEVEN HUNDRED FIFTY AND 00/100----- Dollars (U.S. \$ 99,750.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on May 8, 2010. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby mortgage, grant and convey to Lender, with power of sale, the following described property located in Township of Bagley, Otsego County, Michigan:

Lot 13, Oak Manor, according to the plat thereof as recorded in Liber 4 of Plats, pages 10-11, Otsego County Records.

011-610-000-013

which has the address of 4458 Orchard Drive, Gaylord, Michigan 49735 ("Property Address");

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property."

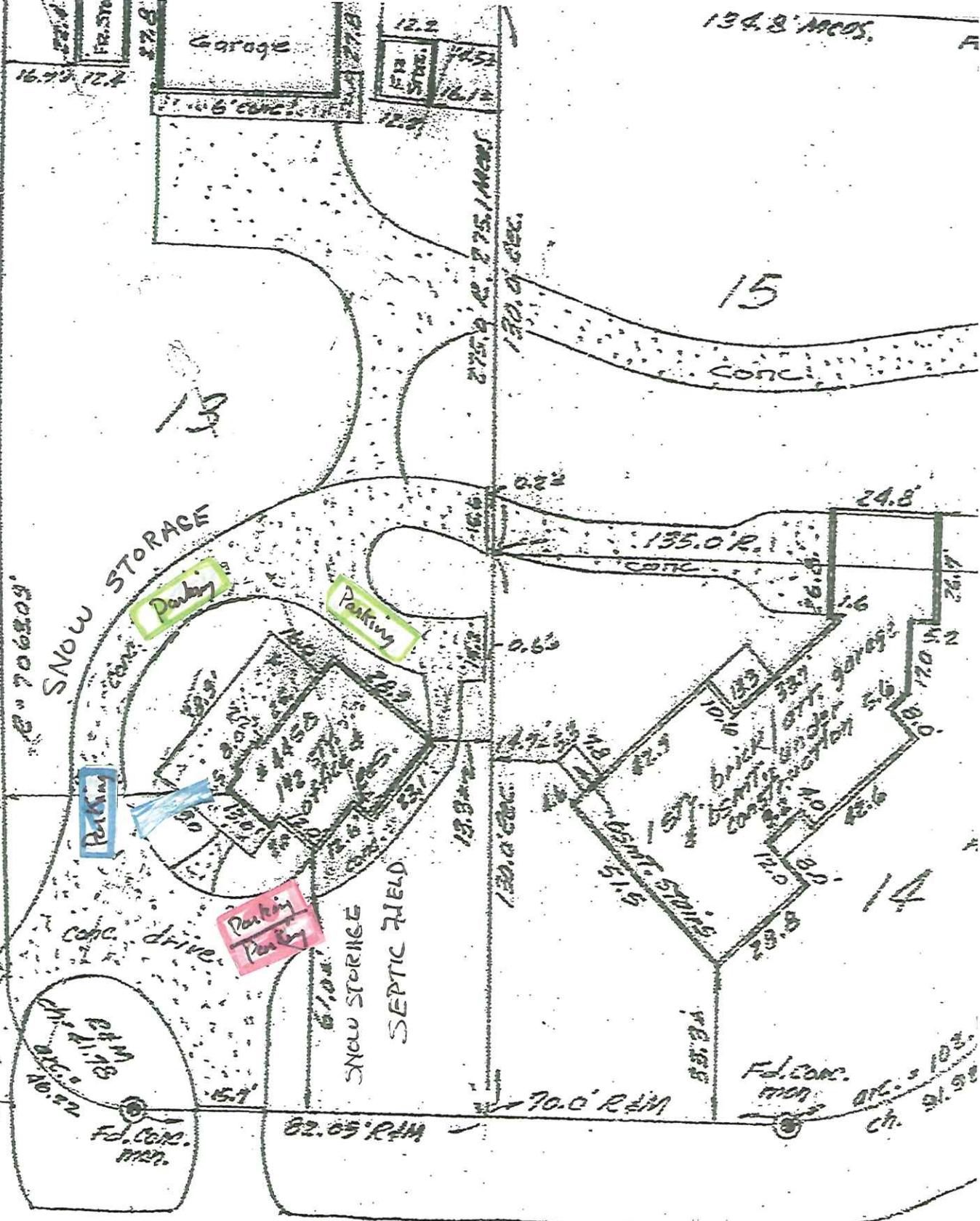
BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

11

OLD U.S. 27 200' wid. esmt.

ARC = 245.94' DEC. CH. = 245.95' DEC. 4' ACOS



ORCHARD DRIVE 66' W.D. 20' W.D. BIT.

*PARKING

- EMPLOYEE - Green
- HANDICAP - Blue
- CLIENTS - PINK

HANDICAP RAMP - Blue

DESCRIPTION (4458 Orchard Drive):



CART 1

lots 12 1A 2 1E DAY MARKET part of ci



Ref: Edward Jones # 54975- Gaylord, MI

Attached are the proposed sign layouts for the Edward Jones location for your review and approval. If approved, please **sign the layouts where indicated (lower left hand corner), print your name** and return by email or fax (**866-286-8035**) as soon as possible. If not approved, return with your comments and the layouts will be revised accordingly and resent for approval.

We ask for approval now to inform Edward Jones the proposed signs will be allowed by the Landlord. We **CANNOT** manufacture or install any sign until the lease is signed, the layouts approved by you and a permit obtained from the city.

Contact me if you have any concerns or questions.

Thank you,

Thanks,

Natasha Nickson

FASTSIGNS International, Inc. | National Accounts | Project Manager

| 2542 Highlander Way | Carrollton, TX 75006

| O: 214.346.5610 | F: 866-286-8035 | natasha.nickson@fastsigns.com

| <http://www.fastsigns.com/NationalAccounts>

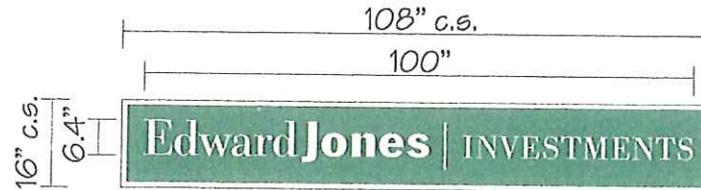
Nationally Managed...Locally Serviced.

To send me large files, click here:





FRONT ELEVATION



S/F SAND BLASTED CEDAR PANEL

- QTY. 1
- SINGLE SIDED
- CUT SIZE 16"H x 108"L x 1.5" CEDAR
- BACKGROUND PTM
PANTONE 5535 "EJ" GREEN
- EDWARD JONES LOGO PAINT WHITE
- 1" BORDER PAINT WHITE
- INSTALL AS SHOWN

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| FASTSIGNS NATIONAL ACCOUNTS | |
| ACCOUNT: EDWARD JONES | |
| FRANCH / FILE 54975-ART1 | |
| FINANCIAL ADVISOR: | |
| ADDRESS: 4458 Orchard Drive Gaylord, MI | |
| ORIGINAL DRAWING DATE: 12/27/13 | |
| DRAWING NUMBER: 1 of 2 | SCALE: NTS |
| REV. #1 BY: | REV. DATE: |
| REVISION NOTES: | |
| REV. #2 BY: | REV. DATE: |
| REVISION NOTES: | |
| REV. #3 BY: | REV. DATE: |
| REVISION NOTES: | |
| DRAWN BY: B. Bussc | |
| REVISED BY: | |
| THIS DRAWING IS THE PROPERTY OF FASTSIGNS INTERNATIONAL, INC. THE BORROWER AGREES, IT SHALL NOT BE REPRODUCED, COPIED OR DISPOSED OF, DIRECTLY OR INDIRECTLY, NOR USED FOR ANY PURPOSE WITHOUT PERMISSION. | |

LANDLORD OR AGENT SIGNATURE HERE Please sign & return drawing/s to **FASTSIGNS**

Signature below indicates approval of **BOTH** design & placement of sign/s

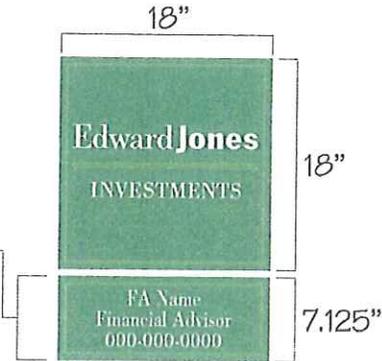
X _____ DATE _____

DRAWING IS NOT TO SCALE BUT IS PROPORTIONATE

FIELD VERIFY ALL MEASUREMENTS BEFORE BEGINNING ANY WORK.
INSTALLER TO VERIFY MOUNTING SURFACE PRIOR TO INSTALLATION.



EXTERIOR ELEVATION



NOTE: BOTTOM PLAQUE TO BE INSTALLED BY OTHERS

SIGN TYPE T2 PAN COMBO

- QTY. 1
- FORMED .090 ALUMINUM PANEL,
- EDGES BENT TO DEPTH OF 1" WITH CORNERS WELDED AND GROUND SMOOTH,
- BACKGROUND PTM PANTONE 5535 DK GREEN, WITH MATTE FINISH,
- LOGO TEXT SILK-SCREENED WHITE,
- ALL BORDERS AND RULE LINES SILK-SCREENED PANTONE 371 LT. GREEN,
- COPY ON LOWER PANEL IS PREMIUM WHITE VINYL, BODONI BOLD TYPE,
- INSTALL AS SHOWN

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| FASTSIGNS NATIONAL ACCOUNTS | |
| ACCOUNT: EDWARD JONES | |
| BRANCH / FILE 54975-ART2 | |
| FINANCIAL ADVISOR: | |
| ADDRESS: 4458 Orchard Drive Gaylord, MI | |
| ORIGINAL DRAWING DATE: 12/27/13 | |
| DRAWING NUMBER: 2 of 2 | SCALE: NTS |
| REV. #1 BY: | REV. DATE: |
| REVISION NOTES: | |
| REV. #2 BY: | REV. DATE: |
| REVISION NOTES: | |
| REV. #3 BY: | REV. DATE: |
| REVISION NOTES: | |
| DRAWN BY: B. Busse | |
| REVISED BY: | |
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LANDLORD OR AGENT SIGNATURE HERE **X** Please sign & return drawing/s to **FASTSIGNS** Signature below indicates approval of BOTH design & placement of sign/s DATE

DRAWING IS NOT TO SCALE BUT IS PROPORTIONATE FIELD VERIFY ALL MEASUREMENTS BEFORE BEGINNING ANY WORK. INSTALLER TO VERIFY MOUNTING SURFACE PRIOR TO INSTALLATION.

**OTSEGO COUNTY
PLANNING COMMISSION**

SUP/SPR14-001
011-610-000-013-00

Exhibit List

- Exhibit #1:* Applications for case SUP/SPR14-001 submitted by Applicant
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- Exhibit #15:*

**OTSEGO COUNTY
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**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE

March 17, 2014

The Otsego County Planning Commission will hold a public hearing on Monday, March 17, 2014 at 6:00pm 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 W. and Dalores Burau, owners, have requested a Special Use Permit for property located in Bagley Township at 4458 Orchard Dr. Gaylord, MI 49735. The proposed use of the property is a professional office building for financial services. The property is located in a R2/General Residential Zoning District. A professional office building is a permitted use subject to special conditions in the R2 Zoning District.

Parcel identification number: 011-610-000-013-00
4458 Orchard Dr.
Gaylord, MI 49735

Legal Description:

LOT 13 OAK MANOR SEC 28 T30N 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) 731-7420.



Otsego
COUNTY
M I C H I G A N

**Department of
Land Use Services**

1322 Hayes Rd • Gaylord, MI 49735
Phone (989)731-7420 • Fax (989)731-7429
www.otsego-county-mi.gov

January 13, 2014

Bagley Township
PO Box 52
Gaylord, MI 49734

ATTENTION: CLERK

Pursuant to Article 27 of the Otsego County Zoning Ordinance, I am forwarding the application for a Special Use Permit Subject to Special Conditions.

The applicants, John W & Dalores Burau, would like to be present at your meeting. They can be notified at:

4458 Orchard Dr
Gaylord, MI 49735
989.732.2527

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

cty

Bagley Township
Otsego County Michigan

Bagley Township Planning Commission
PO Box 52
Gaylord, Michigan 49734

Subject: Report of Public Hearing Results and Recommendation

Case: County SPR SPR14-001, Bureau Dental Office
New Use
TIN: 011 610 000 013 00

Date and Location:: February 24, 2014, Bagley Township Hall,
7:00 PM

Noticed: On Site

Delivery: Initial by email, written copies follow.

1. New case. Meeting opened at 7:00PM by Arndt, case announced to attendees. The meeting was announced as being recorded. Notes here are paraphrased from the discussion and commission conclusions at the hearing. The tape will be available to interested parties for 90 days after the County hearing and then destroyed.

Members Present: Arndt, Trigger, Beckett, Schwandt, Trigger

Absent: Parsell

Representing the Petitioner Dr. and Mrs. John Bureau

Attendees: Dennis and Margaret Nurski, 4378 Orchard Road

Applicant was invited to speak and brief the commission on the project; he did so explaining that the building will remain an office with the leasehold party using the former dental clinic as an investment broker's office. No exterior changes will be made to the building except two small signs on the west exposure. No changes to parking or landscaping will be made. Anticipated parking load will not increase for the one broker, one possible staff and perhaps 2 clients in the office at one time. Commissioners examined the sign plans and aerial photos.

Attendees Dennis and Margaret Nurski both spoke. They reside in a house north and east of the subject. They provided a copy of the CCRs for Oak Manor which restrict commercial use in the subdivision and questioned how the planned use could be allowed with the CCRs written and recorded as such-residential. Commission took notes and discussion followed. Member Schwandt indicated that the R-2 zoning in the area does permit such use and holds a superior position over subdivision CCR. Nurskis indicated that they would bring this up at the county planning commission meeting.

Other discussion followed and the process of further appeal/questioning was explained to the Nurskis. All parties were civil.

Once comments ended, the meeting was closed to the public for commission discussion at 7:40 PM.

Commissioners Arndt and Schwandt visited the property. The feeling was that the follow on use for the property was preferable to simply letting the building depreciate over many years ultimately resulting in demolition.

Commissioners reviewed general and specific recommendations from the county staff and were in general agreement with those conclusions.

Commission reviewed the R-2 zoning showing that the planned use is allowed but could be conditioned.

The commissioned review the parking requirements (21.27) and found that the existing parking was adequate according to the ZO. Site coverage presented no issues associated with non permeable site coverage.

Signage (21.38) planned includes a small, under 4 square foot, sign attached to the building at the front door which did not violate signage regulations. Additionally, a sign will be affixed to the building well under allowed dimensions. No special lighting, flashing or non incandescent signage is planned. Signage complies with the ZO.

No fencing is being planned and none is required (21.10).

Commission noted that the site is clearly one of the best landscaped along the east side of south Old 27. Dr. Bureau indicated that he expected that the landscaping will be maintained and serviced in the future to maintain its present condition.

As a final note to discussion, the commission discussed special conditions which might be attached to the recommendation. Given the foregoing, the zoning uses allowed under R-2 and the inspection by members, the commission came to consensus that no special conditions should be recommended.

Master Plan Compliance (2007). Members noted and discussed that the Bagley Master Plan reflects recognition of expected changing use of parcels north of the subject neighborhood to general commercial extending north to exit 279, I75. The subject neighborhood and one subdivision north about 1 mile retain Master Plan designation as medium density residential, recognized in the current R-2 zoning. There is an additional dental clinic north of the subject (Walchak) and the site south/adjacent (zoned PUD) is used for nursery sales. The land immediately south including most of section 28 is zoned RR.

The commission concluded that the Master Plan presents no obvious conflicts with the ZO or with the planned use as presented.

Vote. Chair accepted a motion from Beckett to recommend approval of the planned use without conditions. The motion was seconded by Trigger.

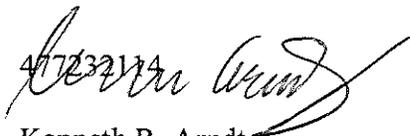
Those in favor: Arndt, Schwandt, Trigger, Beckett.

Those opposed: None.

Motion Passes.

There being no further business, the meeting was adjourned at 9:14 PM.

Respectfully Submitted,



Kenneth R. Arndt
Chairman

Approved for the Board:

For: 

wg

William Giles
Supervisor

SUP/SPR14-001/BURAU

011-610-000-013-00

BAGLEY TOWNSHIP



010-028-200-080-00
010-028-200-075-00
010-028-200-065-01
010-028-200-065-02
010-028-200-125-00
010-028-300-015-00

011-610-000-001-00
011-610-000-002-00
011-610-000-003-00
011-610-000-004-00
011-610-000-005-00

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011-610-000-017-00
011-610-000-018-00

011-480-000-009-00
011-480-000-010-00

OWNERS WITHIN THREE HUNDRED (300) FEET

SUP/SPR14-001

| PID | PROPERTY ADDRESS | OWNER | OWNER ADDRESS | OWNER CITY | OWNER STATE | OWNER ZIP CODE |
|--------------------|--------------------|-------------------------------|----------------------|------------|-------------|----------------|
| 010-028-200-080-00 | 827 Oak Grove Dr | Kunisch, James G & Marjorie A | 827 Oak Grove Dr | Gaylord | MI | 49735-7708 |
| 010-028-200-075-00 | 846 Oak Grove Dr | Oak Grove Properties | 135 E McNichols Rd | Detroit | MI | 48223-2809 |
| 010-028-200-065-01 | 4372 Wild Rose Ln | Burau, John W & Dalores | 4458 Orchard Dr | Gaylord | MI | 49735-9593 |
| 010-028-200-065-02 | 4324 Wild Rose Ln | Vonoppen, Kurt J | PO Box 616 | Gaylord | MI | 49734-0616 |
| 010-028-200-125-00 | 4463 Old 27 S | Berry, John | 4463 Old 27 S | Gaylord | MI | 49735-9590 |
| 010-028-300-015-00 | | Berry, John M & Elizabeth A | 4469 Old 27 S | Gaylord | MI | 49735-9590 |
| 011-610-000-001-00 | 750 Maple Manor Dr | Walchak-Walchak-Walchak | 740 Maple Manor Dr | Gaylord | MI | 49735-9595 |
| 011-610-000-002-00 | 716 Maple Manor Dr | Ondracek, Joseph A & Carol L | 337 Lighthouse Way S | Manistee | MI | 49660-1588 |
| 011-610-000-003-00 | 682 Maple Manor Dr | Bennett, David M & Kristie | 682 Maple Manor Dr | Gaylord | MI | 49735 |
| 011-610-000-004-00 | 642 Maple Manor Dr | Bennett, David M & Kristie | 682 Maple Manor Dr | Gaylord | MI | 49735 |
| 011-610-000-005-00 | | Bennett, David M & Kristie | 682 Maple Manor Dr | Gaylord | MI | 49735 |
| 011-610-000-006-00 | 683 Maple Manor Dr | Karsten, Kent A & Peggy L | 683 Maple Manor Dr | Gaylord | MI | 49735-8412 |
| 011-610-000-007-00 | 4377 Orchard Dr | Calhoon, Troy & Tonya | 4377 Orchard Dr | Gaylord | MI | 49735-9593 |
| 011-610-000-008-00 | 4439 Orchard Dr | Hancock, Todd & Susan | 4439 Orchard Dr | Gaylord | MI | 49735 |
| 011-610-000-009-00 | | Nichols, Daryl L & Vickie | PO Box 568 | Linden | MI | 48451-0568 |
| 011-610-000-010-01 | | Burau, John W & Dalores | 4458 Orchard Dr | Gaylord | MI | 49735-9593 |
| 011-610-000-011-01 | | Berry, John M & Elizabeth A | 4469 Old 27 S | Gaylord | MI | 49735-9590 |
| 011-610-000-014-00 | 4450 Orchard Dr | Burau, John W & Dalores | 4458 Orchard Dr | Gaylord | MI | 49735-9593 |
| 011-610-000-016-00 | 4378 Orchard Dr | Nurski, Dennis M & Margaret K | 4378 Orchard Dr | Gaylord | MI | 49735 |
| 011-610-000-017-00 | 727 Maple Manor Dr | Skowronski, Arnold & Joann | 727 Maple Manor Dr | Gaylord | MI | 49735-9595 |
| 011-610-000-018-00 | | Skowronski, Arnold & Joann | 727 Maple Manor Dr | Gaylord | MI | 49735-9595 |
| 011-480-000-009-00 | 828 Woodland Dr | Dutcher, Pamela S | 828 Woodland Dr | Gaylord | MI | 49735 |
| 011-480-000-010-00 | 827 Woodland Dr | Hinkson, Beth A | 770 Michigan Ave | Gaylord | MI | 49735 |

**OTSEGO COUNTY
PLANNING COMMISSION**

**SUP/SPR14-001
011-610-000-013-00**

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- Exhibit #15:*

**OTSEGO COUNTY
PLANNING COMMISSION**

**SUP/SPR14-001
011-610-000-013-00**

GENERAL FINDINGS OF FACT

1. This is a proposal to reopen an existing office building. *Exhibit #1, Exhibit #5*
2. The property is located in a R2/General Residential Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in the R2/General Residential Zoning District. *Exhibit #3*
4. The property is currently under the ownership of John W & Dalores Burau. *Exhibit #4*
5. The Public Hearing Notice was published in the Herald Times on... *Exhibit #6*
6. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #7, Exhibit #8*
7. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #9*
8. 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*
9. The required fees have been collected by Otsego County Land Use Services. *Exhibit #10*
10. 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 addressed by the Applicant. *Exhibit #5, Exhibit #11, Exhibit #12*

**OTSEGO COUNTY
PLANNING COMMISSION**

**SUP/SPR14-001
011-610-000-013-00**

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 21:

SECTION 21.10 FENCING

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.

HAS – HAS NOT BEEN MET

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.

HAS – HAS NOT BEEN MET

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.

21.27.8 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.

HAS – HAS NOT BEEN MET

SECTION 21.38 SIGNS AND BILLBOARDS

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.

1. Signs mounted on and parallel with the wall of the main building shall not exceed a total area of 2.5 feet times the length of the mounting wall.
2. 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.
3. 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.

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.

HAS – HAS NOT BEEN MET

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 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 no 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.

Christine Boyak-Wohlfeil

From: Vern Schlaud
Sent: Thursday, February 20, 2014 9:45 AM
To: Christine Boyak-Wohlfeil
Subject: FW: Barau Zoning Appeal
Attachments: Barau Zoning Appeal - Questions.docx

From: Denny Nurski [<mailto:dnurski@hotmail.com>]
Sent: Wednesday, February 19, 2014 11:03 PM
To: Vern Schlaud
Cc: Marge Nurski
Subject: Barau Zoning Appeal

Vern Schlaud, Land Use Services Director
Ph: 989-731-7400

Vern,

Per our phone conversation we are sending you an attached list of questions and concerns regarding the above subject. The list is a little lengthy and detailed, but hopefully you'll be able to respond to us via email. If you need to contact us via phone, then please call 989-685-2668 any time or day.

Also, I noticed that there are a couple of inconsistencies on the County's website. 1) There are two different Zoning Ordinance documents that can be viewed. One has a older date. Depends on what part of the website you find the document, but regardless only the current one should be shown. 2) I've viewed several zoning and land use maps on-line, between the County's maps and Bagley Township's Master Plan. Some of these maps show my subdivision, Oak Manor, as split between residential and recreational residential. The split appears along my street, Orchard Dr. I suspect the divide should be along Old 27. However, that's not what is shown.

Lastly, we thank you in advance for you attention and assistance.

Respectfully,
Denny & Marge Nurski
4378 Orchard Dr.
Bagley Township

BARAU ZONING APPEAL

Barau requesting that Edward Jones, a financial service company, be allowed to open a business office on property that he currently owns.

Barau stated while explaining his intent to pursue zoning variance that he had let the previous variance lapse.

HISTORY:

1. According to Barau, he had previously located his DDS practice at this location. The DDS practice has been closed for several years.
2. In the last 12 months, Barau opposed a new neighbor having a home based business.

CURRENT:

1. What is the current zoning & what is allowed?
2. Restriction Agreement for Oak Manor was filed with Otsego County July 3rd, 1974 Liber 184 Page 559. We had read this document prior to purchasing our retirement home on Orchard Drive in December 2012. A copy was also provided to us by Alpine Title at closing. This document specifically states "No structure ... other than single-family dwelling house with garage ...".

REQUESTING:

1. What is being requested?
 - A. new Zoning Code or variance for current Zoning Code?
 - B. will Barau own property and rent building?
2. Is request in compliance with Bagley Township's Master Plan & Otsego County's Zoning Ordinance?
3. What is allowed if Appeal is granted?
 - A. Type of businesses
 - B. Sign
 - C. Parking
4. What are requirements to apply for Appeal?
5. What properties will be notified of Appeal's hearing?
6. When will these properties be notified of Appeal's hearing?
7. When will Appeal be heard?
8. When will Commission make its decision? Will property owner (#5) be notified of decision?

FUTURE:

1. How could adjacent properties be impacted by this change?
2. Once Appeal is granted, what recourse would we have if property is not being used per reason Appeal was granted?
3. Is there a specific duration that this Appeal would be in effect? If yes, would property automatically revert back to prior Zoning? If so, who would verify that is the case?
4. Would the granting of this Appeal set a precedent for other variances seeking business use being approved? All property is covered by the Restriction Agreement for Oak Manor July 3rd, 1974 Liber 184 Page 559.
5. What would happen to Zoning/Variance if Barau sells property?
6. When Edward Jones terminates lease, can another business occupy building under the Variance without Zoning Commission involvement? Thereby, allowing for current Appeal to set precedent.

RESTRICTION AGREEMENT FOR OAK MANOR

I.

Lloyd A. Wolf and Roberta L. Wolf, his wife, of Gaylord, Michigan, hereinafter designated first parties, are the owners of fee simple title to lands situated in the Township of Bagley, County of Otsego and State of Michigan, more specifically described as:

OAK MANOR, a subdivision of part of the Southeast 1/4 of the Northwest 1/4 and Govt. Lot Two (2), Section Twenty-eight (28), T. 30 N., R. 3 W., as the plat thereof appears of record in the office of the Register of Deeds of Otsego County in Liber 4 of Plats pages 10-11, EXCEPT Lots One (1), Ten (10) and Thirteen (13) thereof.

II.

Each party hereafter accepting a deed, land contract or other conveyance to land in said subdivision shall hereby be deemed to become a party hereto and thereby agreeing to the restrictions herein set forth as to the land thereby acquired.

III.

First parties hereby certify and declare that all the above described premises are hereby subjected to the restrictions hereinafter set forth, and declare and agree that each deed, land contract or other conveyance made by the first parties thereof shall be and is hereby subjected to such restrictions which are as follows:

(1) The said subdivision, known as OAK MANOR, shall be used and occupied for single residential purposes only, and nothing shall be done or permitted therein which shall or may interfere with or detract from such use or occupation thereof.

(2) No building or other structure shall be erected, altered or moved onto or permitted on any site in said OAK MANOR other than one single-family dwelling house with garage, except swimming pool, tennis court, badminton court, walls or fences, and such other auxiliary construction.

(3) No temporary or unfinished structures may be occupied as a residence at any time prior to completion of the exterior and no building may be moved on said premises, nor may a house trailer or mobile home be occupied as a residence upon said premises at any time. This restriction shall be construed to specifically bar the erection of so-called "modular units" on said premises.

(4) No dwelling shall be erected, altered or permitted on any site in the subdivision unless it shall have a living area of at least 1,080 square feet on the first floor of any 1½ or 2 story structure, or 1,200 square feet of any single level structure, within the outer surface of the outside walls, except any garage, basement, unheated porch, breezeway or entrance way.

(5) The following materials shall not be used in the finished exterior of any building on the restricted premises: log construction, unpainted sand brick, unpainted lime brick, unpainted concrete block, unpainted cinder block or any rolled material or any other tar or felt composition material. Aluminum siding shall also be prohibited except as decorative panels or aluminum fascia or soffit.

STATE OF MICHIGAN } RECORDED 574 DAY OF
COUNTY OF OTSEGO } JULY A. D. 1974 AT 10:40
WOLLOCK } L.M.

Theodore A. Head
REGISTER OF DEEDS

-2-

(6) The erection of any new building and the re-erection, rebuilding or repair of any such structure shall be pushed to completion as rapidly as practical.

(7) All unused building materials and temporary construction shall be removed from the subdivision within sixty (60) days after substantial completion of the construction. The portion of the surface of the earth which is disturbed by excavation and other construction work shall be finished-graded and seeded or covered with other landscaping as soon as the construction work and weather permits.

(8) No signs, posters, billboards or other advertising devices or symbols shall be erected or displayed in the subdivision or on any buildings or fences thereon, except "For Sale" signs not more than six (6) square feet in area advertising a single site or house, except that signs of larger size may be erected and displayed by first parties advertising the subdivision.

(9) No animals or birds shall be kept or maintained in the subdivision except house pets of the persons dwelling therein.

(10) All sewage shall be disposed of through septic tanks and dry wells so located as to comply with the recommendations and requirements of the health authorities.

(11) No part of any building to be erected on any site in said subdivision shall be nearer to the street lines thereof than forty (40) feet, nor nearer than twenty-five (25) feet to the rear line or either side line. All, or any part of any one site, together with all or part of any adjoining site or sites, may be used and occupied as one single, contiguous parcel of land, subject to the provisions herein referred to and applying to a single site.

(12) Removal of any trees over 6 inches in diameter is prohibited without the consent of first parties, except as necessary for clearing of driveway and building site.

IV.

In the event any part of provision of the restrictions contained in this instrument shall be held ineffective or invalid for any reason, by waiver, judgment or other court order or otherwise, all other parts and provision of these restrictions shall nevertheless remain in full force and effect.

V.

The restrictions and covenants set forth herein are for the benefit of all present and future owners of sites in said subdivision. First parties and each party who accepts title to any part of said subdivision binds himself, his heirs, legal representatives, successors and assigns, to the covenants and agreements on his part herein contained. It is understood and agreed that all of the covenants and restrictions herein set forth run with the land and shall be binding and inure to the benefit of first parties and all parties acquiring an interest in said subdivision, their respective heirs, legal representatives, successors and assigns.

VI.

Any or all rights and duties relative to supervision, control and approval of building restrictions, grading, buildings and other construction and plans thereof, reserved or given to first parties under these restrictions,

may be assigned, transferred and conveyed by first parties to a Michigan non-profit corporation, and thereupon first parties shall be released of any obligation thereunder. Such transfer shall be made not later than receipt of written demand therefor signed by the owners of ten (10) or more of such sites. Said corporation shall thereupon at its own expense and without further authorization be entitled in behalf of first parties and all owners of sites in said subdivision, to exercise all such rights and perform all such duties.

VII.

Violation of any restrictions or breach of any covenants herein contained, shall give first parties, in addition to all other remedies, the right but not obligation to enter upon the land as to which such violation or breach exists, and summarily to abate and remove at the expense of the owner thereof, any construction or other violation that may be or exist thereon contrary to the intent and provisions hereof, and first parties shall not thereby become liable for trespass, abatement, removal or in any other manner.

VIII.

All of the restrictions, conditions, covenants, charges and agreements herein contained shall exist until December 31, 1995, and shall automatically be continued thereafter for successive periods of fifteen (15) years each; provided however, that the owners of the fee simple title of ten (10) or more of the sites in said subdivision may release all or any part of said sites from all or any portion of these restrictions on December 31, 1995, by executing and acknowledging an appropriate agreement or agreements in writing for such purposes, and filing the same in the office of the Register of Deeds for Otsego County, Michigan, on or before December 31, 1990; and provided further, that the owners of the fee simple title of ten (10) or more of the sites in said subdivision, may release all or part of said sites from all or any portion of these restrictions at the end of each successive fifteen (15) year period by executing and acknowledging an appropriate agreement or agreements in writing for such purposes and filing the same in the office of the Register of Deeds for Otsego County, Michigan, at least five (5) years prior to the expiration of any such fifteen (15) year period.

IX.

As used herein the word "site" shall be used as synonymous with the word "lot". And also, as used herein, the word "he" shall be synonymous with the words "she", "it" and "they", and the word "his" synonymous with the words "hers", "its" and "theirs".

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals this 3rd day of July, 1974.

Signed and delivered
in presence of:

Sylvia Sandors
Sylvia Sandors

Lucille E. Duczkowski
Lucille E. Duczkowski

Lloyd A. Wolf
Lloyd A. Wolf

Roberta L. Wolf
Roberta L. Wolf

**Minutes of Master Plan Committee Meeting
December 6, 2013**

PC Members Present: Jim Hilgendorf
Judy Jarecki
Randy Stults
Paul Hartmann
Staff Present: Vern Schlaud
Christine Boyak-Wohlfeil
Excused: Mike Mang

Committee Chairperson Jim Hilgendorf opened the meeting at 9:00 a.m.
Minutes of the 11/4/2013 meeting were approved.

Jim Hilgendorf then reported on the 11/11/2013 sub-committee review of the “Goals and Objectives” section found in the *Executive Summary of Otsego County 2009 Master Plan* that he and Randy Stults conducted.

With only one important exception, the sub-committee found the existing Master Plan to be addressing the various goals and objectives effectively. The exception is found under II. Community Services, section A: Transportation.

Our Master Plan did not address Transportation (it was not a requirement in 2009). The revised Planning Enabling Act now includes Transportation. If the Otsego County Planning Commission decides to revise our Master Plan, the issue of Transportation should be addressed. Although Mike Mang has told us that there is good information regarding this issue available, it may be necessary to seek outside assistance to address this topic.

Randy Stults stated that the possible extension of Highway 131 to merge with Interstate 75 would be an appropriate discussion and may lead the OCPC to recommend our preferred junction point of the two highways.

Other discussion during this meeting included Waste Management (II, section C): the current recycling program and Otsego Lake Township’s successful and inexpensive (\$88 per year per resident) contract with American Waste for township-wide garbage service.

II, section D: Public Safety was discussed as to EMS and other emergency services are not equally provided in some of the outlying areas of our county. There are issues with addresses not being easily “found” by providers and how the services are funded differently in the (9) townships.

Under III, section A: Commercial Centers, we briefly discussed the need to address signage issues (banners and illuminated, digital signs are just two of the topics that should receive our attention).

This meeting adjourned at 10:15 a.m.

Respectfully submitted,
Paul Hartmann

OTSEGO COUNTY PLANNING COMMISSION
Minutes of Master Plan Committee Meeting
February 3, 2014

PC Members Present: Jim Hilgendorf
Judy Jarecki
Randy Stults
Mike Mang
Paul Hartmann
Staff Present: Vern Schlaud

Committee Chairperson Jim Hilgendorf opened the meeting at 9:05 a.m.
Minutes of the 12/6/2013 meeting were approved.

Jim Hilgendorf then reported the Otsego County Planning Commission approved the “updating” of our Master Plan at our January 20, 2014 meeting.

Mike Mang then gave us some information he acquired, having spoken with Rick Duell, Assistant Director of NEMCOG.

We have now determined that Transportation is included in the current Master Plan, but should be reviewed and given more attention as we update and improve upon it. The Otsego County Road Commission would be a major resource for such a review. They report on road conditions with a 1 – 10 scale with “1” being impassable and “10” being new. They also have a 5-year plan for road improvements, which we should consider during this process. Also, the 2011 County and all the Township recreation plans would include bicycle trail recommendations and other Transportation information that would be helpful.

Besides the 2010 census figures, data from Equalization and NEMCOG should be considered. Paul Hartmann offered to contact the County Road Commission and report to the Committee at the next meeting: **Monday, March 24th, 9:00 a.m. in the conference room.**

Randy pointed out that Phil Alexander reviewed the February, 1997, Otsego County Master Plan and many things were accomplished. The requirement for a 5-year review was added to the law in 2008.

Assignment: All members are to review the 2009 Otsego County Master Plan and mark the paragraphs that need attention. That will be the agenda for the March 24th meeting.

This meeting adjourned at 10:02 a.m.

Respectfully submitted,
Paul Hartmann



Otsego
COUNTY
M I C H I G A N

*Department of
Land Use Services*
1322 Hayes Rd • Gaylord, MI 49735
Phone (989)731-7420 • Fax (989)731-7429
www.otsegocountymi.gov

September 20, 2013

To: Township Clerks

Pursuant to Article 27~~(24)~~: Township Participation in County Zoning, the attached definition is being forwarded to townships for input as an addition to SECTION 20.2~~(17.2)~~/DEFINITIONS. An updated copy of the Zoning Ordinance with recent changes is also enclosed.

Please forward your written comments to Otsego County Land Use Services within forty (40) days. If your Township intends to take the additional thirty (30) days allowed for review, please notify me within the original forty (40) day period.

Thank you for your participation in Otsego County Zoning.

Vern Schlaud, Director
Otsego County Land Use Services
vschlaud@otsegocountymi.gov

encl

cbw

SECTION 20.2 DEFINITIONS

Roadways are defined according to the following categories:

20.2.1 Local Roads -- Provide direct property access, do not serve through traffic.

20.2.2 Major Collectors -- Serve traffic traveling from Local Roads or Minor Collectors to Arterials; are public thoroughfares with a lesser degree of traffic than Arterials.

20.2.3 Minor Arterials -- Serve as primary routes for travel within and between community sub-areas and augment the Major Arterial system; accessed primarily from the Collector system.

20.2.4 Major Arterials -- Serve as primary routes for travel between areas of principal traffic generation and major urban activity centers, and for trips between non-adjacent areas.

20.2.5 Regional Arterials -- Freeways and principal routes that move traffic and do not provide direct access to land use activities.

20.2.6 Service Roads—Local roads that parallel an expressway or through street and that provide access to property near the expressway.

The addition of the definition of a **'service road'** is being revised to the following sections of the Otsego County Zoning Ordinance:

SECTION 2.2 DEFINITIONS

ACCESSORY STRUCTURE:...

ROADSIDE STAND: An accessory and temporary farm structure operated for the purpose of selling local agricultural products.

SERVICE ROADS: *Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street.*

SETBACK: The distance required to meet the front, side and rear yard open space requirements of this ordinance as measured from the lot lines or Road Right of Way to the fascia of the roof overhang or to the closest point of a deck or porch, not including steps, whichever is less.

SHOOTING RANGE: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting at targets.

SHORELAND: Land paralleling the lake shoreline, fifty (50) feet wide as measured from the ordinary high water level. And the land paralleling the banks of all rivers, streams and flowages of water in the County that appear on the most recent U.S. Geological Survey Quadrangle maps, one hundred fifty (150) feet wide, measured from the ordinary high water level, landward, at right angles or radial to the shoreline or bank, on a horizontal plane.

SIGN: The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public. Accessory signs pertain to uses, activities or services conducted on the premises where located.

SETBACK: The distance required to meet the front, side and rear yard open space requirements of this ordinance as measured from the lot lines or Road Right of Way to the fascia of the roof overhang or to the closest point of a deck or porch, not including steps, whichever is less.

SHOOTING RANGE: An area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting at targets.

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SIGN:...

SECTION 20.2 DEFINITIONS

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20.2.5 Regional Arterials -- Freeways and principal routes that move traffic and do not provide direct access to land use activities.

20.2.6 Service Roads—*Local roads that parallel an expressway or through street and that provide access to property near the expressway or through street.*

OTSEGO COUNTY SITE PLAN RE Permit No: PSPR13-001

PLANNING & ZONING DEPARTMENT
 PHONE: (989) 731-7400

1322 HAYES ROAD
 FAX: (989) 731-7419

GAYLORD, MICHIGAN 49735-9290
 HOURS 8-4:30 WEEKLY

1354 M-32 EAST Location
 010-002-200-005-10
 GAYLORD 49735

Issued: 12/16/13
 Zoning: B-1 0 Sec. No. 02982.

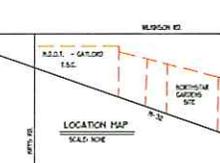
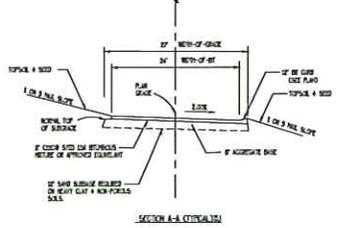
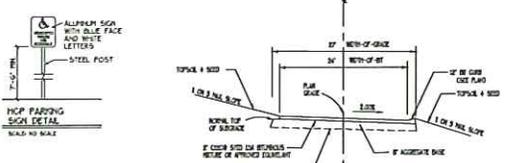
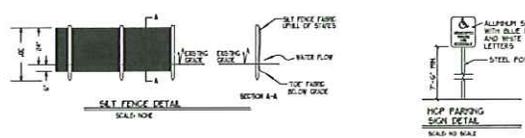
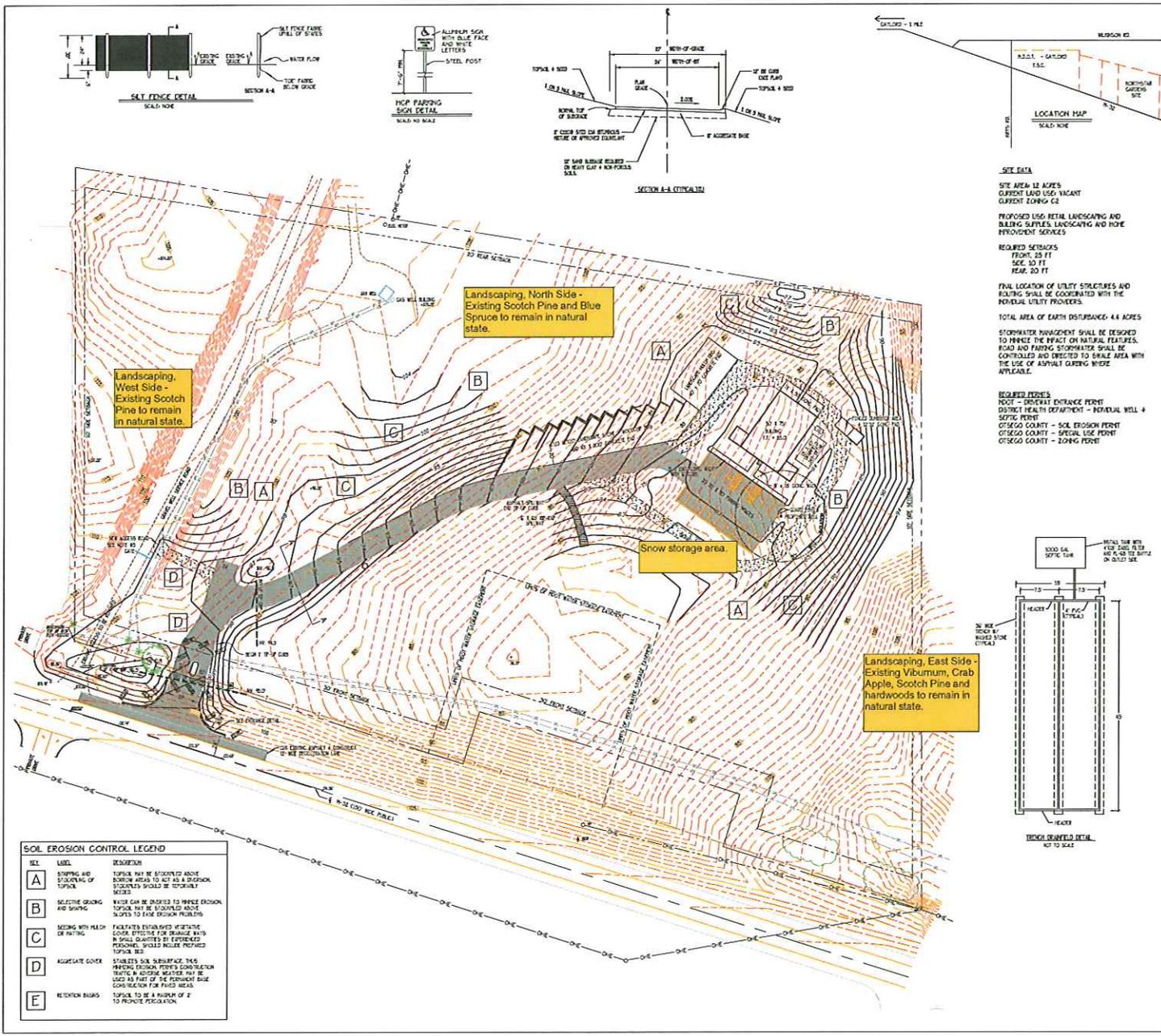
NORTH STAR GARDENS INC Own
 4104 STRAITS HWY
 INDIAN RIVER MI 49749-9457
 Occupant **FESTIVAL LAND DEVELOPM**

Contract
 pH#

Description: COMMERCIAL SUP/SITE PLAN REVIEW-
 LANDSCAPING & HOME IMPROVEMENT SALES & SERVICE BUSINESS
 SUP/SPR-APPROVED W/THE FOLLOWING CONDITIONS:
 1. SNOW STORAGE AREA DESIGNATED ON SITE PLAN DRAWING
 2. SIGN DESIGN TO BE SUBMITTED FOLLOWING ORDINANCE SPECIFICATIONS
 3. REQUIRED LANDSCAPING INDICATED ON SITE PLAN DRAWING

| Permit Item | Work Type | Fee Basis | Item Tot: |
|---------------------------------|-------------|-----------|-----------|
| Special Use Permit, Planning Co | PLAN REVIEW | 1.00 | 700.00 |

Fee Total: \$700.00
Amount Paid: \$700.00
Balance Due: **\$0.00**



SITE DATA
 SITE AREA: 10 ACRES
 CURRENT LAND USE: VACANT
 CURRENT ZONING: C2

PROPOSED USE: RETAIL LANDSCAPING AND BUILDING SUPPLIES, LANDSCAPING AND HOME IMPROVEMENT SERVICES

REQUIRED SETBACKS:
 FRONT: 25 FT
 SIDE: 20 FT
 REAR: 20 FT

FINAL LOCATION OF UTILITY STRUCTURES AND BOILING SHALL BE COORDINATED WITH THE RELEVANT UTILITY PROVIDERS.

TOTAL AREA OF EARTH DISTURBANCE: 4.4 ACRES

STORMWATER MANAGEMENT SHALL BE DESIGNED TO MINIMIZE THE IMPACT ON NATURAL FEATURES. ROAD AND PARKING STORMWATER SHALL BE CONTROLLED AND DIRECTED TO SWALE AREA WITH THE USE OF ASPHALT CURBING WHERE APPLICABLE.

REQUIRED PERMITS:
 ROOT - DISTRICT ENTRANCE PERMIT
 DISTRICT HEALTH DEPARTMENT - INDIVIDUAL WELL + SEPTIC PERMIT
 OTSEGO COUNTY - SOIL EROSION PERMIT
 OTSEGO COUNTY - SPECIAL USE PERMIT
 OTSEGO COUNTY - ZONING PERMIT

SITE NOTES:

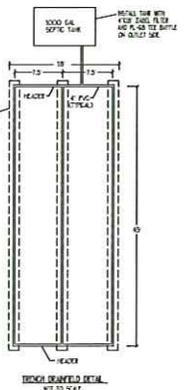
1. ALL FINISH SHALL BE INSTALLED BY CONTRACTOR AT LANDSCAPER'S REQUEST. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXISTING UTILITIES AND SHALL FURNISH SIGNAGE WITH ALL UTILITIES THAT ARE NOT TO BE INTERRUPTED WITH THE PROPOSED CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BOUND BY THE CONTRACT.
2. CONTRACTOR SHALL VERIFY AND RECORD THE LOCATION OF ALL UTILITIES AND SHALL FURNISH SIGNAGE WITH ALL UTILITIES THAT ARE NOT TO BE INTERRUPTED WITH THE PROPOSED CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BOUND BY THE CONTRACT.
3. ALL NECESSARY PERMITS SHALL BE OBTAINED BY CONTRACTOR PRIOR TO PROJECT COMMENCEMENT. CONTRACTOR SHALL FURNISH TERMS AND CONDITIONS OF THE PERMITS TO THE ARCHITECT AND CONDITIONS OF THE PERMITS SHALL BE SHOWN TO THE ARCHITECT.
4. ALL UTILITIES BEING PAID AND PARKING LOT SHALL BE MAINTAINED TO BE IN THE BEST CONDITION TO A REMAIN A MAINTENANCE AND BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BOUND BY THE CONTRACT.
5. TO PROTECT REMAINS OF SOILS FROM BEING IN THE BEST CONDITION OF THE NEW ENTRANCE AND PROJECT ROAD CONTRACTOR SHALL VERIFY THE EXISTING SOILS AND SHALL BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BOUND BY THE CONTRACT.
6. AS A PART OF THE PROJECT TO MINIMIZE THE IMPACT ON NATURAL FEATURES, CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BOUND BY THE CONTRACT.
7. SHALL BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BOUND BY THE CONTRACT.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BOUND BY THE CONTRACT.

Landscaping, West Side - Existing Scotch Pine to remain in natural state.

Landscaping, North Side - Existing Scotch Pine and Blue Spruce to remain in natural state.

Snow storage area.

Landscaping, East Side - Existing Viburnum, Crab Apple, Scotch Pine and hardwoods to remain in natural state.



| KEY | LABEL | DESCRIPTION |
|-----|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A | STORMWATER STORAGE AND STABILIZATION OF TOPSOIL | TOPSOIL MAY BE STOCKPILED ABOVE BOTTOM SURFACE TO ACT AS A STORAGE. STOCKPILES SHOULD BE TYPICALLY 5 FEET HIGH. |
| B | SELECTIVE GRASSING AND SEEDING | GRASS CAN BE STOCKPILED TO PREVENT EROSION. TOPSOIL MAY BE STOCKPILED AND SUPPLIED TO EXISTING PROBLEMS. |
| C | SEEDING WITH MULCH OR MATING | FACILITATES ESTABLISHED VEGETATIVE COVER. EFFECTIVE FOR DRAINAGE BASINS IN SMALL QUANTITIES BY EXPOSED PERSONNEL. SHOULD INCLUDE PREPARED TOPSOIL BEDS. |
| D | AGGREGATE COVER | STABILIZES SOIL SURFACE. THIS PAVING METHOD PROVIDES PROTECTION FROM A WINDY WEATHER. MAY BE USED AS PART OF THE PERMANENT SOIL CONSTRUCTION FOR THESE AREAS. |
| E | RETENTION BASINS | TOPSOIL SHALL BE A MINIMUM OF 2' TO PREVENT PRECIPITATION. |



THIS PLAN WAS PREPARED FOR SITE PLAN REVIEW PURPOSES ONLY
 NOT FOR CONSTRUCTION

| PROJECT: | DATE: | BY: |
|---------------------------------------------|-------|-----|
| NORTH STAR GARDENS, INC. | | |
| SITE PLAN - PRELIMINARY | | |
| M-32 EAST, GATLORD, MI 4010-002-200-009-100 | | |
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Christine Boyak-Wohlfeil

From: Vern Schlaud
Sent: Thursday, January 16, 2014 8:39 AM
To: Christine Boyak-Wohlfeil
Subject: FW: Otsego Lake Township Planning Commission Comment on Interchange District

Follow Up Flag: Follow up
Flag Status: Flagged

From: nora corfis [<mailto:noraholly@sbcglobal.net>]
Sent: Wednesday, January 15, 2014 9:58 PM
To: Vern Schlaud
Subject: Otsego Lake Township Planning Commission Comment on Interchange District

Dear Mr. Schlaud,

The Otsego Lake Township Planning Commission held its public hearing regarding the boundaries for the proposed Highway Interchange District on January 9, 2014. Based upon the public comment received, the Planning Commission will be reevaluating the boundary running east along Marlette Road. We will have this on the agenda for our February 2014 meeting. Therefore the Otsego Lake Township Planning Commission will not be returning comment on the proposed district until after our upcoming meeting in February.

Sincerely,
Nora Corfis
Secretary
Otsego Lake Township Planning Commission.

Christine Boyak-Wohlfeil

From: Vern Schlaud
Sent: Tuesday, February 11, 2014 11:46 AM
To: Christine Boyak-Wohlfeil
Subject: FW: Otsego Lake Township Highway Interchange Recommendations
Attachments: OLT revised proposed Map of Highway Interchange Zoning District.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

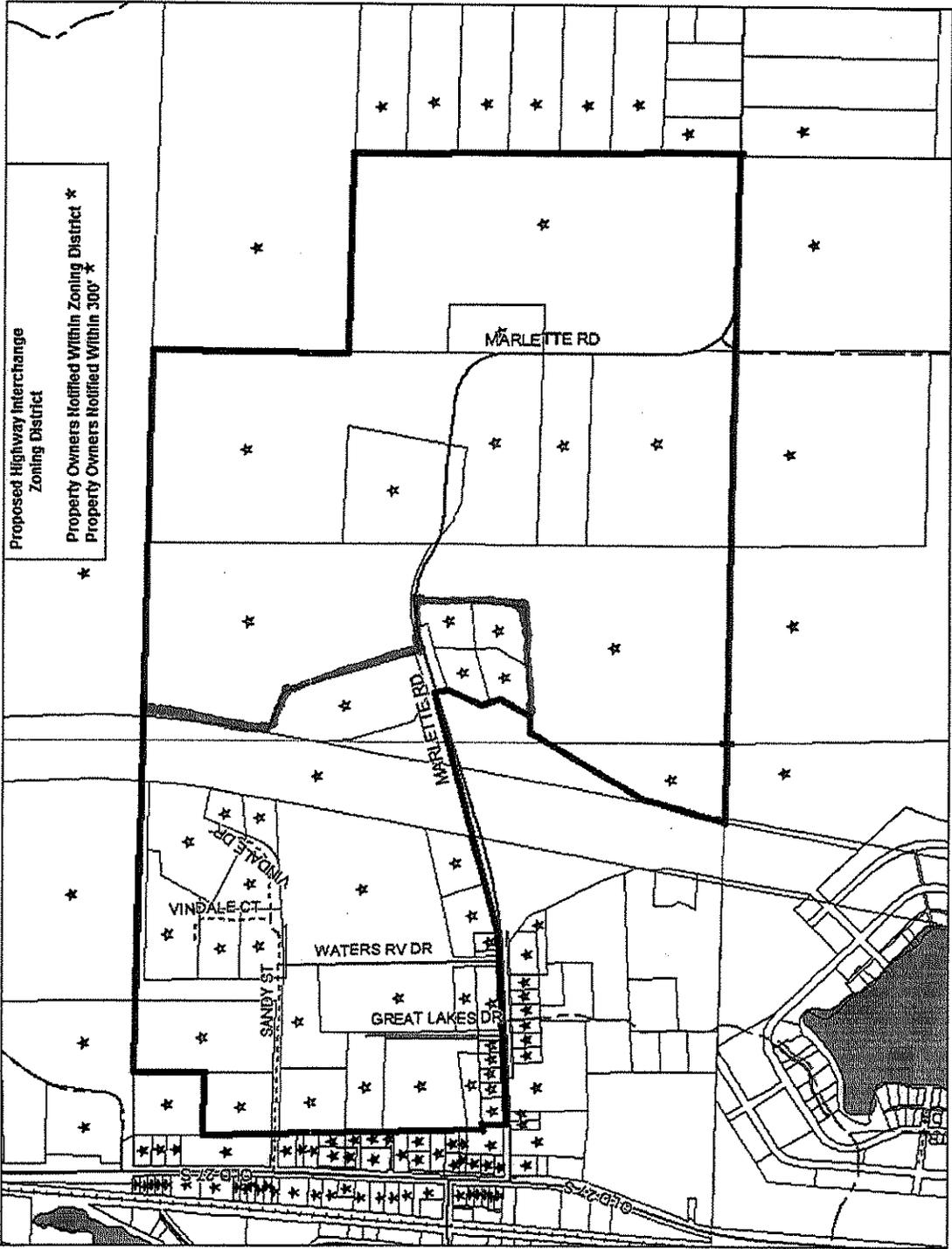
From: nora corfis [<mailto:noraholly@sbcglobal.net>]
Sent: Tuesday, February 11, 2014 10:59 AM
To: Vern Schlaud
Subject: Otsego Lake Township Highway Interchange Recommendations

Dear Vern,

At its February 6, 2014 meeting, the Otsego Lake Township Planning Commission recommended to the Otsego County Planning Commission the adoption of the Highway Interchange Commercial Zoning District with the proposed boundaries as shown on the attached map. They include the indicated parcels west of I-75 and north of Marlette Road, and East of I-75 the Johnson parcel on the north side of Marlette Road and the four commercial parcels (Gelow) on the south side of Marlette Road. Thank you for granting the Otsego Lake Township Planning Commission the necessary time to get public comment on this issue.

Sincerely,

Nora Corfis
Secretary
Otsego Lake Planning Commission



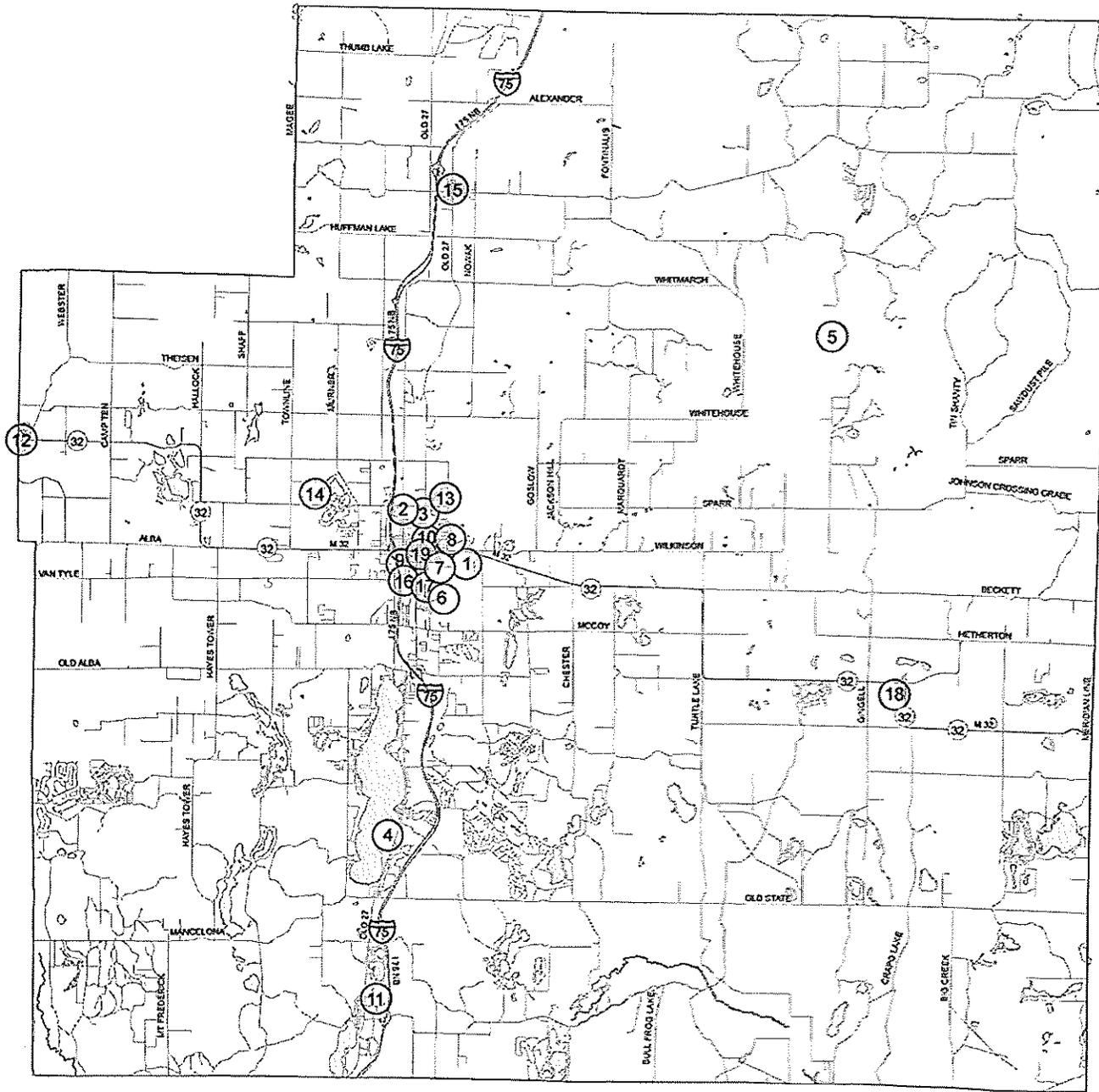
Proposed Highway Interchange
Zoning District

Property Owners Notified Within Zoning District *

Property Owners Notified Within 300' *

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**ADDITIONAL COUNTY WIDE
RECREATIONAL PARKS & FACILITIES**

- ① - HUTCHINS LITTLE LEAGUE PARK
- ② - GAYLORD SOCCER COMPLEX
- ③ - OTSEGO COUNTY FAIR GROUNDS
- ④ - OTSEGO LAKE STATE PARK
- ⑤ - PIGEON RIVER COUNTY STATE FOREST
- ⑥ - ASPEN PARK
- ⑦ - GEORGE DOUMAS MEMORIAL PARK
- ⑧ - FREEL MEMORIAL PARK
- ⑨ - JOSEPH N. HALE MEMORIAL PARK
- ⑩ - CLAUDE SHANNON PARK
- ⑪ - REMI & EDNA SCHOTTE MEMORIAL TOWNSHIP PARK
- ⑫ - ELMIRA TOWNSHIP PARK
- ⑬ - ALTERNATIVE LANDSCAPING GARDEN
- ⑭ - FIVE LAKES NATURAL AREA
- ⑮ - VANDERBILT MEMORIAL PARK
- ⑯ - GAYLORD RAMP PARK
- ⑰ - ELK VIEW PARK
- ⑱ - CHARLTON TOWNSHIP PARK
- ⑲ - OTSEGO COUNTY COURTHOUSE PLAZA

Otsego County Courthouse Plaza

This courtyard plaza is on the County Courthouse lawn in downtown Gaylord. It serves as a recreational and gathering spot for visitors to the downtown. See Appendix A for details.

SIGNIFICANT NATURAL FEATURES

Pigeon River State Forest

The Pigeon River State Forest is a significant natural feature located in Otsego, Cheboygan and Montmorency Counties. This land was called the "pine barrens east of Vanderbilt" by author Ernest Hemingway and "The Big Wild" by Michigan pioneer conservationist P.S. Lovejoy. This forest provides some 105,000 acres of public land that is the home of the only free ranging elk her east of the Mississippi River. The State of Michigan began acquiring large pieces of land that would become the Pigeon River Forest in the 1910's due to the abandonment of the lumber mills and farms and also neglect in paying taxes. This forest allows users to experience northern Michigan in its most natural state. The area is filled with an abundance of wildlife, including elk, and is a great place for hunting, fishing and camping. There are over 10-miles of unmarked pathways for hiking, backpacking, mushroom hunting, mountain biking, horseback riding, cross country skiing or snowshoeing. The location of land owned by the State of Michigan is shown in Figure 3.5 on page 3-30.

Green Timbers is a 6,388 acre tract of land that was formerly owned by the McLouth Steel Company and used as a hunting and fishing retreat for their employees. In 1982 the State of Michigan took over the property and it became part of the Pigeon River Country State Forest. More than half of Green Timbers is covered with second growth forest of aspen, oak and other northern hardwoods along with both white and red pine. Two cabins remain today for public use, the Green Timbers Cabin and the Honeymoon Cabin. The Green Timbers area is closed to all motor vehicles including snowmobiles.

OTSEGO LAKE AND ROAD END ACCESS LOCATIONS

Otsego Lake is the County's largest lake (1972 acres) and is a very significant natural feature within the County. Otsego Lake is a valuable economic and recreation resource not only for Otsego County, but for the region as well. The lake is approximately five miles long, has an average width of 0.7 miles (max. width is 1 mile) and a maximum depth of 23 feet. It is used by many for boating, fishing and swimming. There are two official Public Access Sites for the lake, Otsego Lake State Park and Otsego Lake County Park. However, there are many other road end access locations that allow public access. Those locations are as follows:

Appendix A

Parks and Recreation Plan Amendment

Otsego County Courthouse Plaza – City of Gaylord

The County of Otsego has been involved over the last two years in a community-wide process to improve the vibrancy and relevancy of the downtown for the City of Gaylord with a focus on reducing traffic and air pollution on M-32 which bisects downtown Gaylord, along with creating a unique pedestrian-friendly environment that will draw tourists and local citizens to the downtown. In conjunction with this project, representatives of the community and the Michigan Department of Natural Resources have been working with Lake State Railway to extend the North Central State recreational trail to the downtown just one block west of the County Courthouse and across the street. Additionally, the Otsego County Dog Park is two blocks south of the courthouse. The intention is to expand the park to include other recreational activities in the near future. The central downtown location of the Courthouse, taking up one-full city block, is the ideal location to create an activity center for people to gather when shopping or pursuing outdoor recreational activities in the area.

Numerous brainstorming and input opportunities for the courthouse lawn were provided to the public. A list of meetings, all open to the public, included:

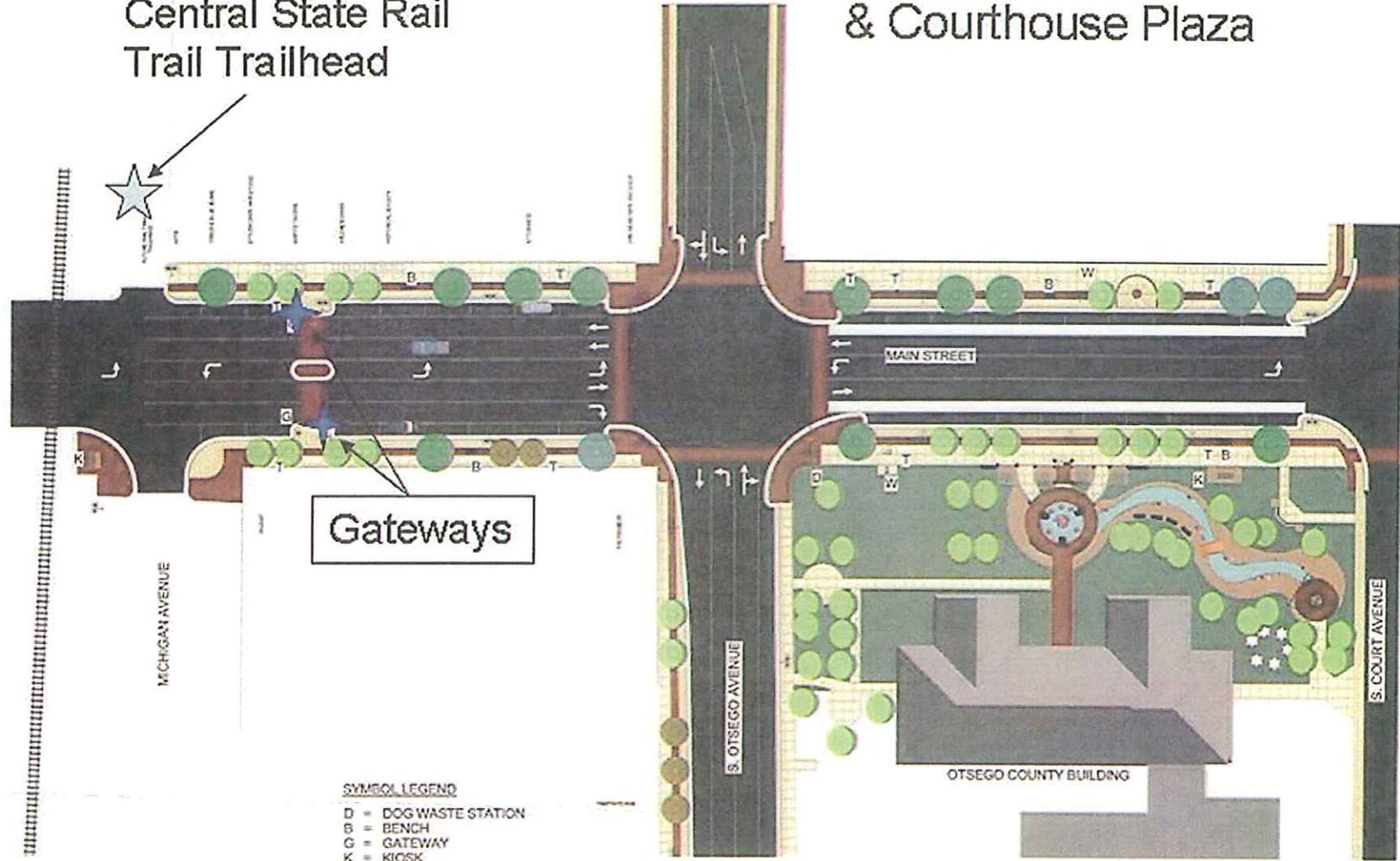
- Downtown Gaylord Streetscape Revamp Meeting – February 2, 2012
- Downtown Gaylord Streetscape Revamp Meeting – February 29, 2012
- Downtown Renaissance Committee Meeting – April 24, 2012
- Downtown Renaissance Committee Meeting – May 31, 2012
- Design Charette – June 27, 2013 (public invited)
- Downtown Renaissance Committee Meeting – December 6, 2012
- Downtown Renaissance Committee Meeting – March 18, 2013
- Downtown Renaissance Committee Meeting – May 30, 2013
- Downtown Renaissance Committee Meeting – July 30, 2013
- Downtown Renaissance Committee Meeting – August 14, 2013
- Downtown Renaissance Committee Meeting – September 4, 2013
- Downtown Renaissance Committee Meeting – September 18, 2013
- Downtown Renaissance Committee Meeting – October 2, 2013
- Downtown Renaissance Committee Meeting – October 16, 2013
- Downtown Renaissance Committee Meeting – November 6, 2013
- Meeting with downtown businesses owners – November 13, 2013
- Community input meeting – November 20, 2013 (see newspaper article)

Dan Burden, a national walkability expert visited the community in August of 2012 to provide input concerning the downtown streetscape and courthouse lawn to the Downtown Renaissance Committee, and to the public, at a public meeting. Many of his suggestions were incorporated into the Courthouse Plaza design.

Plans for the Plaza include an interactive water fountain, a gas fire pit, a recirculating stream, café style seating where people can use the free Wi-Fi internet access provided to use their lap tops, new picnic tables, and several screened seating areas. The plan also incorporates several existing elements (historic naval cannon, veteran memorial, several historic plaques, and an ice tree) that provide for a very unique year-round experience and activities for people of all ages. The plan, as proposed, would be an invaluable asset to the parks system throughout the County and draw more people downtown and to the North Central State Trail.

Location of North Central State Rail Trail Trailhead

West End of Main Street & Courthouse Plaza

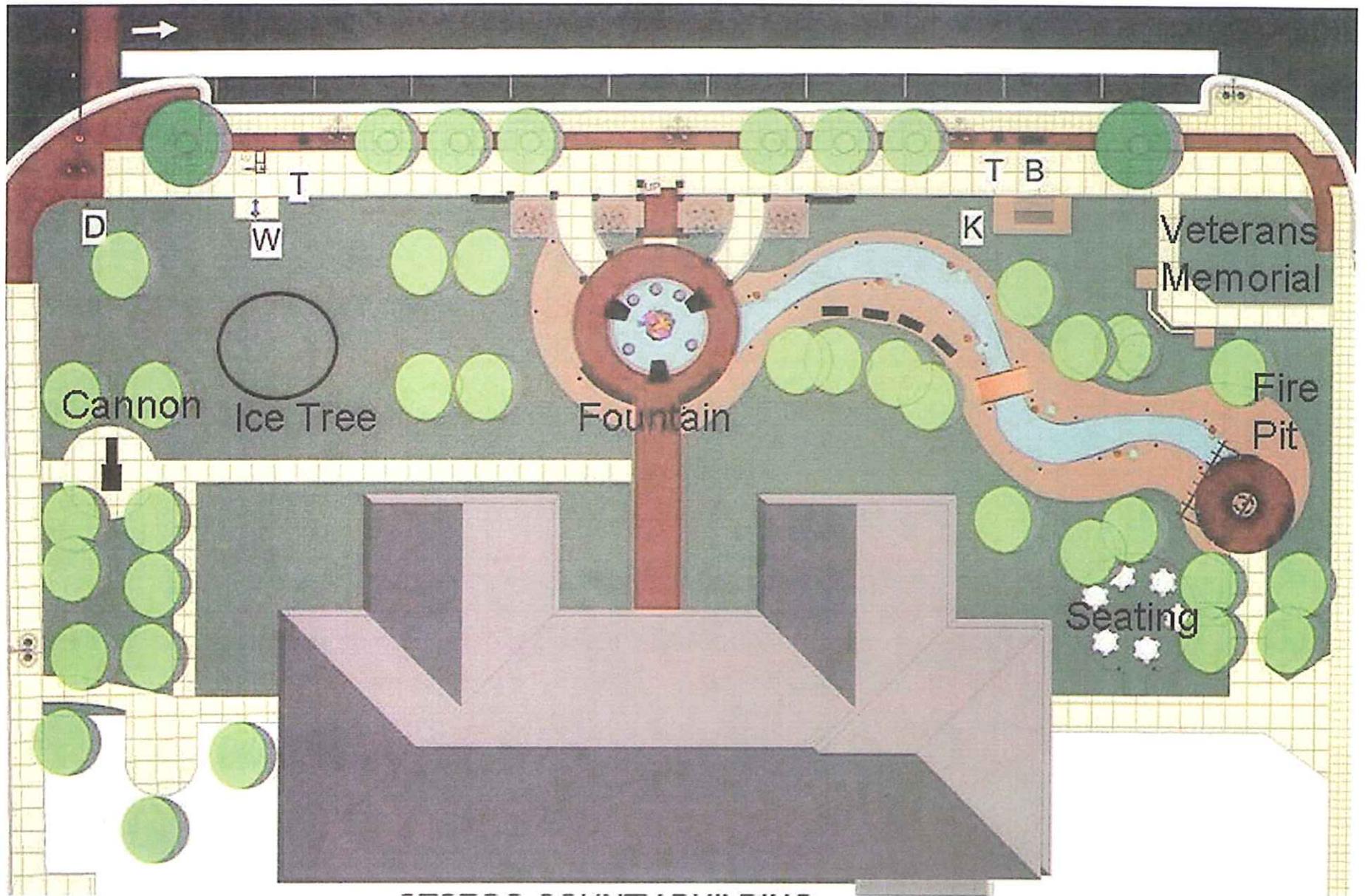


Gateways

- SYMBOL LEGEND**
- D = DOG WASTE STATION
 - B = BENCH
 - G = GATEWAY
 - K = KIOSK
 - T = TRASH
 - W = WATERING STATION



Courthouse Plaza



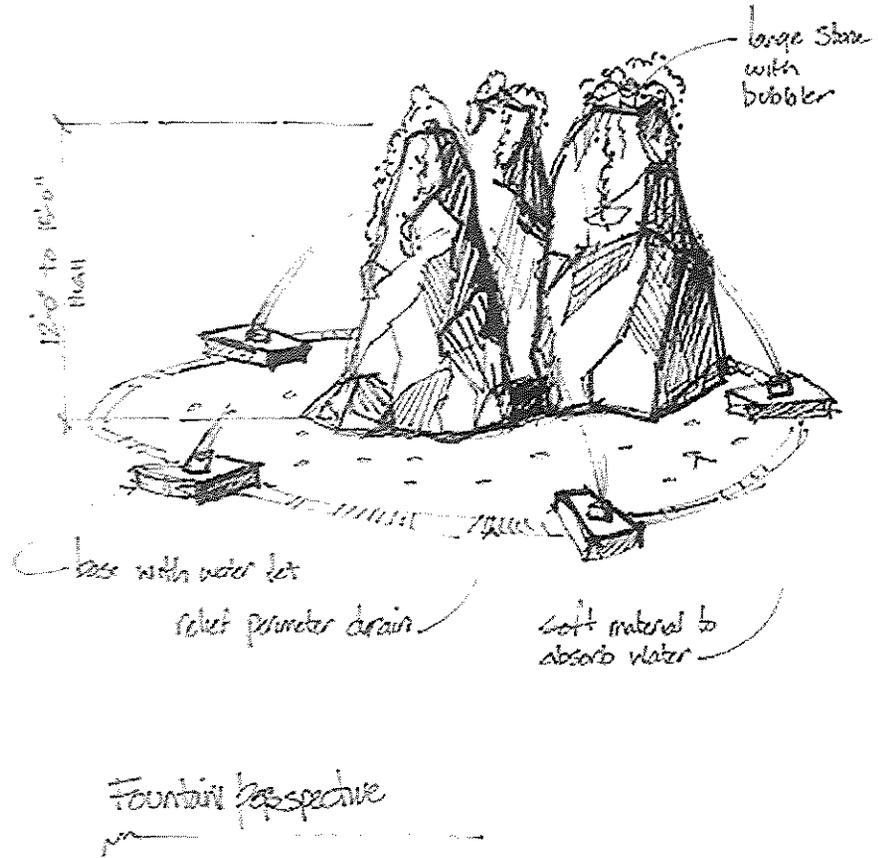
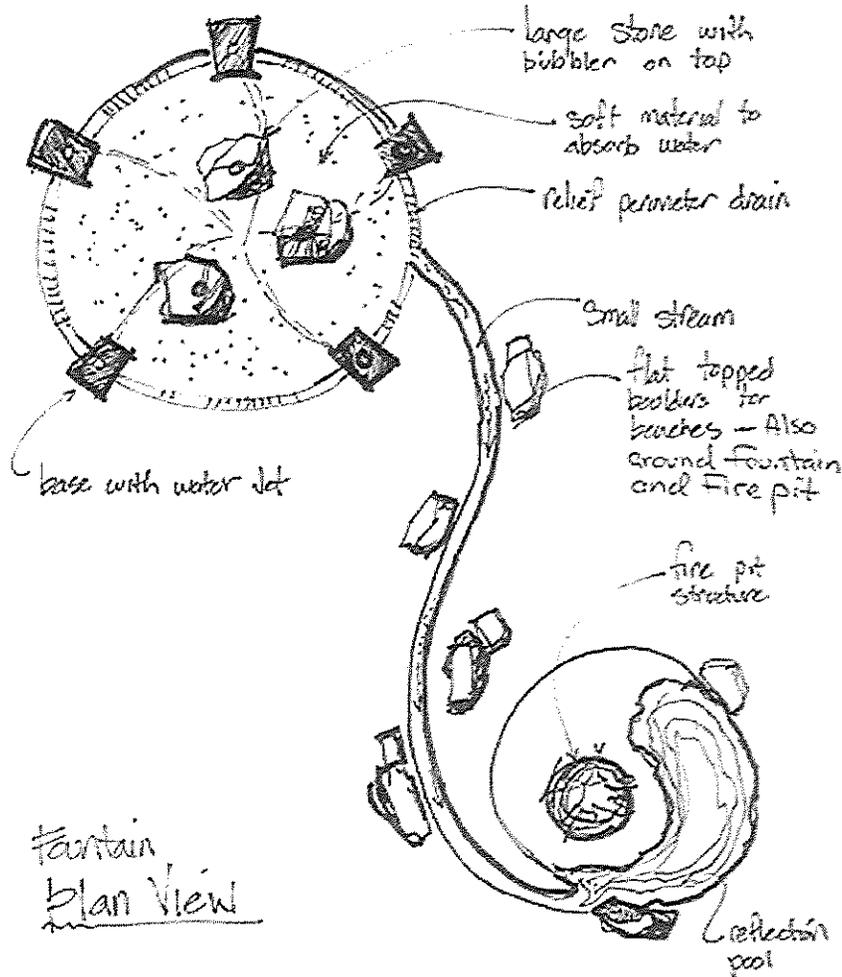
Courthouse Plaza Water Feature Concept

SEIDELL ARCHITECTS

WORK SHEET

SEIDELL ARCHITECTS

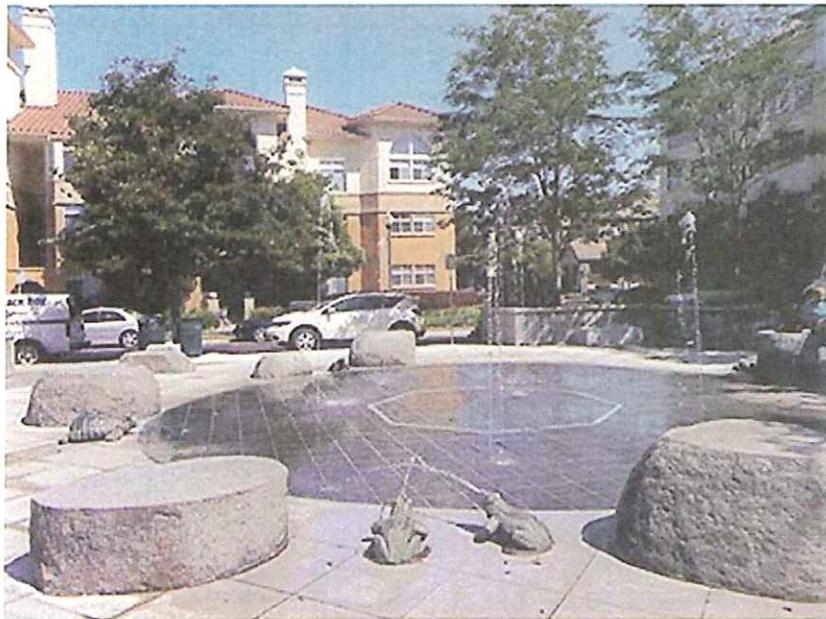
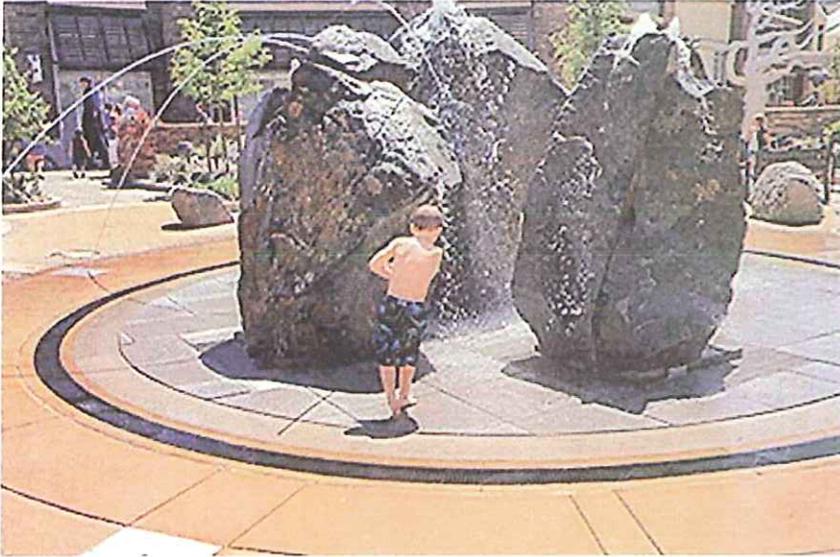
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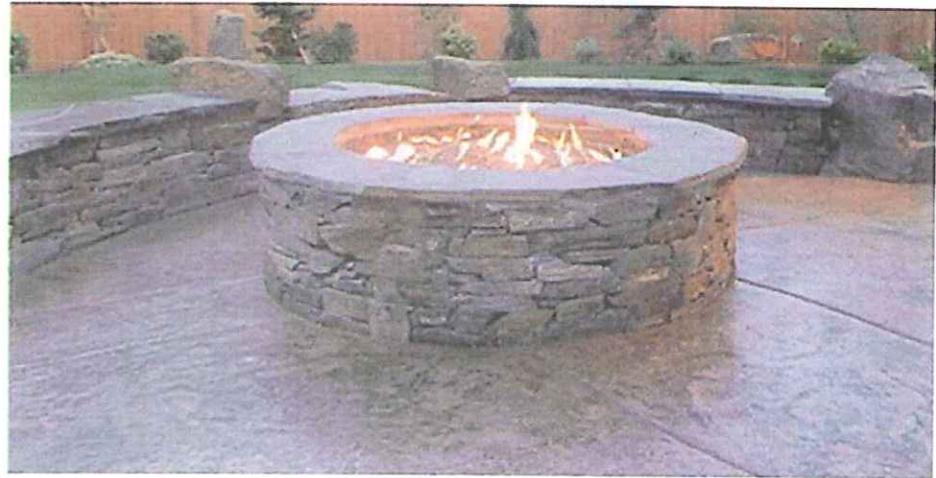
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Courthouse Plaza Water Feature in Pictures



What we envision the fountain to look like – w/ 5 water jets and bubblers on each rock, flat rock seating around fountain and fire pit, and a re-circulating stream.

Courthouse Plaza Fire Pit



We envision a gas fire pit located at the end our stream element with flat rock seating for special events in the fall and winter. Please note that the final model would have a shielding around the fire to prevent injury.

Periodic Review and Updating the Zoning Ordinance

A land use plan and zoning ordinance begin to grow old and dated as soon as they are adopted. In rapid growth communities, they often become outdated sooner than expected.

How does a community keep the master plan and zoning ordinance from becoming obsolete? The best way is through periodic assessment every three to five years, by the planning commission. At that time, the following questions should be asked:

1. To what extent is the master plan being actively implemented:
 - through zoning?
 - through public improvements?
 - through other efforts?
2. Is implementation taking place as scheduled? If not, why not?
3. Does the settlement pattern of recent development actively coincide with the future land use map and the recommended land use intensities? If not, why not? What should be done change the map or increase enforcement of the law?
4. Do the goals and policies still reflect the community's major concerns? If not, what should be changed? Is change realistic?
5. Is the community character, as identified in the master plan, being adequately protected by zoning?
6. Is the zoning map consistent with the future land use map without being identical? The future land use map should reflect future land use 20-30 years in the future while the zoning map should reflect the existing situation, with room for not more than 3-5 years growth without rezonings. However, if the community is nearly built out, the future land use map and zoning map will likely look nearly the same (unless substantial redevelopment into new uses is planned).
7. Are unexpected land use conflicts being created by the zoning ordinance which are not addressed by the land use policies?

Based on the answers to the above questions, the planning commission must decide whether there is a need to revise the master plan. If the plan needs to be revised, then after the revision is made, the zoning ordinance and map should also be reviewed and amended as needed. However, many master plans and zoning ordinances are updated and amended on a *stop-gap* basis when faced with what appears to be a *crisis*. Periodic reassessment will reduce the need to react in this manner and will provide a mechanism with which a community can proactively maintain control of its future.