

**OTSEGO COUNTY
PLANNING COMMISSION**

September 21, 2015

6:00 PM

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

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From August 17, 2015 meeting
5. CONSENT AGENDA: None
6. OTHER: Johnson Oil Company/Ed Johnson/Proposed language for an added Special Use in the HX/Highway Interchange Zoning District
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:
 1. *DTE Energy, owners have requested a Special Use Permit/Site Plan Review for property located in Otsego Lake Township:
117 Old State Rd
090-017-100-010-00
Property located in a B3/Business & Light Manufacturing Zoning District
PSUP15-003- proposed use of the property is the installation of a inter-connect to expand natural gas coverage to surrounding areas*
 2. *Peter & Patricia Sullivan, owners have requested a Special Use Permit/Site Plan Review for property located in Charlton Township:
9745 Moore Dr
023-140-000-048-00
Property located in a RR/Recreation Residential Zoning District
PSUP15-004- proposed use of the property is to construct a guest house/garage on a parcel of property with an existing residence*
 3. *Cottontails Inc, owners have requested a property rezone for property located in Bagley Township
Nancy Ln
010-021-100-020-01
Property located in a B1/ Local Business Zoning District
PREZ15-001-purpose of rezone is to zone property the same as applicant's contiguous property*
9. ADVERTISED CASES:
 1. *DTE Energy, owners have requested a Special Use Permit/Site Plan Review for property located in Otsego Lake Township:
117 Old State Rd
090-017-100-010-00
Property located in a B3/Business & Light Manufacturing Zoning District
PSUP15-003- proposed use of the property is the installation of a inter-connect to expand natural gas coverage to surrounding areas*

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3. *Cottontails Inc, owners have requested a property rezone for property located in Bagley Township
Nancy Ln
010-021-100-020-01
Property located in a B1/ Local Business Zoning District
PREZ15-00-purpose of rezone is zone property the same as applicant's contiguous property*

10. UNFINISHED COMMISSION BUSINESS

1. Rieth-Riley/PSUP15-002-Reclamation Plan

11. NEW BUSINESS

12. REPORTS AND COMMISSION MEMBER'S COMMENTS:

1. Otsego County Parks & Recreation report/Judy Jarecki
2. Sample Checklist to Guide Site Plan Review Decisions/Zoning Training

13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for August 17, 2015

Call to Order: 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

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

Absent: None

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

Public Present: Bruce Vaughn, Tim Maylone; Cherry Capital Connections representatives, John Berscheid, Todd Colberg, Brad Shearer; Rieth-Riley representatives, Paul Slough, Barbara & Gene Fleming, Ron Jacob, Dennis Kreger, Gary & Linda Smith, Rhonda Behnke, Becki Jacobs

Approval of minutes from: June 15, 2015

Vice-Chairperson Jarecki stated the following change under '*Reports and Commission Member's Comments*' on page four (4), sixth (6th) paragraph 'Vice Chairperson Jarecki stated Corwith Township...and possibly *an information center*...' be changed to...and possibly *for the information center* out at the Pigeon River.

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

Motion approved unanimously.

Consent Agenda: None

Other: Cherry Capital Connection LLC/*Tim Maylone, representative*

Proposed language modifications to Sections 21.46.2.7 and 23.2

Tim Maylone, lead engineer for Cherry Capital Connection introduced himself and Bruce Vaughn, stating their company specializes in high speed internet access services to rural areas. He provided a power point presentation along with hard copies to the Commission members which addressed articles within the Otsego County Zoning Ordinance that impacted Cherry Capital's ability to sustain a business in Otsego County.

Chairperson Hartmann requested they return to the Planning Commission at a later date with some proposed language for the members to consider and discuss for a possible amendment to the Zoning Ordinance.

Public participation for items not on the agenda: None

Public Hearing:

1. *Reith-Riley Construction Inc, owners have requested a Special Use Permit/Site Plan Review for property located in Elmira Township:*

*3006 Martindale Rd
060-001-10-005-03*

Property located in a FR/Forest Recreation Zoning District

PSUP15-002- proposed use of the property is to extend the permit for an existing mining operation

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Public Hearing open: 6:34 pm

Chairperson Hartmann opened the public hearing stating the case for Rieth-Riley had been heard at Elmira Township and their recommended approval had been submitted to the County.

Mr. Schlaud stated Rieth-Riley had submitted application to extend their current mining permit for an additional five (5) years. He stated he had allowed them to continue their mining operation after expiration because application had been submitted prior to that date.

John Berscheit, Rieth-Riley representative, stated they were requesting a five (5) year renewal of their current special use permit for a three (3) phase project. They were still in Phase I.

Secretary Arndt stated he remembered the previous renewal and thought there had been issues with traffic on Townline Rd and also resale values of residential property. It had been the Commission's findings back then that property had sold for more and questioned if that was still the case.

Mr. Berscheit stated he was unaware of any traffic issues or problems selling neighboring properties.

Gary Smith, owner of a neighboring property, stated he owned ten (10) acres and purchased an additional forty (40) acres prior to the gravel pit to prevent the cutting of all the trees. He presented pictures taken before the previous renewal stating it currently remained the same. He considered Rieth-Riley a good neighbor although truck traffic was heavy and the roads were somewhat deteriorated. His concern was once they moved on to Phase III the gravel pit would encompass his property on two (2) sides. He would like them to plant trees, shrubs and grass before they moved from one phase to another.

Chairperson Hartmann stated they had a reclamation plan in place and would have to reclaim the property before moving to the next phase. He also stated they were still in Phase I of the project and were not required to do anything until ready to move on to Phase II.

Vice Chairperson Jarecki suggested giving the Smith's a copy of the reclamation plan along with zoning requirements to help assure them. She stated Rieth-Riley also had a bond in place to cover the cost of reclamation.

Chairperson Hartmann requested staff to provide the Smith's with the information.

Mr. Smith requested the stop sign be replaced at the property entrance and also that they sweep the road to clear the sand, gravel and any other material from the asphalt.

Mr. Berscheit stated they would replace the stop sign and had just recently cleared the road. He also volunteered to give them a tour of the project for a more clear idea of the different phases.

Mr. Schlaud asked how long before they moved on to Phase II.

Mr. Berscheit stated it could be anywhere from two to seven (2-7) years depending on the work load and proximity of the projects.

Mr. Mang stated he felt the reclamation plan, addressed as 'Pit Restoration Plan' in the packet was lacking after the extensive work put into the mining section. He felt it necessary that the applicant revise the plan being sure to address each item under that section.

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Mr. Hilgendorf agreed the plan should be more detailed considering the work put forth in the mining section.

Ms. Nowak concurred.

Mr. Berscheid stated they would address any part of the reclamation plan the Commission thought was lacking.

Chairperson Hartmann requested Rieth-Riley to review Section 21.25.2 and address their reclamation plan as needed to comply.

Public Hearing closed: 7:06 pm

Advertised Case:

- 1. Rieth-Riley Construction Inc, owners have requested a Special Use Permit/Site Plan Review for property located in Elmira Township:
3006 Martindale Rd
060-001-10-005-03
Property located in a FR/Forest Recreation Zoning District
PSUP15-002- proposed use of the property is to extend the permit for an existing mining operation*

Chairperson Hartmann read Article 19/ from the Specific Finding of Fact. *SEE ATTACHMENT 1*

Motion made by Mr. Hartmann to approve Rieth-Riley's Special Use Permit PSUP15-002 a mining permit extension for an additional five (5) years; Seconded by Mr. Klee.

Motion approved by majority.

Mr. Mang requested an amendment to the motion with the condition of addressing each item in Section 21.25.2.

It was requested that Rieth-Riley present the revised plan to Land Use Services before September's Planning Commission meeting along with an update of their soil erosion permit.

Mr. Hartmann amended his previous motion for PSUP15-002 as follows:

Motion made by Mr. Hartmann to approve Rieth-Riley's Special Use Permit PSUP15-002 a mining permit extension for an additional five (5) years subject to the condition of a revision to the Reclamation Plan addressing each item in Section 21.25.2 with Zoning Administrator approval; Seconded by Mr. Mang.

Motion approve unanimously.

Public Hearing:

- 2. Otsego County Zoning Ordinance Proposed Amendment
PZO15-005-proposed language to Article 21/Section 21.46 Wireless Communications and
Article 27/Township Participation in County Zoning*

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Public Hearing open: 7:23 pm

Mr. Schlaud read the amendment and stated the proposed change was previously sent to townships and response was received from two (2), Charlton and Otsego Lake.

Ms. Corfis stated because of the shortened time frame, Otsego Lake Township felt it was important that the township involved be notified by email that a packet was being sent out.

Staff agreed to the recommendation.

Public Hearing closed: 7:27 pm

Advertised Case:

- 2. Otsego County Zoning Ordinance Proposed Amendment
PZO15-005-proposed language to Article 21/Section 21.46 Wireless Communications and
Article 27/Township Participation in County Zoning*

Motion made by Mr. Brown to recommend to the Otsego County Board of Commissioners PZO15-005 an amendment to Article 21/Section 21.46 and Article 27 concerning a language update and time frame for wireless communications; Seconded by Mr. Arndt.

Motion approved unanimously. *SEE ATTACHMENT 2*

Unfinished Commission Business: None

New Business:

1. Reappointment of School Board Representative/Jim Hilgendorf

Motion made by Mr. Hartmann to recommend to the Otsego County Board of Commissioners to reappoint Mr. Hilgendorf as the School Board Representative to the Otsego County Planning Commission for another term of three (3) years; Seconded by Mr. Hendershot.

Motion approved unanimously.

2. Johnson Oil Company/Proposed rezone from HX to B3

Ed Johnson, Johnson Oil representative, was in attendance concerning a rezone of property in Otsego Lake Township from a HX/Highway Interchange Zoning District to a B3/Business, Light Manufacturing Zoning District to allow the addition of an eighteen thousand (18,000) gallon propane tank for distribution.

Nora Corfis, Otsego Lake Township representative, stated applications were received and the case was disapproved at the Township level because they did not feel the rezone was in line with the Otsego County Master Plan. She stated Johnson Oil was not represented at the meeting but suggested they present proposed language to the County to possibly amend the district to add the use.

She welcomed them to attend the Township meeting the first Thursday of the month.

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Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report

Vice-Chairperson Jarecki reported the Community Center front steps were under construction but the project may not be completed by the beginning of the school year. They were also looking into replacing the playground equipment and because of the cost of updating the after school program, the building would be open for use but the County would not be involved in programming. She stated the County Park campground has had a great season with many reservations already made for the 2016 season, Irontone Springs received their first reservation for the pavilion rental and the timber sale at the Groen Nature Preserve went well. The remaining debris would be chipped or hauled away.

Chairperson Hartmann stated the Elmira Township Planning Commission has adopted 1.7 miles of M-32 east of the County line and have cleaned up approximately 1.4 miles so far. They will also be sending the MUZ/Multiple Use Zoning document for County review before the end of the year.

Secretary Arndt stated Bagley Township's assessor had a heart attack and a quadruple bypass but was doing well. There was activity within the Township; they had recently heard a case and had another waiting to be placed on their agenda.

Mr. Borton stated the EMS building expansion was finally underway and the County was beginning to receive bids for the Courthouse Lawn Project. Funding for the project was separate from the Streetscape Project for the City; so the County was in good shape. The City was considering their options.

Mr. Schlaud stated the Zoning Department has been extremely busy. There is the possibility of three (3) public hearings on next month's agenda. One would be a rezone in Bagley Township, the DTE project in Otsego Lake Township and a guesthouse in Charlton Township. Another case was sent to Bagley for an inflatable amusement park for recommendation.

2. Sample Checklist to Guide Decisions on Special Land Uses/Zoning Training

Adjournment: 7:55 pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

Otsego County Planning Commission

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ATTACHMENT 1:

OTSEGO COUNTY PLANNING COMMISSION

PSUP15-002
Special Use Permit/Site Plan Review
060-001-100-005-03

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 or rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET
- 19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

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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.

* Motion made by Mr. Hartmann to approve Rieth-Riley's Special Use Permit PSUP15-002 a mining permit extension for an additional five (5) years subject to the condition of a revision to the Reclamation Plan addressing each item in Section 21.25.2 with Zoning Administrator approval; Seconded by Mr. Mang.

Motion approve unanimously.

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ATTACHMENT 2:

Current language:

SECTION 21.46 WIRELESS COMMUNICATIONS:

The Telecommunication Act of 1996, as amended February 8, 1996, sets forth provisions concerning placement, location and construction of towers and related facilities for wireless services. The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the section are to:

- (1) Protect residential zoning districts from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the county;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

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

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

Proposed language:

SECTION 21.46 WIRELESS COMMUNICATIONS:

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

Otsego County Planning Commission

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Current language:

ARTICLE 27 TOWNSHIP PARTICIPATION IN COUNTY ZONING

It having been established that the Township units of government in Otsego County are desirous of actively participating in zoning amendment and zoning procedures; and Otsego County having determined that such participation is needed in the zoning process, NOW, THEREFORE, IT IS HEREBY DECLARED to be the policy of Otsego County that no zoning decision (with respect to those matters hereinafter set forth) affecting any particular township shall be made without the direct participation of said township so affected in accordance with the following procedures:

27.1 When a Petition is filed with the Otsego County Planning Commission with respect to any of the four (4) types of requests listed below, and then the procedure specified in 27.2 shall be followed prior to a decision being rendered by the County Planning Commission or the County Zoning Board of Appeals:

27.1.1 Changes in zoning district boundaries;

27.1.2 The approval of Uses Subject to Special Conditions, Special Approval Uses, and Special Land Uses;

27.1.3 The approval of Planned Unit Developments, all condominium projects, and all subsequent phases of an approved phased development;

27.1.4 Any appeal of an administrative decision, Ordinance interpretation, or variance.

27.2 Prior to a hearing by the County Planning Commission, the Otsego County Zoning Administrator shall forward, by certified or first class mail, said written petition to the township clerk of the township within which the property associated with the petition is located and shall execute and file an Affidavit of Mailing such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township Board's decision. The Petition shall then be acted upon, with due regard to the affected Township's decision, by the Otsego County Planning Commission in conformance with this Ordinance.

In like manner, and under the same conditions, authority, and rule of policy, the Otsego County Board of Appeals, shall make no rule, interpretation or determination on any matter pertaining to a zoning variance (Article 26.2) affecting any particular township, without the Otsego County Zoning Administrator first forwarding, by certified or first class mail, said written petition to the township clerk of the township to be affected by said petition; the Zoning Administrator shall execute and file an Affidavit of Mailing as to such petition.

Upon the approval or disapproval of the petition by the affected township, said township's clerk shall notify, in writing, the petitioning party and the Otsego County Zoning Administrator of the Township Board's decision. The petition shall then be acted upon with due regard to the affected Township's decision by the Otsego County Zoning Board of Appeals in conformance with this ordinance.

The affected township shall take some official action to notify the county Zoning Administrator of its decision within forty (40) days after having received the written petition. The township may take an additional thirty (30) days to study the matter and take action thereon; but it shall file written notice with the Zoning Administrator within the original forty (40) days of its intention to take the additional time. It shall be presumed that the township waives its right to act if no action is taken within the applicable time period(s).

Proposed language:

The affected township shall take some official action to notify the county Zoning Administrator of its decision within forty (40) days after having received the written petition. The township may take an additional thirty (30) days to study the matter and take action thereon; but it shall file written notice with the Zoning Administrator within the original forty (40) days of its intention to take the additional time. **Exception:** Due to state law time frames for wireless communication towers, an extension beyond the original forty (40) days shall not be permitted. It shall be presumed that the township waives its right to act if no action is taken within the applicable time period(s).

**OTSEGO COUNTY
PLANNING COMMISSION**

**PSUP15-003
Special Use Permit/Site Plan Review
090-017-100-010-00**

Exhibit List

- Exhibit #1:* Application for case PSUP15-003 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended April 28, 2015
- Exhibit #4:* Copy of Otsego County Equalization Department record card/Warranty Deed 0157/528
- Exhibit #5:* Certificate of Survey-1337/69 for DTE Energy dated November 11, 2013
- Exhibit #6:* Site Plan for case PSUP15-003 submitted by Applicant
- Exhibit #7:* Letter of representation from DTE Energy dated
- Exhibit #8:* Public Hearing Notice
- Exhibit #9:* Letter to Otsego Lake Township Planning Commission dated June 8, 2015
- Exhibit #10:* Letter dated August 12, 2015 from Otsego Lake Township Planning Commission
- Exhibit #11:* Map and list of parties notified
- Exhibit #12:* Receipt #01306551
- Exhibit #13:* General Finding of Fact/PSUP15-003
- Exhibit #14:* Specific Finding of Fact/PSUP15-003
- Exhibit #15:* Letter from the Wade Trim dated May 29, 2015
- Exhibit #16:* Proposed Regulation/Meter Site

**OTSEGO COUNTY
LAND USE SERVICES**

PERMIT NO: PSUP 15-003

1322 Hayes Road
Gaylord, MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419

APPLICATION FOR SPECIAL USE PERMIT

Date: 4-15-15

Tax Parcel Number: 090-017-100-010-00 Twp: Otsego LA Sec 17 N 29, R 03 W

Property location: (REQUIRED)

Address: 117 Old State Rd City: Gaylord State: MI Zip: 49735

Applicant:

Name: Tom Doherty Phone No. (616)-260-2035

Address: 609 Bjarnson City: Rapid State: MI Zip: 49307

Property Owner: (If different from applicant)

Name: DTE Gas Co. Phone No. (616)-260-2035

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

Description of project and proposed use:

see attached letter

Signature of Applicant:

Tom Doherty

Date:

4-15-15

*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: _____



Tom Dahlman
Senior Landman
DTE Gas Company
609 Bjomson
Big Rapids, Michigan 49307
(616) 260-2035
DahlmanT@DTEenergy.com

April 15, 2015

Christine Boyak-Wohlfeil
Otsego County Equalization
1322 Hayes Road
Gaylord, Michigan 49735

**Re: Special Use Permit Application
Gaylord Inter-Connect Site
Section 17, T29N-R3W
Otsego Lake Township, Otsego County, Michigan**

Dear Ms. Wohlfeil

DTE Gas Company proposes the construction of a natural gas inter-connect site on land it currently owns in Otsego Lake Township. Such facility will allow DTE to flow gas produced in the greater Otsego County production area into its' distribution system which serves Gaylord and all points extending northerly to Mackinaw City. The existing source of gas originates in Sherman Township, Gladwin County.

DTE Gas Company submits the following in support of its application for a special use permit:

- Application
- \$700.00 application fee(check #49868)
- Site plan drawing and rendering

It is my understanding on May 18, 2015 the Otsego County Planning Commission will discuss this matter at its meeting on May 18, 2015.

Should have questions feel free to contact the undersigned.

Sincerely

A handwritten signature in black ink, appearing to read "Tom Dahlman", written over a horizontal line.
Tom Dahlman

**OTSEGO COUNTY
LAND USE SERVICES
1322 HAYES RD
GAYLORD, MI 49735
www.otsegocountymi.gov**

APPLICATION FOR SITE PLAN REVIEW

Applicant:

Name: DTE Energy Owner/Agent/Other interest (circle one)

Address: 117 Old State Road, Gaylord, MI 49734

Phone: _____ Fax: _____

Property Owner: (if different from applicant)

Name: _____

Address: _____

Phone: _____ Fax: _____

Property Location:

Township: Otsego Section 11 Town 29N Range 3W Zoning District: B-1

Site Address: 117 Old State Road, Gaylord, MI 49734

Parcel Code: 090 - 017 - 100 - 010 - 00 PID

Description of Project and Proposed Use:

Construct a new gas metering and regulation facility on existing DTE Gas Company property.

Facility will consist of a gas filter/separator, stock tank, metering, heating, regulation, and odorization. There will be two unoccupied buildings located at this facility, one for gas regulation and one for communications, gas quality monitoring and odorization.

The facility will be operated and remotely monitored by DTE Gas Company - Gas Control Center, located in downtown Detroit, Michigan. Security for this site will be provided by a security fence along with locked gates at the site entry. Lighting for site will be provided by one yard light along with entry door lighting at each building. Additional security features will be remotely monitored by DTE Energy - Corporate Security, located in downtown Detroit, Michigan.

Signature of Applicant: _____ **Date:** _____

*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, 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: _____
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 is Owner. _____
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: _____
7. Name and address of the engineer, architect and/or land surveyor.
Yes No NA if "NA" explain: _____
8. Project title.
Yes No NA if "NA" explain: _____
9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.
Yes No NA if "NA" explain: _____
10. A vicinity map drawn at a scale of 1"=2000' with North point indicated.
Yes No NA if "NA" explain: _____
11. The gross and net acreage of all parcels in the project.
Yes No NA if "NA" explain: _____
12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
Yes No NA if "NA" explain: _____
13. Project completion schedule/development phases.
Yes No NA if "NA" explain: construction anticipated in 2017. _____
14. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. 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: _____
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: _____

18. Location and type of significant existing vegetation.

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: There are no ex water courses or bodies of water within 50'

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: _____

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: All proposed work is on site. No additional streets are proposed.

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: No loading areas are proposed.

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

Yes No NA if "NA" explain: No sidewalks, paths are proposed.

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: No common areas on-site.

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

Yes No NA if "NA" explain: no additional signs are proposed.

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: Lighting will be for emergency use only.

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: _____

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

Yes ___ No ___ NA if "NA" explain: No new landscaping is proposed. Use of ex natural features.

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

Yes ___ No ___ NA if "NA" explain: No trash receptacles are proposed.

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: No significant site amenities or unique natural features.

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

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

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

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

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

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

40. Paid appropriate fees to Otsego County.

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

PSUP15-003/DTE ENERGY
 117 OLD STATE RD
 090-017-100-010-00



ZONING LEGEND

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

Exhibit 2

Parcel Number: 69-090-017-100-010-00

Jurisdiction: OTSEGO LAKE TOWNSHIP

County: OTSEGO

Printed on

09/09/2015

| Grantor | Grantee | Sale Price | Sale Date | Inst. Type | Terms of Sale | Liber & Page | Verified By | Prcnt. Trans. | | |
|---|---------|---|-----------|---------------------------------------|----------------------------|----------------|-------------------|-------------------------|----------------|---------------|
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| Property Address | | Class: 202 Commercial Str | | Zoning: B-3 | Building Permit(s) | Date | Number | Status | | |
| 117 OLD STATE RD | | School: Gaylord Community | | | SIGNS | 07/18/2014 | PB14-0415 | | | |
| Owner's Name/Address | | P.R.E. 0% | | | SIGNS | 07/18/2014 | PZ14-159 | | | |
| MICHCON GAS CO PROPERTY TAX DEPT PO BOX 33017 DETROIT MI 48232 | | : 0.00 | | | COMMERCIAL, UTILITY BUILDI | 05/15/2014 | PB14-0107 | | | |
| | | 2015 Est TCV 338,200 (Value Overridden) | | | ZONING COMMERCIAL | 05/15/2014 | PZ14-044 | | | |
| Tax Description | | Improved X Vacant | | Land Value Estimates for Land Table . | | | | | | |
| THAT PART OF E 1/2 OF NE 1/4 LYING NWLY OF I75 R/W SEC 17 T29N R3W | | Public Improvements | | Description | Frontage | Depth | Front Depth | Rate %Adj. Reason | Value | |
| Comments/Influences | | Dirt Road | | | | | 11.240 Acres | 0 100 | 0 | |
| | | Gravel Road | | | | | 11.24 Total Acres | Total Est. Land Value = | 0 | |
| | | Paved Road | | | | | | | | |
| | | Storm Sewer | | | | | | | | |
| | | Sidewalk | | | | | | | | |
| | | Water | | | | | | | | |
| | | Sewer | | | | | | | | |
| | | Electric | | | | | | | | |
| | | Gas | | | | | | | | |
| | | Curb | | | | | | | | |
| | | Street Lights | | | | | | | | |
| | | Standard Utilities | | | | | | | | |
| | | Underground Utils. | | | | | | | | |
| | | Topography of Site | | | | | | | | |
| | | Level | | | | | | | | |
| | | Rolling | | | | | | | | |
| | | Low | | | | | | | | |
| | | High | | | | | | | | |
| | | Landscaped | | | | | | | | |
| | | Swamp | | | | | | | | |
| | | Wooded | | | | | | | | |
| | | Pond | | | | | | | | |
| | | Waterfront | | | | | | | | |
| | | Ravine | | | | | | | | |
| | | Wetland | | | | | | | | |
| | | Flood Plain | | | | | | | | |
| | | | | Year | Land Value | Building Value | Assessed Value | Board of Review | Tribunal/Other | Taxable Value |
| | | Who | When | What | 2015 | 169,100 | 0 | 169,100 | | 101,788C |
| | | | | | 2014 | 171,000 | 0 | 171,000 | | 89,305C |
| | | | | | 2013 | 178,700 | 0 | 178,700 | | 87,899C |
| | | | | | 2012 | 189,700 | 0 | 189,700 | | 85,839C |

The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan

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

RECORDED IN DEEDS

6
5
4
3
2
1
0

6-14-72

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX

Dept. of Justice

0.4.95

ORIGINAL

LIBER 156 PAGE 318

WARRANTY DEED—S-601—801 (REV. 1977)
(PHOTO COPY FORM) For Public Sale, etc.

This Indenture, made May 18, 1972
BETWEEN The Otsego County Road Commission,
720 South Otsego Avenue, Gaylord, Michigan,

LIBER 157 PAGE 528

1 party of the first part,
and Michigan Consolidated Gas Company,

1 party of the second part,
whose address is One Woodward Avenue, Detroit, Michigan,
WITNESSETH, That the said party of the first part, for and in consideration of Four Thousand, Five Hundred Dollars (\$4,500.00)

to him in hand sold by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, ~~XXXXXX~~ its successors and assigns, FOREVER, all that certain piece or parcel of land situate and being in the Township lying NW 1/4 of I-75 R/W, of Otsego Lake, County of Otsego, and State of Michigan, and described as follows, to-wit:
All that part of the East 1/2, of the Northeast 1/4 of Section 17, R3W, Otsego Lake Township, Otsego County, Michigan, also described as: Commencing at the Northeast corner of said Section 17; thence North 87°41'03" West, along the North line of said Section (also being the centerline of Old State Road 66 feet wide), 1085.47 feet, to the point of beginning; thence continue North 87°41'03" West, along said North Section line, 507.54 feet; thence South 03°06'01" West, along the East 1/8 line 1086.00 feet; thence Northeasterly along the Westerly R/W line of Highway I-75 on a curve to the right have an arc distance of 256.07 feet, a delta of 03°43'43", a radius of 3934.72 feet, a long chord of 256.03 feet and a long chord bearing of North 26°32'41.5" East; thence continuing along said Westerly R/W line of Highway I-75, North 28°24'33.5" East, 948.77 feet to the point of beginning and containing approximately 6.33 acres and being subject to easements of record; reserving to the party of the first part all oil, gas and other mineral rights, except gravel.

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

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

When applicable, pronouns and relative words shall be read as plural, feminine or neuter.

In Witness Whereof, The said party of the first part has hereunto set his hand this 18 day and year first above written.

Otsego County Road Commission

Signed, and Delivered in Presence of

By Alfred Coon
Chairman Alfred Coon

L. D. Bowers
L. D. Bowers

By Charles M. Piehl
Clerk Charles M. Piehl

Jack A. Holt
Jack A. Holt

OTSEGO COUNTY Treasurer's Office
Gaylord, Mich.
June 14 1972
I hereby certify that according to our records all taxes referred to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of collection.
COUNTY TREASURER

STATE OF MICHIGAN,

COUNTY OF OTSEGO
to me known to be the same person described in and who executed the acknowledged the same to be his act and deed.

This deed is being re-recorded to correct an error in the description as previously recorded. This deed is exempt from the real estate transfer tax because it is a deed confirming title already vested in the Grantee (M.S.A. 7.456(3)(1).

4. MIKA, MEYERS, BECKETT & JONES
311 Waters Building
Grand Rapids, Michigan 49502
(Hunter H. Watson)

SEE FOOT NOTES ON OTHER SIDE

(OVER)

- 1. Name and address of each person executing this instrument and of each Grantee is required.
 - 2. State total consideration unless affidavit of value to be attached.
 - 3. When conveyance is made to a Corporation or Partnership, draw a line through "His heirs" and insert "its successors".
 - 4. Name and business address of person who drafted this instrument.
- * Names of Witnesses, Notary Public, and persons executing this instrument must be printed, typewritten or stamped immediately beneath the signature of such person.

STATE OF MICHIGAN)
) ss:
 COUNTY OF OTSEGO)

On this 18th day of May, 1972, before me appeared Alfred Coon and Charles N. Piehl, to me personally known, who being by me duly sworn, did say that they are the Chairman and Clerk, respectively, of the Otsego County Road Commission, and that said instrument was signed in behalf of said Commission by authority of said Road Commissioners, and that said persons acknowledged said instrument to be the free act and deed of said Otsego County Road Commission.

Betty J. Simmons Betty J. Simmons
 Notary Public, Otsego County,
 Michigan. My Commission Expires:
 July 27, 1975

STATE OF MICHIGAN) RECORDED
 COUNTY OF OTSEGO)
 1972
 JUNE 10 10 22 AM '72
 12 M.
Therese A. Reed
 REGISTER OF DEEDS

001
 WARRANTY DEED
 (PHOTOCOPY)—SHORT FORM

10

REGISTER'S OFFICE.
 County of OTSEGO
 This instrument was presented and received for
 record this 18th day of
 MAY 1972, at _____ P. M.,
 of _____
 recorded in Liber _____ of Deeds,
 on page _____ as a proper certificate
 was furnished in compliance with Section 3911,
 Compiled Laws of 1925, as amended by Act 261,
 P. A. of 1931.
Therese A. Reed
 Register of Deeds

MARK TOI
 MICH. REELS, REGIST & JONES
 ATTORNEYS AT LAW
 SUITE 311 WATERS BUILDING
 GRAND RAPIDS, MICHIGAN 49502

THE REGIE PRESS, INC., FLINT, MICHIGAN



RCUD DEC413-1:17

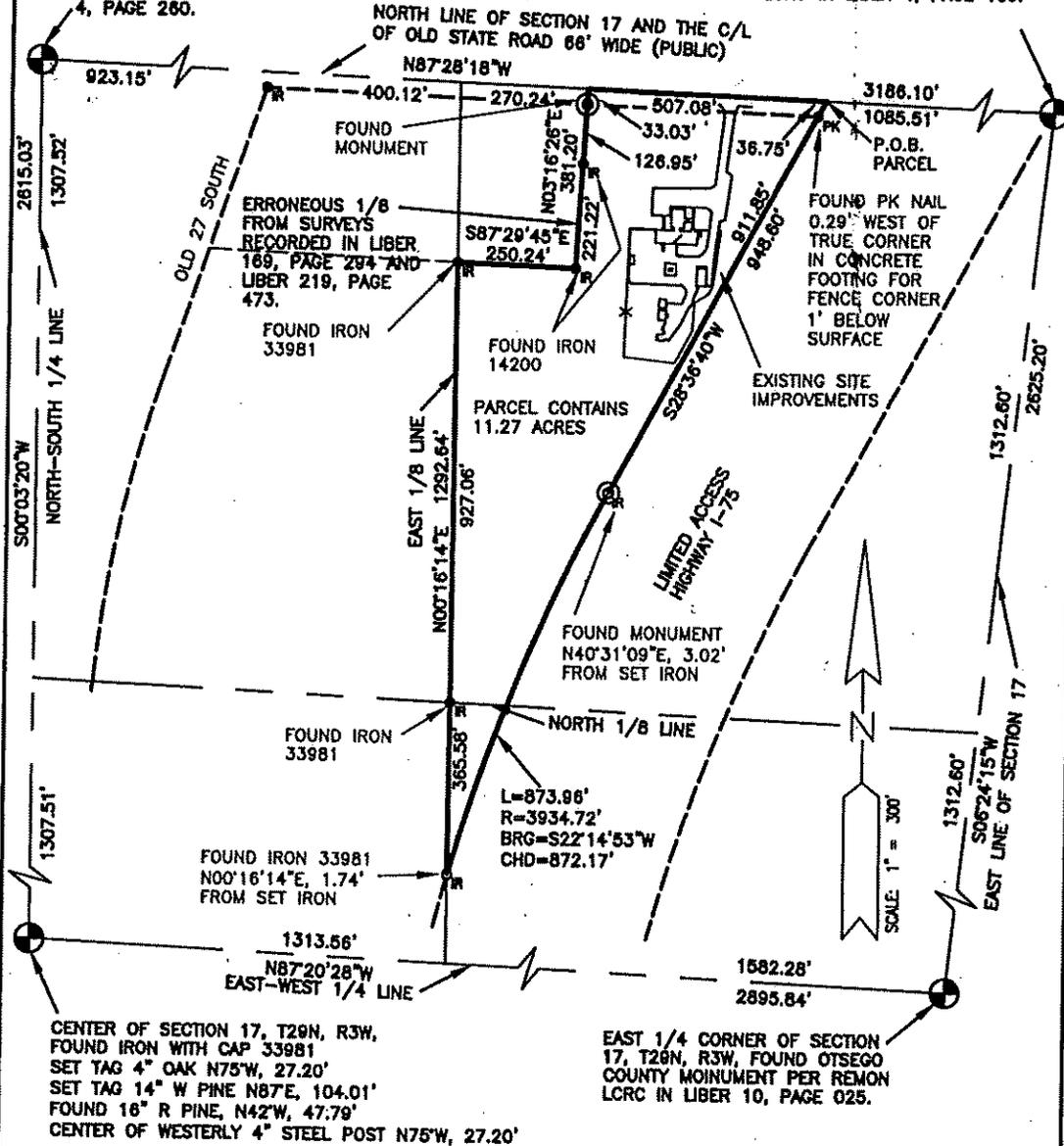
CERTIFICATE OF SURVEY

LEGEND:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. "O_R" = 1/2" BARS WITH IDENTIFICATION CAPS HAVE BEEN SET UNLESS NOTED OTHERWISE.
3. _____ = DESCRIBED BOUNDARY LINE.
4. ALL BEARINGS ARE RELATIVE AND REFERENCED TO NAD 83 STATE PLANE COORDINATES, CENTRAL ZONE, INTERNATIONAL FEET.

NORTH 1/4 CORNER OF SECTION 17, T29N, R3W, FOUND IRON WITH REMON CAP IN MONUMENT BOX PER REMON LCRC IN LIBER 4, PAGE 280.

NORTHEAST CORNER OF SECTION 17, T29N, R3W, FOUND IRON IN MONUMENT BOX PER REMON LCRC IN LIBER 4, PAGE 100.



| | | |
|-----------------|------------------|-----------------------|
| BOOK #: | PAGE #: | SEC. 17 , T29N , R03W |
| DRAWN BY: JSC | COMPUTED BY: JSC | JOB #: DE02066-01B |
| CHECKED BY: ABC | SURVEYED BY: JLH | SHEET: 1 OF 2 |

FOR:
DTE ENERGY
LAND AND SURVEY
DEPARTMENT
609 BJORNSON
BIG RAPIDS, MI 49307

WADE TRIM
271 West McCoy Road, P.O. Box 618
Gaylord, MI 49735
889.732.3584/800.968.4440
FAX: 889.732.5391
www.wadetrtrim.com Building relationships on a foundation of excellence

STATE OF MICHIGAN
JASON CAVERSON
PROFESSIONAL SURVEYOR
No. 46658
LICENSED PROFESSIONAL SURVEYOR

11-36-13

© Wade Trim Group, Inc.



CERTIFICATE OF SURVEY

LEGAL DESCRIPTION PER SURVEY

A parcel of land on part of the Northeast 1/4 of Section 17, T29N, R3W, Otsego Lake Township, Otsego County, Michigan, being described as: Commencing at the Northeast corner of said Section 17, thence N87°28'18"W, 1085.51' along the North line of said Section 17 to the POINT OF BEGINNING; thence S28°36'40"W, 948.60' along the West right of way line of Limited Access Highway I-75; thence continuing along said right of way 873.96' along a curve to the left, said curve having a radius of 3934.72' and a chord of 872.17' bearing S22°14'53"W to the East 1/8 line of said Section 17; thence N00°16'14"E, 1292.64' along said 1/8 line; thence S87°29'45"E, 250.24'; thence N03°16'26"E, 381.20' to the North line of said Section 17; thence S87°28'18"E, 507.08' along said North line to the Point of Beginning, containing 11.27 acres. Being subject to a 33' wide easement for Old State Road over and across the North 33' thereof.

SURVEY MINUTES

090-017-100-010-00

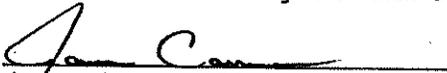
The purpose of this survey was to establish the correct boundary of the parcel that is described in the Certificate below. During the initial survey of this parcel recorded in Liber 169, Page 294, Otsego County Records, the East 1/8 line was established by subdividing the Northeast 1/4 of Section 17 per BLM instructions. However, during the dependent resurvey of T29N, R3W, the GLO survey shows a distance of 28.15 chains from the Northeast corner of Section 17 to the East 1/8 corner on the North line. Therefore, the East 1/8 line would have to be prorated to the current measurements between the Northeast corner and the North 1/4 corner of Section 17. Subsequently, a survey of the adjacent property to the West, Recorded in Liber 219, Page 473 and 474, Otsego County Records, held and used the erroneous 1/8 line that was previously surveyed in Liber 169, Page 294. Once the error was discovered, the parties involved agreed to a Quit Claim deed recorded in Liber 585, Page 732, Otsego County Records, to resolve the discrepancies. The aforementioned Quit Claim deed, deeded the North 381.37' of land between the true East 1/8 line and the erroneous 1/8 line to the adjacent property to the West. This survey shows a true representation of the correct East 1/8 line location and the resulting boundary reflected by the Quit Claim deed mentioned above.

CERTIFICATE OF SURVEY

I hereby certify to the parties named hereon that we have surveyed at the direction of said parties, a tract of land previously described as:

All that part of the East 1/2 of the Northeast 1/4 of Section 17 lying Northwesterly of I-75 R/W, T29N, R3W, Otsego Lake Township, Otsego County, Michigan, EXCEPT the North 381.37' of that part of a parcel recorded in Liber 219, Page 474, of Otsego County Register of Deeds, lying East of the East 1/8 line of said Section 17.

and that we have found or set, as noted hereon, permanent markers to all corners and angle points of the boundary of said tract; and that the more particular legal description of said tract is as designated hereon. This survey complies with the requirements of P.A. 132 of 1970. This survey was performed with an unadjusted error of closure of no greater than a ratio of 1 in 5,000.


 Jason Coverson, PS 11-26-13
 Registration No. 46658

| | | |
|-----------------|------------------|-----------------------|
| BOOK #: | PAGE #: | SEC. 17 , T29N , R03W |
| DRAWN BY: JSC | COMPUTED BY: JSC | JOB #: DED2066-01B |
| CHECKED BY: ABC | SURVEYED BY: JLH | SHEET: 2 OF 2 |

FOR:
 DTE ENERGY
 LAND AND SURVEY
 DEPARTMENT
 609 BJORNSON
 BIG RAPIDS, MI 49307

 **WADE TRIM**

271 West McCoy Road, P.O. Box 618
 Gaylord, MI 49735
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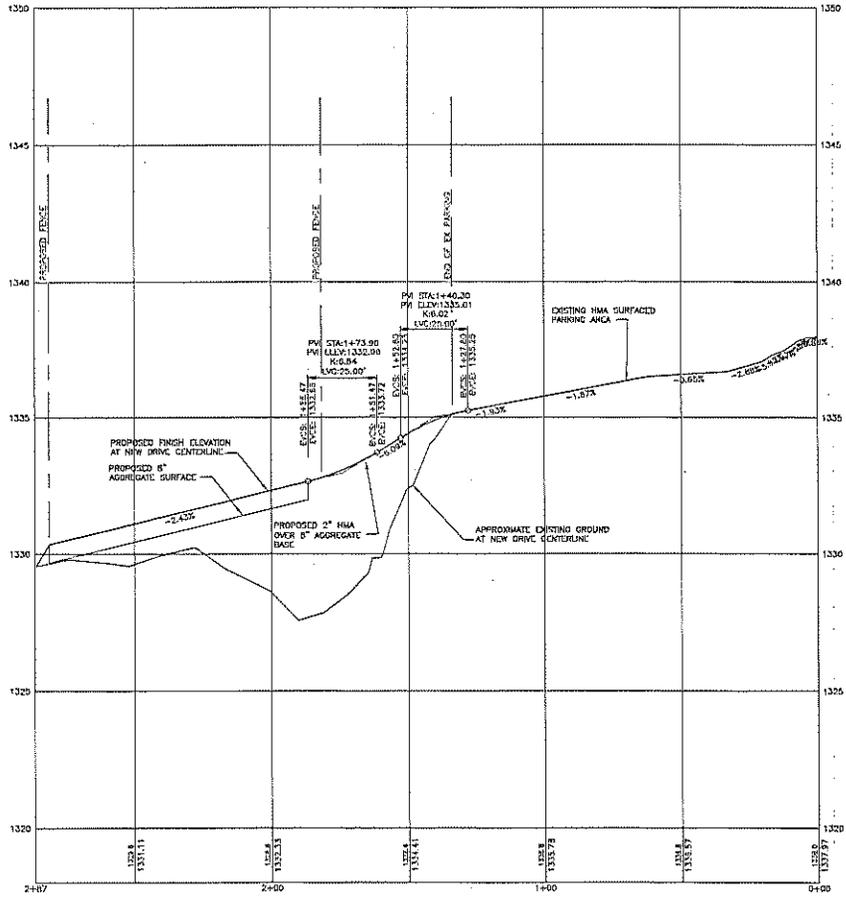


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PROJECT: MICHIGAN GAS REGULATION FACILITY - 117 OLD STATE ROAD - NEW METERING & REGULATION FACILITY - 117 OLD STATE ROAD - NEW METERING & REGULATION FACILITY
 DRAWING NO.: C-4 - ALL SIZE DIMENSIONS IN FEET UNLESS OTHERWISE NOTED
 DATE: 07/21/14



Know what's below.
Call before you dig.



NEW ACCESS DRIVE PROFILE
 SCALE: 1" = 20' VERT.
 1" = 2' HORIZ.



| DTE ENERGY / MICHIGAN GAS GAYLORD T&SO 117 OLD STATE ROAD GAS METERING & REGULATION FACILITY NEW METERING & REGULATION FACILITY NEW PROFILE | | | | | | | | | | | | | | | | |
|---|---|-------------|------|-------------|--|--|--|--|--|--|--|--|--|--|--|--|
| DRAWN FOR: DATE: 07/21/14 SHEET NO.: 07/21/14 PROJECT NO.: 07/21/14 DRAWN BY: [Name] CHECKED BY: [Name] | WADETRIM 117 OLD STATE ROAD GAYLORD, MI 49735 PHONE: 616-937-1111 FAX: 616-937-1112 WWW.WADETRIM.COM | | | | | | | | | | | | | | | |
| DEED07056-03B C-4 | REVISIONS <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> | NO. | DATE | DESCRIPTION | | | | | | | | | | | | |
| NO. | DATE | DESCRIPTION | | | | | | | | | | | | | | |
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TUBE STEEL PROPERTIES
ASTM A-500, GRADE "C", F_y = 46,000 PSI

| | |
|---|---|
| WALL FRAME GIRTS, TRUSS WEBS, PURLIN BRACING AND BOTTOM CHORD | <p>SECTION: 7" x 4" x 0.283"</p> <p>AREA: A = 0.9064 IN²</p> <p>MOMENT OF INERTIA: I = 0.316 IN⁴</p> <p>SECTION MODULUS: S_x = 0.916 IN³</p> <p>RADIUS OF GYRATION: r_x = 0.743 IN</p> <p>MINIMUM TENSILE STRENGTH: 44,000 PSI</p> |
| TOP CHORD | <p>SECTION: 7" x 4" x 0.283"</p> <p>AREA: A = 0.9064 IN²</p> <p>MOMENT OF INERTIA: I = 2.653 IN⁴</p> <p>SECTION MODULUS: S_x = 1.971 IN³</p> <p>RADIUS OF GYRATION: r_x = 1.742 IN</p> |

TOP CHORD CALCULATIONS

LENGTH / RADIUS OF GYRATION = $L/r = 15.0 / 1.742 = 8.61$

ALLOWABLE AXIAL COMPRESSIVE STRESS = $F_a = 19,571$ PSI

ALLOWABLE BENDING STRESS = $F_b = 20,000$ PSI

COMPUTED AXIAL STRESS = $F_a = 19,571$ PSI

COMPUTED BENDING STRESS = $F_b = 19,571$ PSI

COMBINED AXIAL COMPRESSIVE AND BENDING STRESS = $F_c = 19,571$ PSI

ALLOWABLE COMBINED STRESS = $F_c = 19,571$ PSI

USE 1/4" DIA. TUBES = 2 @ 1.071 IN²

USE 1/4" DIA. TUBES = 2 @ 1.071 IN²

PURLIN CALCULATIONS

TOTAL ROOF LOAD: 30 PSF

PURLIN SPACING: 14'-0" O.C. = 30 O.N. = TO P.L.F.

MOMENT = $M = 1.2 \times 30 \times 14^2 / 8 = 571.2$ FT. LBS.

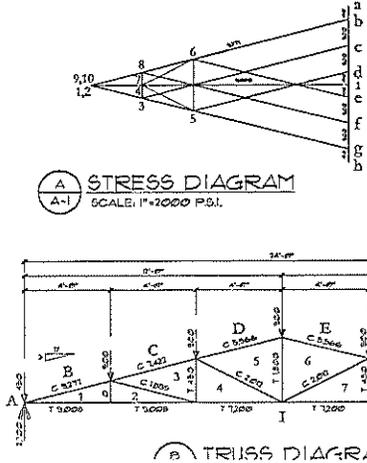
SECTION MODULUS = 1.971 IN³

ALLOWABLE BENDING STRESS = 20,000 PSI

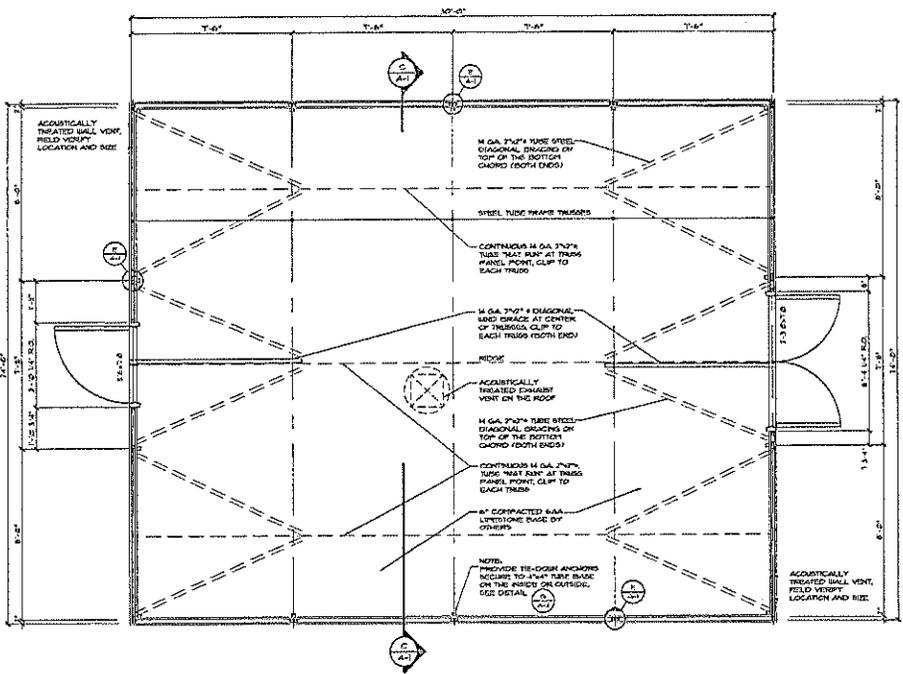
USE 1/4" DIA. TUBES = 2 @ 1.071 IN²

USE 1/4" DIA. TUBES = 2 @ 1.071 IN²

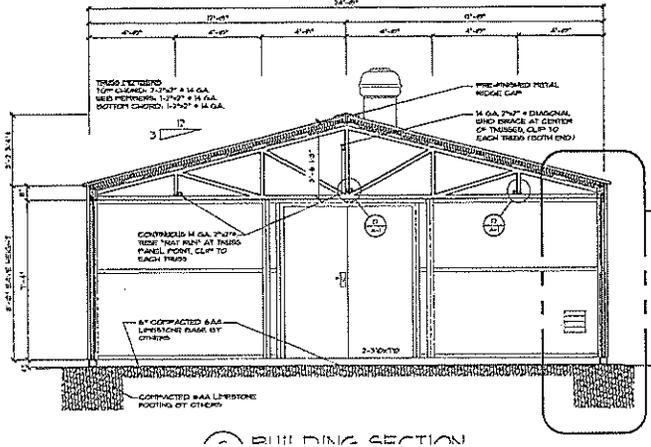
(A) STRESS DIAGRAM
SCALE: 1" = 2000 P.S.I.



(B) TRUSS DIAGRAM



FLOOR & ROOF FRAMING PLAN
SCALE: 1/4" = 1'-0"

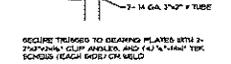


(C) BUILDING SECTION

(D) FRAME DETAIL
SCALE: 1/2" = 1'-0"



(E) FRAME DETAIL
SCALE: 1/2" = 1'-0"



GENERAL NOTES

1. Construction to comply with the 2006 Michigan Building Code.
2. Do not scale drawings. (Use dimensions). Verify all existing dimensions and existing conditions before installation.
3. All Building Plans shall be submitted to the Building Official for Plan Review. Notify Architect of any plan review comments prior to construction.
4. Tube steel shall be ASTM A-500 grade "C". All other steel shall be A 36 grade.
5. All welding shall be performed according to AWS and AISC Standards.
6. Contractor shall provide temporary bracing for the structure and structural components until all final connections have been complete in accordance with the plans.
7. Portable fire extinguishers shall be provided by the owner in accordance with the International Fire Code.



CODE COMPLIANCE

CODE: 2006 MICHIGAN BUILDING CODE
USE GROUP: U - UTILITY
REGULATORY BUILDING
TYPE OF CONSTRUCTION: I - NON-COMBUSTIBLE WITHOUT AUTOMATIC SPRINKLER SYSTEM
HEIGHT AND AREA CALCULATION:
1. STORY: 10 FEET
ACTUAL BUILDING HEIGHT: 11'-6 1/2"
HABITABLE AREA: 486 SF
ACTUAL BUILDING AREA: 109 SF
OCCUPANT LOAD: 3 PERSONS
NOTES:
THIS BUILDING SHALL BE LOCATED GREATER THAN 5 FEET FROM ANY PROPERTY LINE OR GAS/LINE OR FIRE HYDRANT. ANY OTHER BUILDINGS ON THE SAME SITE, NOTIFY ARCHITECT IN LEAD.
WIND VENT FACED BUILDING. WIND-UPON SHALL HAVE A WIND SPREAD INDEX NOT GREATER THAN 20 AND A WIND DEVELOPMENT SPEED NOT GREATER THAN 40. THE BUILDING SHALL PROVIDE TO THE BUILDING OFFICIAL MANUFACTURER'S LITERATURE WITH THIS INFORMATION FOR THEIR RECORD.

LOAD SUMMARY

| | |
|--|--------|
| DESIGN WIND LOAD (PSF) | 20 PSF |
| WIND EXPOSURE FACTOR = C _e | 1.0 |
| WIND DIRECTION FACTOR = C _d | 1.0 |
| WIND CATEGORY = II | 1.0 |
| WIND PRESSURE COEFFICIENT = C _f | 0.85 |
| WIND TOTAL LOAD (PSF) | 17.0 |
| ROOF WIND LOAD (PSF) | 17.0 |
| WIND TOTAL LOAD (PSF) | 17.0 |
| ROOF WIND LOAD (PSF) | 17.0 |
| WIND TOTAL LOAD (PSF) | 17.0 |
| ROOF WIND LOAD (PSF) | 17.0 |
| WIND TOTAL LOAD (PSF) | 17.0 |

NOTE:
THIS UTILITY BUILDING WILL NOT BE USED BY THE GENERAL PUBLIC AND IS NOT DESIGNED FOR

REVISIONS

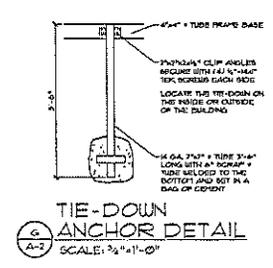
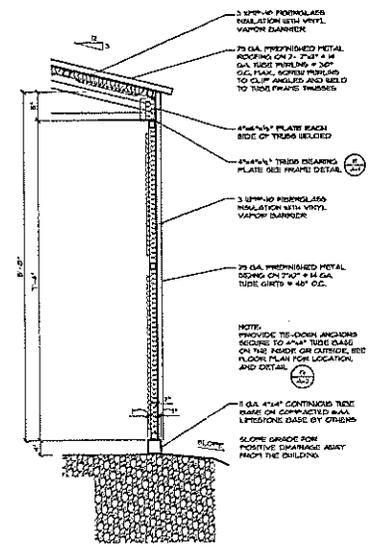
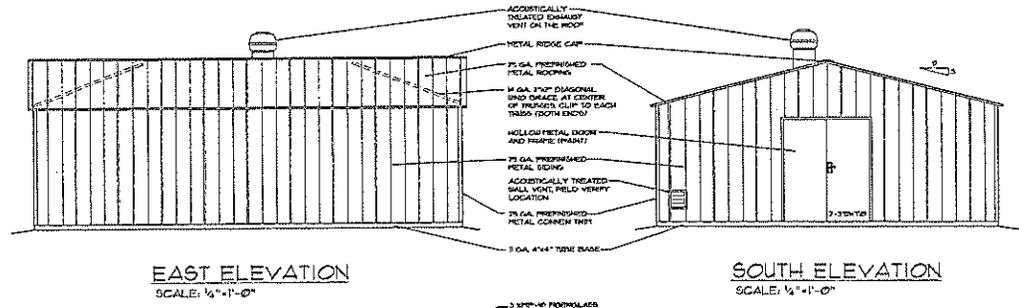
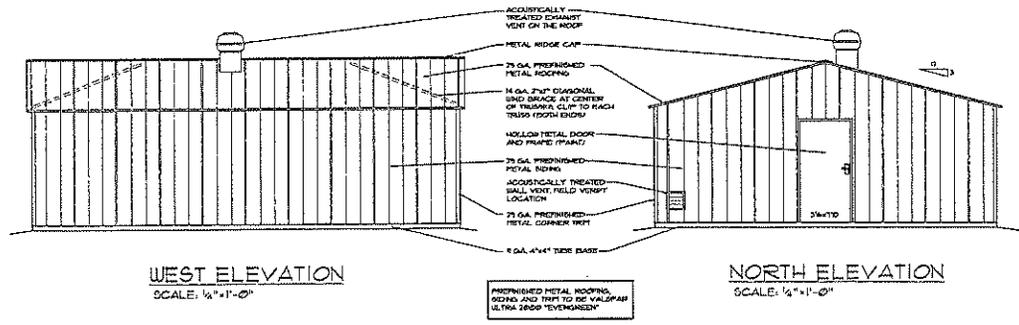
| | | |
|-----|------|-------------|
| NO. | DATE | DESCRIPTION |
| | | |

Thomas I. O'Brien
Architect Inc.
237 SOUTH 47TH STREET
ANN ARBOR, MICHIGAN 48106
PHONE: (313) 247-1111
FAX: (313) 247-1111

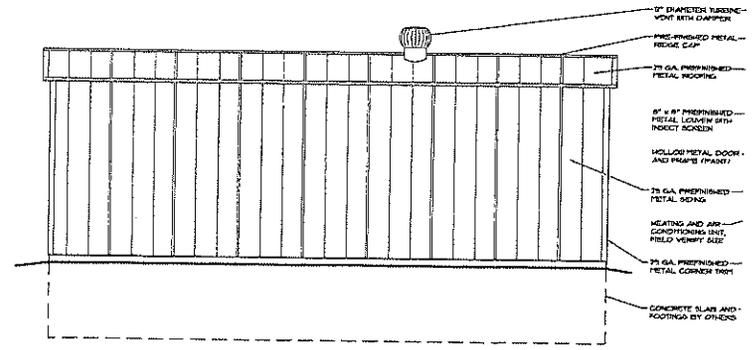
BUILDERS
LARSON CONSTRUCTION
10000 W. MICHIGAN AVE.
RIVERVIEW, MICHIGAN 48070
PHONE: (313) 288-8416 FAX: (313) 290-1460

FOR FRAMING BUILDING FOR:
MICH CON GAS CO.
8390 RAISONVILLE ROAD
BELLEVILLE, MICHIGAN 48111

DATE: FEBRUARY 19, 2009
PROJECT NUMBER: 200911-C
DRAWN BY: TIG
CHECKED BY: TIG
SHEET: A 1

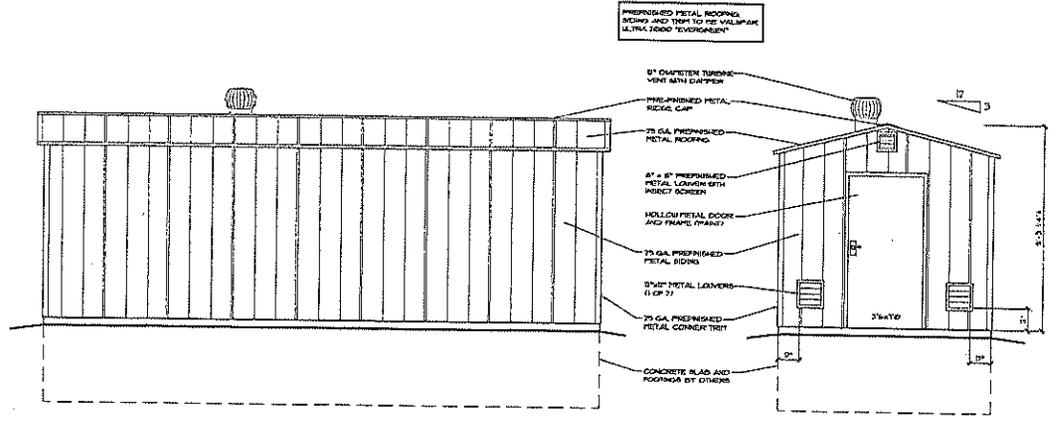


CROSS SECTION



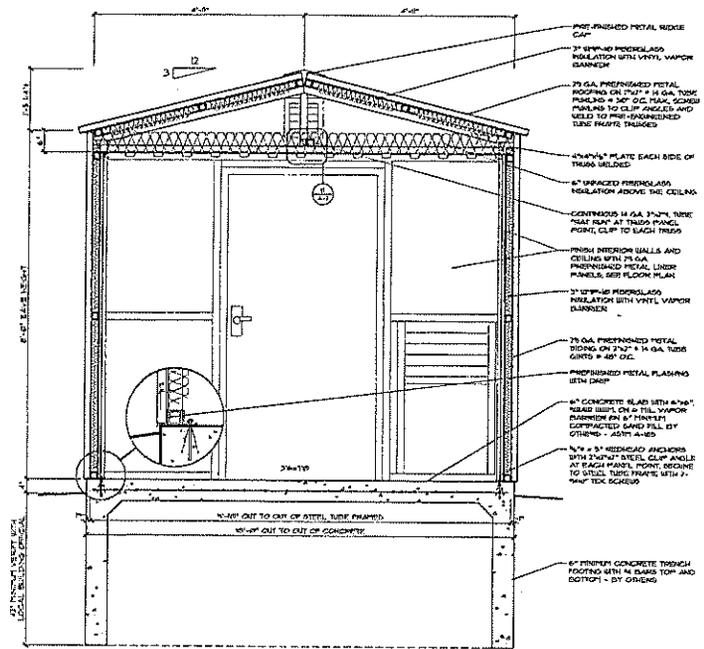
NORTH ELEVATION
SCALE: 3/8"=1'-0"

EAST ELEVATION
SCALE: 3/8"=1'-0"

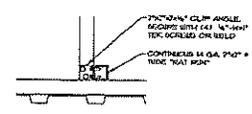


SOUTH ELEVATION
SCALE: 3/8"=1'-0"

WEST ELEVATION
SCALE: 3/8"=1'-0"



D BUILDING SECTION
SCALE: 1/4"=1'-0"



E FRAME DETAIL
SCALE: 1/2"=1'-0"



Tom Dahlman
Senior Landman
DTE Gas Company
659 Bjornson
Big Rapids, Michigan 49307
(616) 260-2035
DahlmanT@DTEenergy.com

May 21, 2015

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

**Re: DTE Gas Company
117 Old State Road
Tax id. # 17-100-010-00
Section 17, T29N-R3W
Otsego Lake Township, Otsego County, Michigan**

Attention:

DTE Gas Company(formerly Michigan Consolidated Gas Company) is the owner of the subject parcel.

The undersigned is authorized to act upon the affairs of the company.

Sincerely

A handwritten signature in black ink that reads "Tom Dahlman". The signature is written in a cursive, flowing style.

Tom Dahlman

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE

September 21, 2015

The Otsego County Planning Commission will hold three (3) public hearings on Monday, September 21, 2015 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1) DTE Energy has requested a Special Use Permit/Site Plan Review for property located in Otsego Lake Township at 117 Old State Rd Gaylord, MI 49735. The proposed use of the property is the installation of an inter connect to expand natural gas coverage to surrounding areas. The property is located in a B3/Business & Light Manufacturing Zoning District. Utility and essential service buildings when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity and above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids are permitted uses subject to special conditions in the B3 Zoning District.

Parcel identification number: **090-017-100-010-00**
117 Old State Rd
Gaylord, MI 49735

Legal Description:

COMM AT THE NE COR OF SEC 17, TH N87°28'18"W 1085.51 FT ALG N LN OF SEC 17 TO POB; THE S28°36'40"W 948.60 FT ALG W ROW OF I-75, TH CONT ALG SD ROW 873.96 FT ALG A CURVE TO THE LEFT HAVING A RADIUS OF 3934.72 FT AND A CHORD OF 872.17 FT BEARING S22°14'53"W TO E 1/8 LN OF SD SEC, TH N00°16'14"E 1292.64 FT ALG SD 1/8 LN, TH S87°29'45"E 250.24 FT, TH N03°16'26"E 381.20 FT TO N LN OF SEC 17, TH S87°28'18"E 507.08 ALG N LN TO POB. CONT 11.27 AC

2) Residential Excavating Inc has requested a Special Use Permit/Site Plan Review for property located in Charlton Township at 9745 Moore Dr Johannesburg, MI 49751. The proposed use of the property is to construct a guest house/garage on a parcel of property with an existing residence. The property is located in a RR/Recreation Residential Zoning District. A guest house is a permitted use subject to special conditions in the RR Zoning District.

Parcel identification number: **023-140-000-048-00**
9745 Moore Dr
Johannesburg, MI 49751

Legal Description:

LOT 48 CLEAR LAKE. SEC 7 T29N R1W.

3) Cottontails Inc is requesting a property rezone located in Bagley Township from a B1/Local Business Zoning District to a B2/General Business Zoning District to coincide with their contiguous property.

Parcel identification number: **010-021-100-020-01**
Nancy Ln
Gaylord, MI 49735

Legal Description:

COMM @ N¼ COR, TH S1°1'57"W 1142.08', TH S75°34'43"E 369.82' FOR POB, TH N37°29'20"E 249.66', TH ALG CURVE TO R 1675.48', RAD 5614.58', ANG 17°5'53", LC S29°38'22"E 1669.27', TH S0°10'9"W 446.38', TH N85°46'14"W 1218.28', TH N0°4'7"E 150.40', N85°46'14"W 150.56', TH N0°0'18"E 203.50', TH S85°11'55"E 6.46', TH N1°2'1"E 1112.92', TH S88°45'53"E 66', TH S1°2'1"W 341.25', TH S75°34'43"E 392.15', TH N1°4'11"E 550', TH N75°37'27"W 90.38' TO POB. SEC 21 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) 731-7400.



Otsego
COUNTY
M I C H I G A N

**Department of
Land Use Services**

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

June 8, 2015

Otsego Lake Township
PO Box 99
Waters, MI 49797

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

If you require the applicant, Tom Dahlman, representative for DTE Energy to be present at your meeting, he can be notified at the following:

DTE Gas Company
Tom Dahlman
609 Bjornson St
Big Rapids, MI 49307

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

August 12, 2015

Mr. Vern Schlaud
Director
Otsego County Land Services
1322 Hayes Road
Gaylord, Mi 49735

Dear Mr. Schlaud,

The Otsego Lake Township Planning Commission reviewed the following Special Use Permit applications at its August 6, 2015 meeting:

1. PSUP 15-003, Parcel 090-0117-100-010-00, DTE Energy, 117 Old State Rd, Gaylord, Mi. The Otsego Lake Township Planning Commission recommended approval of the special use permit and the addition height required for the 6 foot chain link fence with 3 strands of barbed wire.
2. PREZ15-002, Parcel 090-028-300-010-01, Johnson Oil Company, 900 Marlette Rd., Gaylord, Mi. The Otsego Lake Township Planning Commission does not recommend a rezone of the property from HX to B3. The Commission does not feel this rezone is supported by the Otsego County Master Plan and Future Land Use Map.

Thank you for the opportunity to provide input of these permits.

Sincerely,



Secretary

| OWNERS WITHIN THREE HUNDRED FEET (300') | | | | | | |
|---|------------------|----------------------|-----------------|-----------|----|-------|
| PARCEL NUMBER | PROPERTY ADDRESS | OWNER NAME | OWNER ADDRESS | | | |
| 090-017-100-015-00 | 17 OLD STATE RD | M&M EXCAVATING | 17 OLD STATE RD | GAYLORD | MI | 49735 |
| 090-017-100-020-00 | | MICHCON GAS CO | PO BOX 33017 | DETROIT | MI | 48232 |
| 090-017-100-025-00 | 27 OLD STATE RD | M&M EXCAVATING | 17 OLD STATE RD | GAYLORD | MI | 49735 |
| 090-017-100-033-00 | 8073 OLD 27 S | STATE OF MICHIGAN | PO BOX 30028 | LANSING | MI | 48909 |
| 091-410-029-001-00 | 7971 WHITE ST | KUCKA - VENCHENKO | 7971 WHITE ST | GAYLORD | MI | 49735 |
| 091-410-030-001-00 | 1287 HEMLOCK ST | ELLIOTT FAMILY TRUST | 26010 RONALD RD | ROSEVILLE | MI | 48066 |
| 091-410-031-001-00 | | ELLIOTT FAMILY TRUST | 26010 RONALD RD | ROSEVILLE | MI | 48066 |
| 091-410-083-001-00 | | MDOT STATE HIGHWAY | PO BOX 30050 | LANSING | MI | 48909 |
| 091-410-083-002-01 | | ELLIOTT FAMILY TRUST | 26010 RONALD RD | ROSEVILLE | MI | 48066 |

Exhibit 11

PSUP15-003
DTE ENERGY
090-017-100-010-00
117 OLD STATE RD



| | |
|--------------------|--------------------|
| 090-017-100-015-00 | 091-410-029-001-00 |
| 090-017-100-020-00 | 091-410-030-001-00 |
| 090-017-100-025-00 | 091-410-031-001-00 |
| 090-017-100-033-00 | 091-410-083-001-00 |
| | 091-410-083-002-01 |

**OTSEGO COUNTY
PLANNING COMMISSION**

**PSUP15-003
Special Use Permit/Site Plan Review
090-017-100-010-00**

GENERAL FINDINGS OF FACT

1. This is a proposal for a gas inter-connect for the purpose of expanding natural gas service to surround areas. *Exhibit #1, Exhibit #6*
2. The property is located in a B3/Business & Light Manufacturing Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B3/Business & Light Manufacturing Zoning District. *Exhibit #3*
4. The property is currently under the ownership of DTE Energy and being represented by Tom Dahlman. *Exhibit #4, Exhibit #7*
5. The Public Hearing Notice was published in the Herald Times on September 4, 2015 *Exhibit #8*
6. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
7. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
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 #12*
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 #6, Exhibit #13, Exhibit #14*
- 11.

**OTSEGO COUNTY
PLANNING COMMISSION**

**PSUP15-003
Special Use Permit/Site Plan Review
090-017-100-010-00**

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 12

ARTICLE 12 B3 BUSINESS, LIGHT MANUFACTURING DISTRICT

INTENT

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

SECTION 12.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

12.2.1 All permitted use or uses subject to special conditions in the [B2](#) General Business District.

12.2.2 Auto repair garages or auto body shops, including wrecker service

12.2.3 Above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids...

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

11.2.1 All uses subject to special conditions in the [B1](#) Local Business District...

ARTICLE 10 B1 LOCAL BUSINESS DISTRICT

SECTION 10.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

10.2.1 Motels, hotels, motor inns, cabin courts, bed and breakfast facilities, tourist lodging facilities and museums

10.2.2 Gasoline service stations for sale of motor fuels, oil and minor accessories

10.2.3 Retail uses over one hundred thousand (100,000) square feet

10.2.4 Dry cleaners, laundry

10.2.5 Utility and essential service buildings when operating requirements necessitate the locating of said facilities within the District in order to serve the immediate vicinity...

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

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

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

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

21.10.2

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

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

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

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

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

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

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

21.18.2 General Performance Standards:

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

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

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

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

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

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

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

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

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

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

21.18.2.3 Existing Vegetation:

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

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

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

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

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

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

21.18.2.4 Berms constructed pursuant to [Section 21.18.3](#) shall be constructed with slopes not to exceed one to three (1:3) gradient with side slopes designed and planted to prevent

erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

21.18.3 Buffer Yards:

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

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

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

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

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

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

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

21.18.4 Roadside Greenbelt Buffers:

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

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

21.18.5 Screening of Unightly Areas:

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

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

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

21.18.6 Parking Lot Screening:

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

Landscaping design standards:

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

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

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

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

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

FINDINGS UNDER SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

- 21.19.1.3 That any light sources or light lenses are not directly visible from beyond the boundary of the site,
- 21.19.1.4 That light from any illuminated source shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
- 21.19.2 Lighting fixtures shall be a down-type having one hundred (100) percent cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test. A United States flag, Michigan flag or a flag of a veteran's organization chartered by the United States Government shall be allowed to have light illuminating them from below
- 21.19.3 There shall be no blinking, flashing, or fluttering lighting, including changes in light intensity, brightness or color, except that lights may be controlled by a dimmer which can be periodically adjusted for conditions and signs as allowed in [21.38.2.1](#). Beacon lights are not permitted except where required by law.
- 21.19.4 No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- 21.19.5 Decorative lights during holiday seasons shall be allowed.
- 21.19.6 Modification of these outdoor lighting standards may be permitted by the Zoning Board of Appeals for temporary uses of not more than ten (10) days per year, following these provisions as closely as possible.

FINDINGS UNDER SECTION 21.21

SECTION 21.21 LOADING AND UNLOADING (OFF-STREET)

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be computed separately from the Off-Street Parking Requirements and shall be provided as follows:

- 21.21.1 Within a B1 or B2 District, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building.
- 21.21.2 Within an I District, loading spaces shall be laid out in the dimensions of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with durable and dustless surface. All spaces in I Districts shall be provided in the following ratio of spaces to floor area:

| <u>GROSS FLOOR AREA</u> (In square feet) | <u>LOADING AND UNLOADING</u> <u>SPACE REQUIRED</u> |
|---|---|
| 0 - 1,400 | None |
| 1,401 - 20,000 | One (1) space |
| 20,001 - 100,000 | One (1) space plus one (1) space each 20,000 sq. ft., in excess of 20,000 sq. ft. |
| 100,001 - and over | Five (5) spaces |

- 21.21.3 All loading and unloading in I Districts shall be provided only in the rear yard, interior side yard, or exterior side yards that have a common relationship with an industrial district across a public thoroughfare.

FINDINGS UNDER SECTION 21.27

SECTION 21.27 PARKING

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

- 21.27.1 Off-street parking for other than residential uses shall be either on the same lot or within four hundred (400) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
- 21.27.2 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- 21.27.3 In the instance of dual function of off-street parking spaces where operating hours of uses do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.
- 21.27.4 The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
- 21.27.5 Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof.
- 21.27.6 The parking or storage of any commercial motor vehicle shall be prohibited in any [R1](#), [R2](#) or [RR](#) District, or in any residential area with lots of twenty thousand (20,000) square feet or less. (See definition of [COMMERCIAL MOTOR VEHICLE](#).)

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

21.27.10 Off-street Parking Schedule

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

| <u>LAND USE</u> | <u>PER UNIT OF MEASURE</u> |
|---|--|
| <u>Commercial</u> | |
| Business Office | 1 per 200 sq. ft. |
| Furniture, Appliances, Plumbers, Electricians Minor Repair Services | 1 per 800 sq. ft. of usable floor area |

NOTES

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

21.27.11 Parking Area Design Standards

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

| <u>Parking Pattern</u> | <u>Maneuvering Lane width</u> | <u>Parking Space width</u> | <u>Parking Space length</u> |
|------------------------|-------------------------------|----------------------------|-----------------------------|
| Parallel 12ft | 8ft | 23ft | |
| 30-53° 12ft | 9ft | 20ft | |
| 54-74° 15ft | 9ft | 20ft | |
| 75-90° 20ft | 9ft | 20ft | |

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

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

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

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

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

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

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

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

21.27.13 Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that the area of sufficient size to meet parking

space requirements of this article is retained as open space and the owner agrees to construct the additional parking at the direction of the Planning Commission.

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

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

FINDINGS UNDER SECTION 21.28

SECTION 21.28 PERFORMANCE STANDARDS

No use otherwise allowed shall be permitted within a Use District which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained within said area:

21.28.1 Smoke, Dust, Dirt, and Fly Ash

It shall be unlawful for any person, firm or corporation to permit the emission or discharge of any smoke, dust, dirt, or fly ash in quantities sufficient to create a nuisance within the unincorporated areas of Otsego County.

21.28.2 Open Storage

The open storage of any equipment, vehicles and all materials including wastes, shall be screened from public view, from public streets, and from adjoining properties. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet, and must meet the requirements of [Article 21.3.1](#) and [Article 19](#).

21.28.3 Glare and Radioactive Materials

Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as x-ray machine operations, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

21.28.4 Fire and Explosive Hazards

The storage, utilization, or manufacture of materials or products ranging from combustible to moderate burning, as determined by the appropriate community fire protection authority, is permitted subject to compliance with all other yard requirements, [Article 19](#), performance standards previously mentioned, and providing that the following conditions are met:

21.28.4.1 Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.

21.28.4.2 The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State Rules and Regulations as established by Public Act No. 207 of 1941 as amended.

FINDINGS UNDER SECTION 21.38

SECTION 21.38 SIGNS AND BILLBOARDS

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

21.38.1 Signs Permitted

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

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

21.38.1.3 Accessory Signs in [B](#), [HX](#) and [I](#) Districts

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

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

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

21.38.1.4 Non Accessory Signs and Billboards

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

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

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

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

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

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

21.38.2 Signs Prohibited

21.38.2.1 Signs containing flashing, intermittent or moving lights. (A sign with messages or images accomplished by instantaneous re-pixilation NOT more often than one (1) time in any sixty (60) seconds shall NOT be considered flashing, intermittent or moving and shall be ALLOWED.)

21.38.2.2 Signs with moving or revolving parts.

21.38.2.3 Signs affixed to trees, rocks, shrubs or similar natural features.

- 21.38.2.4 Signs insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic control signs or devices.
- 21.38.2.5 Signs utilizing vehicles, trucks, vans, or other wheeled devices, unless such signs are used for periods of less than seven (7) consecutive days in any ninety (90) day period, or unless such signs have been approved by the Planning Commission as meeting a special purpose, need and/or as being appropriate for the particular use.
- 21.38.2.6 Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed seven (7) days within any ninety (90) day period.
- 21.38.2.7 Signs which overhang or extend into a dedicated public right-of-way, without the written consent of the government unit having jurisdiction.
- 21.38.3 Signs Not Requiring a Zoning Permit
 - 21.38.3.1 Name Plates not to exceed two (2) square feet.
 - 21.38.3.2 Existing signs may be changed or altered so long as none of the provisions of the Zoning Ordinance are violated.
 - 21.38.3.3 Bulletin Boards that do not exceed fifteen (15) square feet for churches, public and semi-public institutions, and/or schools.
 - 21.38.3.4 Signs that have been approved in conjunction with a valid zoning permit for any principal use of use as detailed in a plot plan or site plan.
 - 21.38.3.5 Street name signs and other signs established by state, county, or township units of government when necessary for giving proper directions or otherwise safeguarding the public in any district.
 - 21.38.3.6 Non-advertising signs erected by any organization, person, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district.
 - 21.38.3.7 Temporary signs not exceeding ten (10) square feet advertising a premises being for rent, for lease, and/or for sale in any district. All such signs shall be removed within fourteen (14) days of the consummated lease or sale of the premises.
 - 21.38.3.8 Accessory signs on farms advertising stock, produce, and other farm products produced on the premises, provided the area of sign does not exceed thirty-two (32) square feet.
 - 21.38.3.9 Accessory directional signs each not to exceed two (2) square feet in area on buildings, such as but not necessarily limited to: entrance, exit, loading dock, low clearance, garage, office, warehouse, boiler room, service, and the like.
 - 21.38.3.10 Up to two (2) accessory property directional signs each not to exceed two (2) square feet in area, identifying or directing to the following: entrance, exit, visitors parking, no parking, other traffic flow directions, and similar functional signs.

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

- 21.38.4 Placement of Signs and Setbacks, Signs in any zoning district must be placed at least ten (10) feet back from any right-of-way or lot-line.
- 21.38.5 Off Premises Directory Sign – Private, Where a business use or tourist service facility is not located directly on a major tourist route, but is dependent upon passerby traffic for support, one (1) off the premises directory sign located on a County maintained road may be permitted in business or non-business districts, on each road or link or segment of road that affords access to the use, but entails a major change in the direction of travel.

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

- 21.38.6 Sign Variances, In order to provide relief for reasons of practical difficulty and to allow greater flexibility in property and use signing, the Zoning Board of Appeals may, after a public hearing, permit signs that:
 - 21.38.6.1 Exceed the maximum number of signs permitted when there is more than one (1) bordering street to serve the use.
 - 21.38.6.2 Exceed the maximum sign area for reasons of unusual setback, cooperative sign use (joint use or community type advertising), large site area, and/or natural feature limitations to attaining reasonable signing of the use.
 - 21.38.6.3 Revolve, provided it can be demonstrated that a stationary sign would not afford reasonable notice to the use.

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

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

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

FINDINGS UNDER SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

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

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

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

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

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

FINDINGS UNDER SECTION 21.43

SECTION 21.43 UNDERGROUND UTILITY WIRES

Within the area of a plat or site plan, all distribution lines for electric, communication, or similar associated services shall be placed underground. Those electric and communication facilities placed in dedicated public ways shall be installed so as not to conflict with other underground utilities. All communication and electric facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

The Planning Commission may, by resolution, waive or modify any of the above requirements for underground line installations with respect to a particular plat or site plan when the strict application of the above requirements would result in unnecessary hardship. Prior to any such waiver or modification, a public hearing regarding the proposal shall be held by the Planning Commission.

FINDINGS UNDER ARTICLE 19:

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
HAS – HAS NOT BEEN MET

- 19.7.4 The proposed special land 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.



WADE TRIM

May 19, 2015

Land Use Services Department
1322 Hayes Road
Gaylord, MI 49735

Attn: Vern Schlaud, Planning and Zoning Director

Re: 117 Old State Road (DTE Parcel)
PID 090-017-100-010-00

Dear Vern:

Pursuant to our recent conversations and meeting with the Otsego County Planning Commission regarding the zoning determination of the above referenced parcel, I am writing this brief synopsis of the events that have led to this point.

As you are aware, the parcel is currently showing two different zoning designations, B2 and B3, splitting through the parcel and creating a triangular piece of B3 zoning in the Northeast corner. The shape and measurement of this triangular piece is consistent with a survey of the parcel that was recorded in 1973, for Michigan Consolidated Gas Company (MichCon), now known as DTE Energy. This same survey also contained an error, which improperly established the West line of the parcel +/-270' East of the true position, based on the fractional description at the time of said survey. This error remained in effect until it was discovered by another surveyor in 1991. Over this period of 18 years, the adjoining parcel to the West (PID 090-017-100-015-00) had used and occupied the property based on the erroneous survey, and had established an adverse possession claim. In 1995, MichCon quitclaimed, to the adjacent owner to the West, that portion of their parcel abutting said parcel to the West, thus removing a rectangular piece of property measuring 270' on the North, 250' on the South and +/-381' North and South from said MichCon parcel.

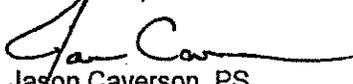
In 1975, Otsego County enacted their zoning ordinance, and proceeded to apply zoning districts to all existing properties within the County, based on current and surrounding use. The available information for the DTE Parcel, at the time the zoning was enacted, was the erroneous survey and description. It is clear that the intent was to zone the DTE Parcel B3, based on the use at the time. Had the survey been completed correctly, and reflected the true parcel dimensions, the parcel that exists today, would have been zoned B3, in its entirety, including the small rectangular piece that was quitclaimed to the abutting parcel to the West.

Therefore, pursuant to our discussions and conversions, it is agreed that the mapping error depicting two different zoning designations for the DTE Parcel, is incorrect, and the entire DTE parcel is zoned as B3.

Thank you for your assistance with this matter.

Sincerely,

Wade Trim, Inc.


Jason Caverson, PS
Professional Surveyor

JSC:daj
G:\data\Admin\DA\J20150519\OtsegoCountyZoningMichConLtr

Wade Trim, Inc.
271 West McCoy Road
P.O. Box 618
Gaylord, MI 49734

989.732.3584
800.968.4440
989.732.6391 fax
www.wadetrिम.com





NOTE:
ALL DIMENSIONS
SHOWN ARE W X L X H

DTE GAS COMPANY PROPERTY
TAX ID NO. 09-017-100-010-00

**OTSEGO COUNTY
PLANNING COMMISSION**

**PSUP15-004
Special Use Permit/Site Plan Review
023-140-000-048-00**

Exhibit List

- Exhibit #1:* Application for case PSUP15-004 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended April 28, 2015
- Exhibit #4:* Copy of Otsego County Equalization Department record card/Quit Claim Deed 0778/791
- Exhibit #5:* Site Plan/PSUP15-004 submitted by Applicant
- Exhibit #6:* Letter of representation from Patricia Sullivan dated July 14, 2015
- Exhibit #7:* Letter/Soil Erosion Permit from Otsego Conservation District dated July 14, 2015
- Exhibit #8:* Public Hearing Notice
- Exhibit #9:* Letter to Charlton Township Planning Commission dated July 20, 2015
- Exhibit #10:* Letter dated August 13, 2015 from Charlton Township Board
- Exhibit #11:* Map and list of parties notified
- Exhibit #12:* Receipt #01306913
- Exhibit #13:* General Finding of Fact/PSUP15-004
- Exhibit #14:* Specific Finding of Fact/PSUP15-004
- Exhibit #15:* Permit from the Otsego County Health Department issued July 16, 2015

**OTSEGO COUNTY
LAND USE SERVICES**

PERMIT NO: _____

1322 Hayes Road
Gaylord, MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419

APPLICATION FOR SPECIAL USE PERMIT

Date: 7/13/15

Tax Parcel Number: 023-140 000 018- 00 Twp: Charlton Sec 29 N _____, R 1 W

Property location: (REQUIRED)

Address: 9745 Moore City: Johansburg State: MI Zip: _____

Applicant:

Name: Residential Excavating Inc. Phone No. (989) 390-5069

Address: Po Box 592 City: Groton State: MI Zip: 49797

Property Owner: (If different from applicant)

Name: Patricia Sullivan Phone No. (313) 574-9089

Address: 1161 Grayton City: _____ State: MI Zip: 48230
Grosse Pointe Park

Description of project and proposed use:

Building of Best House and Garage

Signature of Applicant: _____

Date: 7/13/15

*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: _____

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

APPLICATION FOR SITE PLAN REVIEW

Applicant:

Name: Residential Excavator Owner/Agent/Other interest (circle one)

Address: PO Box 392 Waters MI 49797

Phone: 989-352-3269 Fax: _____

Property Owner: (if different from applicant)

Name: Patricia Sullivan

Address: 1161 Grafton Grosse Pointe Park MI 48030

Phone: 313-574-9089 Fax: _____

Property Location:

Township: Cheriton Section: 25 Town T97N Range R1W Zoning District _____

Site Address: 9745 Moore Rd Johannesburg MI

Parcel Code: 023 - 140 - 000 - 048 00

Description of Project and Proposed Use:

Building Garage and Guest House

Signature of Applicant:  Date: 7/15/15

*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, 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: _____
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: Owner owns it
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: _____
7. Name and address of the engineer, architect and/or land surveyor.
Yes ___ No ___ NA if "NA" explain: not needed
8. Project title.
Yes ___ No ___ NA if "NA" explain: not needed
9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance.
Yes No ___ NA ___ if "NA" explain: _____
10. A vicinity map drawn at a scale of 1"=2000' with North point indicated.
Yes No ___ NA ___ if "NA" explain: _____
11. The gross and net acreage of all parcels in the project.
Yes No ___ NA ___ if "NA" explain: _____
12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
Yes ___ No ___ NA ___ if "NA" explain: _____
13. Project completion schedule/development phases.
Yes No ___ NA ___ if "NA" explain: _____
14. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than three (3) acres and 1"=100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. 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: Not needed
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: _____

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: _____

18. Location and type of significant existing vegetation.

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: _____

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: not needed

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: not needed

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: is ok

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: _____

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

Yes No NA if "NA" explain: not needed

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

Yes No NA if "NA" explain: not needed

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: Required

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: _____

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: _____

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

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

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: not needed

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: not needed

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: 7/12/15

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)

OFFICIAL USE ONLY

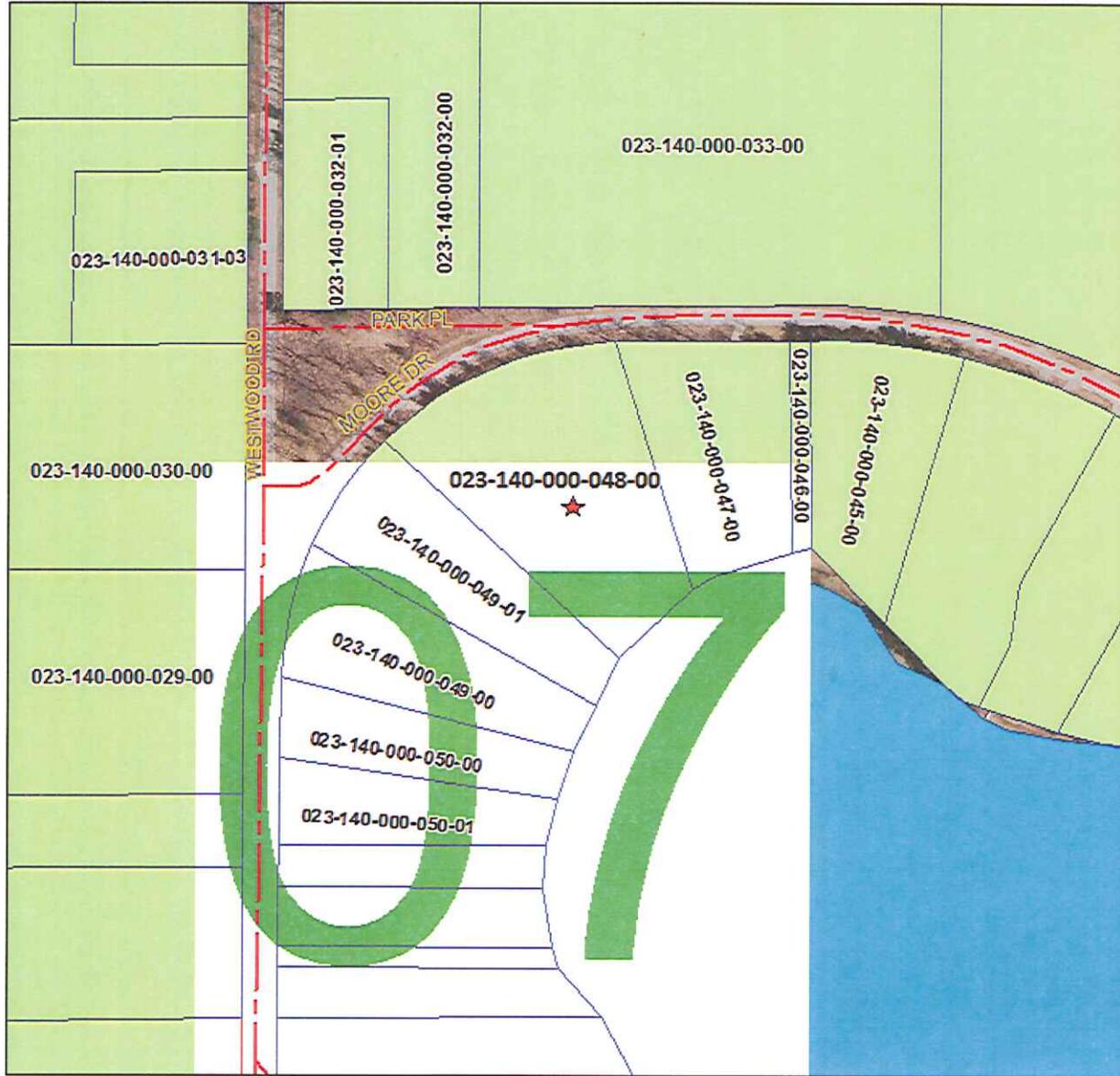
File No: _____ Soil Erosion Permit No.: _____ Fee: _____

Date Application Received: _____ Application Received By: _____

Approved: _____ Not Approved: _____ By: _____

Conditions:

PSUP15-004
 023-140-000-048-00
 9745 MOORE DR/SULLIVAN



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

Exhibit 2

Parcel Number: 69-023-140-000-048-00

Jurisdiction: CHARLTON TOWNSHIP

County: OTSEGO

Printed on

07/18/2015

| Grantor | Grantee | Sale Price | Sale Date | Inst. Type | Terms of Sale | Liber & Page | Verified By | Prcnt. Trans. | |
|--|------------------------------|---|------------|---------------------------------------|----------------|-----------------|------------------|-------------------------|-------|
| BRENNAN-KLASSEN-BRENNAN-KA | SULLIVAN, PETER F & PATRICIA | 0 | 10/27/2000 | QC | No Sale Price | 0778/791 | DEED | 0.0 | |
| Property Address | | Class: 402 Residential St | Zoning: RR | Building Permit(s) | | Date | Number | Status | |
| 9745 MOORE DR | | School: Jo-burg-Lewiston Area | | | | | | | |
| Owner's Name/Address | | P.R.E. 0% | | | | | | | |
| SULLIVAN, PETER F & PATRICIA M 1044 KENSINGTON AVE GROSSE POINTE PARK MI 48230 | | : 0.00 | | | | | | | |
| Tax Description | | 2015 Est TCW 159,800 (Value Overridden) | | | | | | | |
| LOT 48 CLEAR LAKE. SEC 7 T29N R1W. | | Improved | X Vacant | Land Value Estimates for Land Table . | | | | | |
| Comments/Influences | | Public Improvements | | Description | Frontage | Depth | Front Depth | Rate %Adj. Reason | Value |
| | | Dirt Road | | | | | 2.500 Acres | 0 100 | 0 |
| | | Gravel Road | | | | | 2.50 Total Acres | Total Est. Land Value = | 0 |
| | | Paved Road | | | | | | | |
| | | Storm Sewer | | | | | | | |
| | | Sidewalk | | | | | | | |
| | | Water | | | | | | | |
| | | Sewer | | | | | | | |
| | | Electric | | | | | | | |
| | | Gas | | | | | | | |
| | | Curb | | | | | | | |
| | | Street Lights | | | | | | | |
| | | Standard Utilities | | | | | | | |
| | | Underground Utils. | | | | | | | |
| | | Topography of Site | | | | | | | |
| | | Level | | | | | | | |
| | | Rolling | | | | | | | |
| | | Low | | | | | | | |
| | | High | | | | | | | |
| | | Landscaped | | | | | | | |
| | | Swamp | | | | | | | |
| | | Wooded | | | | | | | |
| | | Pond | | | | | | | |
| | | Waterfront | | | | | | | |
| | | Ravine | | | | | | | |
| | | Wetland | | | | | | | |
| | | Flood Plain | | | | | | | |
| | | Year | Land Value | Building Value | Assessed Value | Board of Review | Tribunal/Other | Taxable Value | |
| Who | When | What | 2015 | 79,900 | 0 | 79,900 | | 75,920C | |
| | | | 2014 | 78,100 | 0 | 78,100 | | 74,725C | |
| | | | 2013 | 78,000 | 0 | 78,000 | | 73,549C | |
| | | | 2012 | 78,700 | 0 | 78,700 | | 71,826C | |

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: County of Otsego, Michigan

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

OTSEGO COUNTY
MICHIGAN
RECEIVED FOR RECORD

00 NOV -2 PM 1:49

EVELYN H. PRATT
CLERK / REGISTER OF DEEDS

QUIT CLAIM DEED
STATUTORY FORM

KNOW ALL MEN BY THESE PRESENTS THAT GRANTORS:

Michael J. Brennan and Rita Ruth Brennan, husband and wife,
whose address is 31 Willson, Grosse Pointe Shores, Michigan 48236

And,

David L. Klaasen and Theresa M. Klaasen, husband and wife,
whose address is 818 Park Lane, Grosse Pointe Park, MI 48230;

And,

Timothy A Brennan and Renee S. Slegan, husband and wife,
whose address is 70 Merriweather, Grosse Pointe Farms, MI 48236;

And,

Howard M. Kaplan and Mary F. Kaplan, husband and wife,
whose address is 106 Vendome Rd, Grosse Pointe Farms, MI 48236;

Quit Claim to

Peter F. Sullivan and Patricia M. Sullivan, husband and wife,
whose address is 1161 Grayton, Grosse Pointe Park, MI 48230;

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

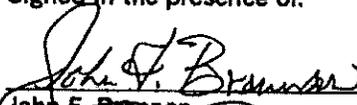
Lot 48, Clear Lake Subdivision, Section 7, Town 29 North, Range 1 West, Charlton Township, Otsego County, Michigan, as recorded in Liber 1 of Plats, Page 13, Otsego County Records.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, for the sum of One Dollar (\$1.00).

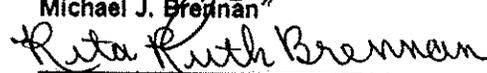
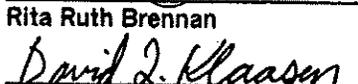
This instrument is exempt from Real Estate Transfer Tax and State Real Estate Transfer Tax pursuant to MCLA 207.505(5)(a) and (c), and 207.528(6)(a) and (c) respectively.

Dated this 31st day of October, 2000.

Signed in the presence of:


John F. Brennan

Joseph W. Brennan


Michael J. Brennan

Rita Ruth Brennan

David L. Klaasen

Theresa M. Klaasen

Timothy A. Brennan
 Timothy A. Brennan

Renee S. Siegan
 Renee S. Siegan

Howard M. Kaplan
 Howard M. Kaplan

Mary F. Kaplan
 Mary F. Kaplan

STATE OF MICHIGAN)
) SS.
 COUNTY OF WAYNE)

The foregoing instrument was acknowledged before me this 27th day of October, 2000, by Michael J. Brennan and Rita Ruth Brennan, husband and wife, and David L. Klaasen and Theresa M. Klaasen, husband and wife, and Timothy A. Brennan and Renee S. Siegan, husband and wife, and Howard M. Kaplan and Mary F. Kaplan, husband and wife.

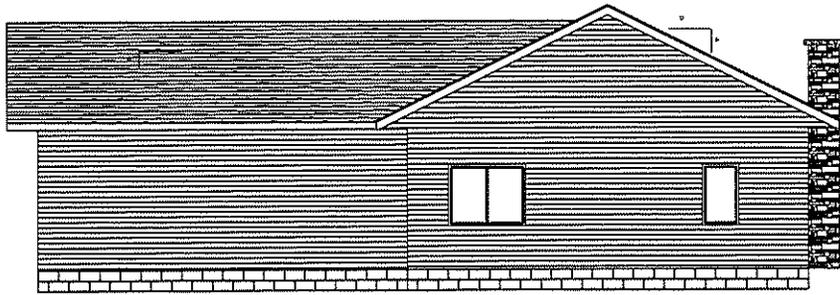
John F. Brennan
 John F. Brennan, Notary Public
 Wayne County, Michigan
 My commission expires: 11/16/01

| | | |
|--|--|---|
| When Recorded Return To: CHELI, HESS & BRENNAN, P.L.C. 26154 Woodward Avenue P.O. Box 1257 Royal Oak, MI 48068-1257 | Send Subsequent Tax Bills To: Grantees | Drafted By: John F. Brennan CHELI, HESS & BRENNAN, P.L.C. Business Address: 26154 Woodward Avenue Royal Oak, MI 48067 |
|--|--|---|

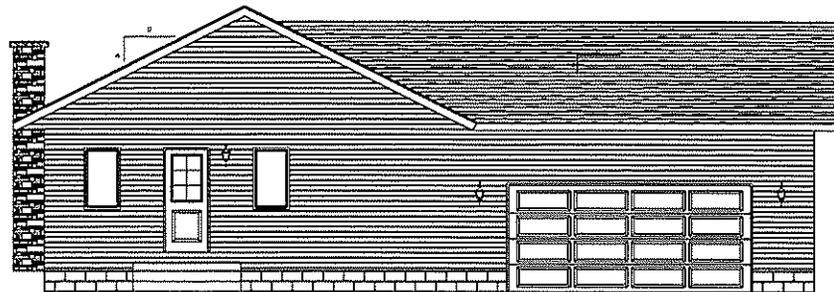
Recording Fee \$11.00
 State Transfer Tax Exempt
 Tax Parcel # 023-140-000-048

PSUP15-004
023-140-000-048-00
9745 Moore Dr/Sullivan





REAR ELEVATION



FRONT ELEVATION

ELEVATION
SCALE: 1/8" = 1'-0"

Exhibit 5

09120



PRO-Build
SULLIVAN GATLORD, MICHIGAN
BUILDERS
RESIDENTIAL EXCAVATING

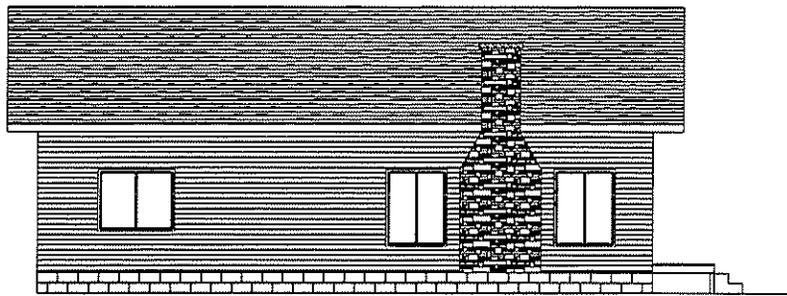
PROJECT:
SULLIVAN GATLORD, MICHIGAN
BUILDERS
RESIDENTIAL EXCAVATING

DRAWN BY:
JOE MATLEK

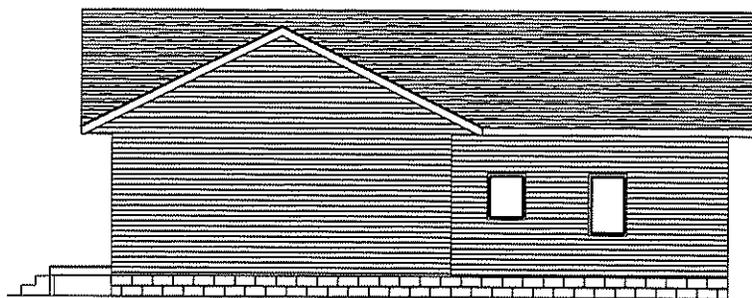
DATE ISSUED:
JULY 10, 2015

SHEET NO.:
A-1
ELEVATION

PROJECT NO.:
09120



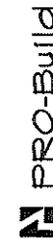
LEFT ELEVATION



RIGHT ELEVATION

ELEVATION
SCALE: 1/4" = 1'-0"

0619
P.O. #
GAYLUC
PR. (S)
FAX (S)



THIS DRAWING IS THE PROPERTY OF PRO-BUILD, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF PRO-BUILD, INC. ANY UNAUTHORIZED USE OF THIS DRAWING IS STRICTLY PROHIBITED. PRO-BUILD, INC. IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THIS DRAWING.

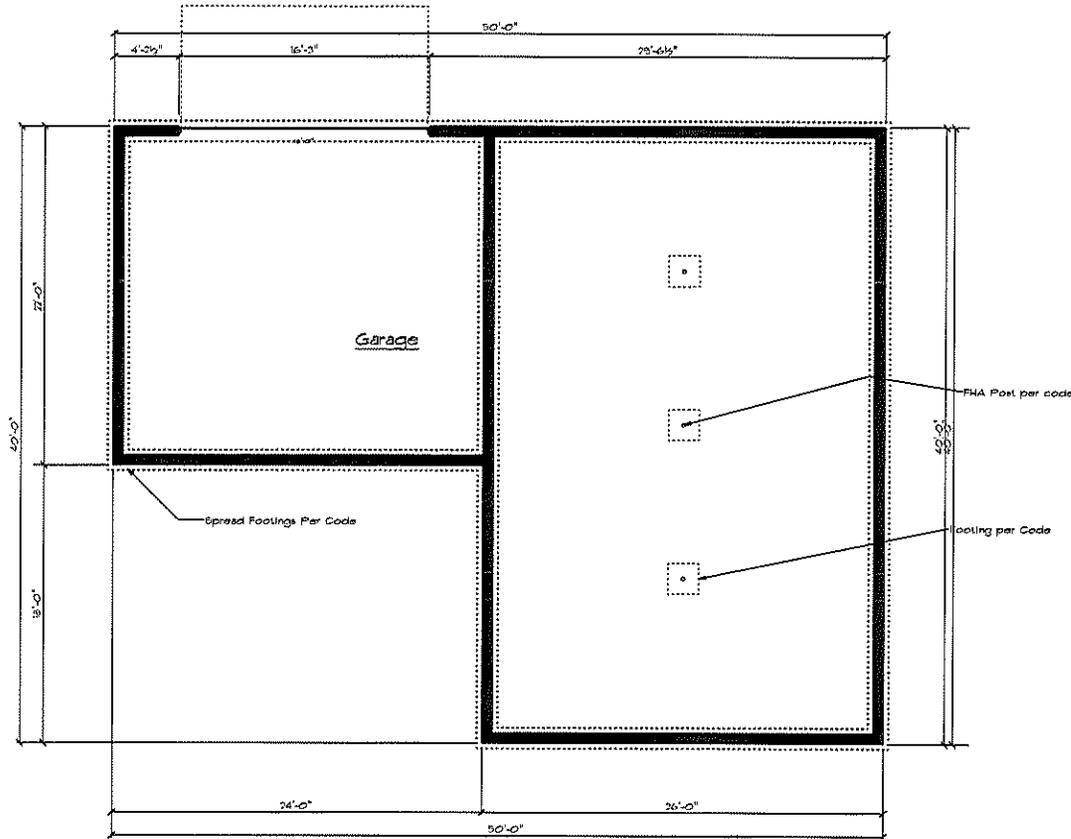
PROJECT:
SULLIVAN
GAYLORD, THICKGAN
BUILDER,
RESIDENTIAL EXCAVATING

DRAWN BY:
JOE MATELOKI

DATE ISSUED:
JULY 10, 2015

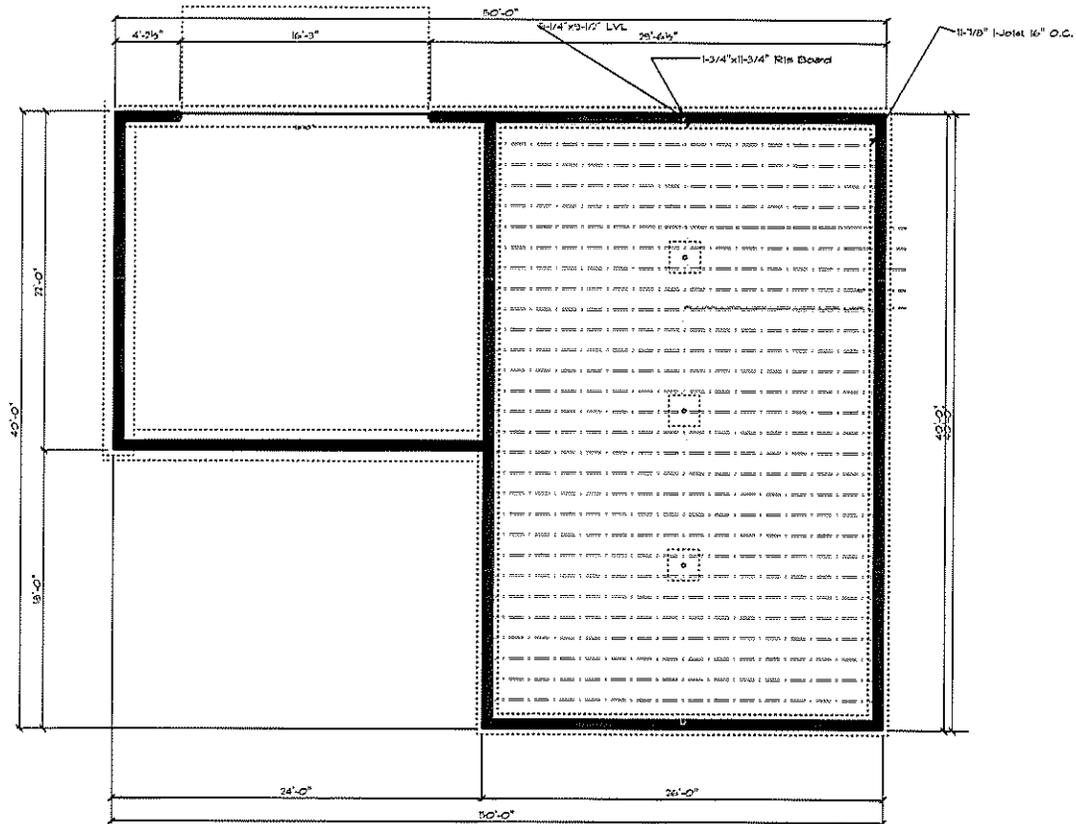
SHEET NO.:
A-2
ELEVATION

PROJECT NO.:
09120



FOUNDATION LAYOUT
SCALE: 1/8" = 1'-0"

| |
|---|
| OLD US 608 N. GAYLOR FT. (88 FAX (88 |
| |
| THIS PLAN AND SPECIFICATIONS ARE THE PROPERTY OF PRO-BUILD, INC. AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PRO-BUILD, INC. ALL RIGHTS ARE RESERVED. THE USER OF THIS PLAN AND SPECIFICATIONS AGREES TO HOLD PRO-BUILD, INC. HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, IN CONNECTION WITH THE USE OF THIS PLAN AND SPECIFICATIONS. |
| PROJECT: SULLIVAN GAYLOR, MICHIGAN BUILDER: RESIDENTIAL EXCAVATING |
| DRAWN BY: JOE MATELEK |
| DATE ISSUED: JULY 10, 2015 |
| SHEET NO.: A-3 FOUNDATION |
| PROJECT NO.: 09120 |



FLOOR JOIST FRAMING PLAN

SCALE: 1/8" = 1'-0"

PRO-Build

PROJECT:
SULLIVAN
GAYLORD, MICHIGAN
BUILDER
RESIDENTIAL EXCAVATING

DRAWN BY:
JOE MATELOSKI

DATE ISSUED:
JULY 10, 2013

SHEET NO.:
A-4
FLOOR SYSTEM

PROJECT NO.:
09120

July 14, 2015

This letter is to certify that I, Patricia Sullivan, authorize my representative, William Smith, to obtain all necessary building permits on my behalf.

Patricia Sullivan

Exhibit 6



**OTSEGO
CONSERVATION
DISTRICT**

800 Livingston Blvd.
Suite 4A
Gaylord, MI 49735

PH (989) 732-4021
FX (989) 731-7480

www.otsegocd.org
www.facebook.com/otsegocd

BOARD OF DIRECTORS

Jack Marlette
Chairperson

Larry Nowak
Vice Chairperson

Chuck Fain
Secretary/Treasurer

Bill Blanz
Member

Keith Martell III
Member

DISTRICT STAFF

Patricia Osburn
District Manager
Soil Erosion Inspector

Judy Wagley
Assistant District Manager

Brittany Mauricette
District Forester

July 14, 2015

Residential Excavating Inc.
P.O. Box 392
Waters, MI 49797

Re: 9795 Moore Drive
Permit: #SE015.025

Residential Excavating Inc.:

Enclosed is the Soil Erosion & Sedimentation Control Permit for the above-mentioned site. The permit must be posted at the project site, so that it is visible from the road. Please note the recommendations on the enclosed report. If you have any questions regarding the enclosed, please feel free to contact my office.

Sincerely,

Patricia Osburn
Otsego Conservation District
Soil Erosion Officer

Enc

C.c. Patricia Sullivan

Exhibit 7

**OTSEGO COUNTY
SOIL EROSION AND SEDIMENTATION
CONTROL PERMIT**

**(Issued under the authority of Part 91, Soil Erosion and Sedimentation Control, of the
Natural Resources and Environmental Protection Act,
1994 PA 451, as amended)**

Permit number: **SE015.25** Date of issuance: **July 14, 2015** Date of expiration: **July 14, 2016**

Name of Permit: **Patricia Sullivan** Telephone: **313-574-9089**

Location of Project: **T29N, R1W, Sections: 29Twp. Charlton**

Project address: **9795 Moore Drive**

Description of Earth Change: **Excavate to build garage and guest house. Approx. 2100 sq. ft.**

Responsible Person on Site. **Residential Excavating Inc.** Telephone: **989-350-3269**

Permit Conditions:

1. The permitted activity shall be completed in accordance with the approved plans and specifications, and the ATTACHED GENERAL AND SPECIFIC CONDITIONS.
2. This permit does not waive the necessity for obtaining all other required federal, state or local permits.
3. Permittee shall notify the permitting agency within one week after completing the permitted activity or one week prior to the permit expiration date, whichever comes first.

For information regarding the issuance of this permit contact Otsego Conservation District at (989) 732-4021.

Issued by: 
Permitting agent

****THIS PERMIT MUST BE POSTED AT PROJECT SITE****

GENERAL CONDITIONS

In accordance with Rule 1709 promulgated under the authority of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and in addition to the information on the attached plan(s) and special conditions, the following general conditions apply to the earth change authorized by this permit:

- Design, construct, and complete the earth change in a manner that limits the exposed area of disturbed land for the shortest period of time.
- Remove sediment caused by accelerated soil erosion from runoff water before it leaves the site of the earth change.
- Temporary or permanent control measures shall be designed and installed to convey water around, through, or from the earth change at a non-erosive velocity.
- Install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and maintain the measures on a daily basis. Remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. ("Stabilized" means the establishment of vegetation or the proper placement, grading, or covering of soil to ensure its resistance to soil erosion, sliding, or other earth movement.)
- Complete permanent soil erosion control measures for the earth change within five calendar days after final grading or upon completion of the final earth change. If it is not possible to permanently stabilize the earth change, then maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

SPECIFIC CONDITIONS (if any)

Mulch and seed as weather permits

Stabilize disturbed soils

Silt fence

Other

Locations that vegetation was disturbed at the site will need to be revegetated as soon as possible after construction is completed.

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE

September 21, 2015

The Otsego County Planning Commission will hold three (3) public hearings on Monday, September 21, 2015 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1) DTE Energy has requested a Special Use Permit/Site Plan Review for property located in Otsego Lake Township at 117 Old State Rd Gaylord, MI 49735. The proposed use of the property is the installation of an inter connect to expand natural gas coverage to surrounding areas. The property is located in a B3/Business & Light Manufacturing Zoning District. Utility and essential service buildings when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity and above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids are permitted uses subject to special conditions in the B3 Zoning District.

Parcel identification number: 090-017-100-010-00
117 Old State Rd
Gaylord, MI 49735

Legal Description:

COMM AT THE NE COR OF SEC 17, TH N87°28'18"W 1085.51 FT ALG N LN OF SEC 17 TO POB; THE S28°36'40"W 948.60 FT ALG W ROW OF I-75, TH CONT ALG SD ROW 873.96 FT ALG A CURVE TO THE LEFT HAVING A RADIUS OF 3934.72 FT AND A CHORD OF 872.17 FT BEARING S22°14'53"W TO E 1/8 LN OF SD SEC, TH N00°16'14"E 1292.64 FT ALG SD 1/8 LN, TH S87°29'45"E 250.24 FT, TH N03°16'26"E 381.20 FT TO N LN OF SEC 17, TH S87°28'18"E 507.08 ALG N LN TO POB. CONT 11.27 AC

2) Residential Excavating Inc has requested a Special Use Permit/Site Plan Review for property located in Charlton Township at 9745 Moore Dr Johannesburg, MI 49751. The proposed use of the property is to construct a guest house/garage on a parcel of property with an existing residence. The property is located in a RR/Recreation Residential Zoning District. A guest house is a permitted use subject to special conditions in the RR Zoning District.

Parcel identification number: 023-140-000-048-00
9745 Moore Dr
Johannesburg, MI 49751

Legal Description:

LOT 48 CLEAR LAKE. SEC 7 T29N R1W.

3) Cottontails Inc is requesting a property rezone located in Bagley Township from a B1/Local Business Zoning District to a B2/General Business Zoning District to coincide with their contiguous property.

Parcel identification number: 010-021-100-020-01
Nancy Ln
Gaylord, MI 49735

Legal Description:

COMM @ N¼ COR, TH S1°1'57"W 1142.08', TH S75°34'43"E 369.82' FOR POB, TH N37°29'20"E 249.66', TH ALG CURVE TO R 1675.48', RAD 5614.58', ANG 17°5'53", LC S29°38'22"E 1669.27', TH S0°10'9"W 446.38', TH N85°46'14"W 1218.28', TH N0°4'7"E 150.40', N85°46'14"W 150.56', TH N0°0'18"E 203.50', TH S85°11'55"E 6.46', TH N1°2'1"E 1112.92', TH S88°45'53"E 66', TH S1°2'1"W 341.25', TH S75°34'43"E 392.15', TH N1°4'11"E 550', TH N75°37'27"W 90.38' TO POB. SEC 21 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) 731-7400.



Otsego
COUNTY
M I C H I G A N

**Department of
Land Use Services**

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

July 20, 2015

Charlton Township
2470 Leino Rd
Johannesburg, MI 49751

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

If you require the applicant, Rieth-Riley Construction Inc to be present at your meeting, you can notify them at:

Residential Excavating Inc
c/o Bill Smith, *Sullivan representative*
PO Box 395
Waters, MI 49797
989.344-0684/*Office*
989.350.3269/*Cell*

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

CHARLTON TOWNSHIP
OTSEGO COUNTY

P.O. Box 367 • Johannesburg, Michigan 49751 • Phone: (989) 731-1920 • Fax (989) 731-1070

To: Vern Schlaud, Director
Otsego County Land Use Services

13 August 2015

From: Ivan H. Maschke, Clerk

Subject: PSUP15-004

Dear Vern,

At the regular August meeting of the Charlton Township Board held on Monday, August 10, 2015, there was considerable discussion regards to PSUP15-004 (application for a Special Use Permit to build a guest house on property located on Clear Lake in Charlton Township). There were twelve (12) persons in the audience interested in this application with most of those present being against building a second home on the parcel.

Most thought that the guest house would have a negative impact on such a small lake. Some talked about the view being obstructed while others were concerned with an additional septic system. Some talked about the fact that there are mobile trailers that have hooked up to septic systems. Most thought that this would set a precedence for future construction of second buildings on lots on the lake. There were persons in attendance in favor of the project and they stated that the project would have little or no negative impact on the lake.

At any rate, the board thought that the S.U.P. meets the factual requirements according to the ordinance. Because of this and the fact that the Charlton Township Planning Commission approved the request at their meeting on August 3, 2015, the Charlton Township Board moved to recommend 'approval' to the Otsego County Land Use Services for a Special Use Permit for property at 9745 Moore Dr., Johannesburg, MI, 49751 (023-140-000-048-00).

Most of those in attendance plan to attend the Public Hearing on this item whenever it occurs.

Thank you for your time and consideration.

Sincerely,


Ivan H. Maschke, Clerk

Cc: Charlton Township Planning
Board members
File

Charlton Township Planning Commission "Special " meeting minutes 8-3-2015

Meeting called to order by Chairman Mike Colosimo @ 7:00 P.M..

Members present : Mike Colosimo, Robert Fleury, Keith Huff and Willard Brown

Members absent: Walt Keskine

Others present: William D. Smith (builder representative), Mary Kaplan (sister of Patricia Sullivan), Robin Kaplan (guest), Robert Brown (guest and Clear Lake neighbor of Patricia Sullivan) and Charlton Township supervisor Matt Novak.

Recited Pledge of Allegiance.

This special meeting was held to review and recommend or not recommend for approval a special use permit that was requested by Charlton Township land owner Patricia Sullivan to build a guest house with attached garage on her lot # 48 on Clear lake.

Moved by Keith Huff and supported by Robert Fleury to approve minutes for July regular meeting dated 7-1-15, motion carried.

William Smith explained in detail what Patricia Sullivan wanted to do and why she needed the special use permit. He also explained what they were planning to do to upgrade the septic system and had received Otsego County Soil Erosion and Sedimentation Control Permit issued 7-14-2015 and signed by Patricia Osborn (Otsego County Conservation District Soil Erosion Officer).

Robert Smith came to the meeting to support Patricia Sullivan in her request to build the guest house with attached garage. He also stated that others were moving travel trailers on their lots and hooking up to septic systems without permits and felt that this is not right and downgrades the area.

There were no objections to this special request.

Chairman Mike Colosimo reviewed requirements to support Patricia Sullivans request and meet the Otsego County Zoning Ordinance, and it was decided that she met all necessary requirements.

Moved by Keith Huff and supported by Willard Brown to recommend to the Charlton Township Board that they approve special permit PSUP15-004 and recommend to the Otsego County land use office and Otsego County Planning Commission that they approve this request, motion carried.

Parcel identification number: 023-140-000-048-00

9745 Moore Dr

Johannesburg, MI 49751

Legal Description: Lot 48 Clear Lake, Sec 7 T29N R1W Charlton Township

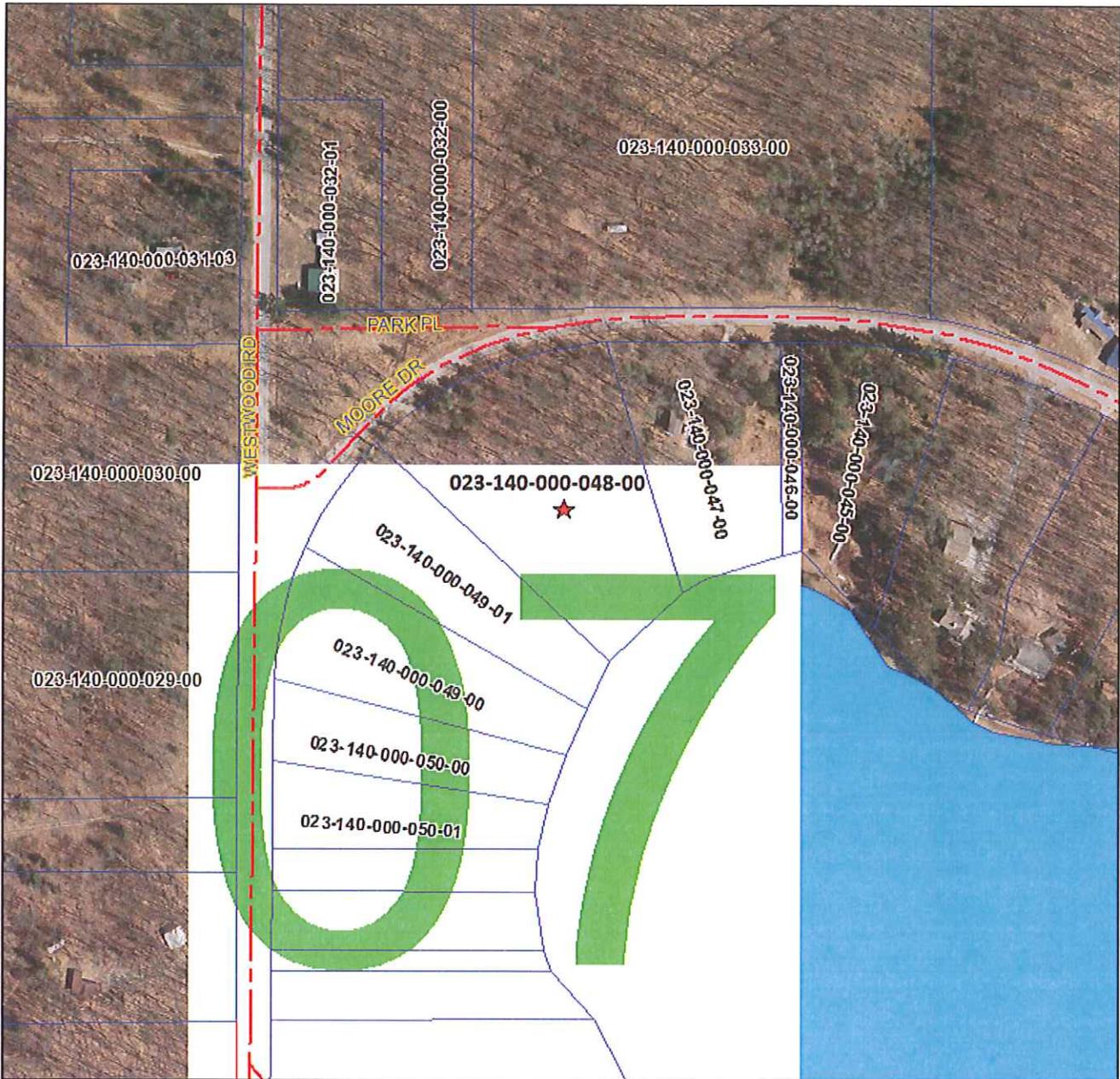
Meeting adjourned at 8;20 P.M.


Respectfully submitted by secretary Willard Brown

OWNERS WITHIN THREE HUNDRED FEET (300')

| PARCEL NUMBER | PROPERTY ADDRESS | OWNER NAME | OWNER ADDRESS | | | |
|--------------------|------------------|-----------------------------------|--------------------------|---------------------|----|------------|
| 023-140-000-029-00 | 7462 WESTWOOD RD | FRANCIS, DINA C | 45399 JOSEPH ST | SHELBY TWP | MI | 48317-4637 |
| 023-140-000-030-00 | 7442 WESTWOOD RD | HALLIDAY & MACK ET AL | 10530 SPENCERVILLE RD | SPENCERVILLE | OH | 45887 |
| 023-140-000-031-03 | 7428 WESTWOOD RD | BAWDEN, ROBERT W | 16180 LYNETTE DR | EAST LANSING | MI | 48823 |
| 023-140-000-032-00 | | HORTON, MILTON O ET AL | 8939 DONNA LU DR | ODESSA | FL | 33556 |
| 023-140-000-032-01 | 7407 WESTWOOD RD | CRAIG, MICHAEL DAVID | 3346 LEDGEWOOD CT W | COMMERCE TWP | MI | 48382-1421 |
| 023-140-000-046-00 | | COUNTY OF OTSEGO | | | | |
| 023-140-000-047-00 | 9767 MOORE DR | THOMPSON, THOMAS ET UX | 9767 MOORE DR | JOHANNESBURG | MI | 49751 |
| 023-140-000-050-00 | 7481 WESTWOOD RD | ZIELINSKI, JOSEPH & DONNA MARIE | 7481 WESTWOOD RD | JOHANNESBURG | MI | 49751 |
| 023-140-000-050-01 | 7489 WESTWOOD RD | ABATE TRUST | 45145 JEANETTE AVE | BELLEVILLE | MI | 49710 |
| 023-140-000-033-00 | 9664 MOORE DR | VETTRAINO-VETTRAINO | 2940 ARBOR VIEW DR APT 7 | TRAVERSE CITY | MI | 49685 |
| 023-140-000-049-00 | | PASCOE, ROBERT G ET UX | 3799 S ATLANTIC AVE #805 | DAYTONA BEACH SHORE | FL | 32118 |
| 023-140-000-049-01 | 9701 MOORE DR | CWIK-CWIK | 1290 N PINE RIVER RD | KIMBALL | MI | 48074 |
| 023-140-000-045-00 | 9813 MOORE DR | PIERCE, JEFFREY A & LINDA S TRUST | 9516 RIVERSIDE DR | GRAND LEDGE | MI | 48837 |

PSUP15-004
023-140-000-048-00
9745 MOORE DR/SULLIVAN



- 023-140-000-050-01
- 023-140-000-050-00
- 023-140-000-049-00
- 023-140-000-049-01
- 023-140-000-047-00
- 023-140-000-046-00
- 023-140-000-045-00
- 023-140-000-033-00
- 023-140-000-032-00
- 023-140-000-032-01
- 023-140-000-031-03
- 023-140-000-030-00
- 023-140-000-029-00

**OTSEGO COUNTY
PLANNING COMMISSION**

**PSUP15-004
Special Use Permit/Site Plan Review
023-140-000-048-00**

GENERAL FINDINGS OF FACT

1. This is a proposal for construction of a guest house/garage. *Exhibit #1, Exhibit #5, Exhibit #6*
2. The property is located in a RR/Recreation Residential Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a RR/Recreation Residential Zoning District. *Exhibit #3*
4. The property is currently under the ownership of Peter & Patricia Sullivan. *Exhibit #4*
5. The property is 2.50 acres. *Exhibit #4*
6. The Public Hearing Notice was published in the Herald Times on September 4, 2015 *Exhibit #8*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
9. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*
11. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #4, Exhibit #5, Exhibit #6, Exhibit #7, Exhibit #13, Exhibit #1, Exhibit #15*
- 12.

**OTSEGO COUNTY
PLANNING COMMISSION**

**PSUP15-004
Special Use Permit/Site Plan Review
023-140-000-048-00**

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 7/SECTION 7.2

ARTICLE 7 RR RECREATION RESIDENTIAL DISTRICT

INTENT

The Recreation Residential District is designed to accommodate cottage and vacation home developments. It is intended that the vacation home areas be reasonably homogeneous by discouraging the mixing of recreation home areas with commercial resorts, business services, and major institutional or community services.

SECTION 7.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

- 7.2.1 Community boat launching ramps, docks and accessory facilities.
- 7.2.2 Golf courses as regulated in the R1 District [See [Articles 4.2.5](#) and [21.11](#)].
- 7.2.3 Private recreational areas and facilities.
- 7.2.4 Marinas.
- 7.2.5 Restaurants without drive-through service, which are of an appearance and character consistent with permitted uses.
- 7.2.6 Recreation camps or resorts.
- 7.2.7 One detached guest house may be permitted, provided the use is accessory to the main dwelling, there is double the minimum required land area for the district, and the Health Department approves the sanitary system.
- 7.2.8...

FINDINGS UNDER ARTICLE 17 /SCHEDULE OF DIMENSIONS

ARTICLE 17 SCHEDULE OF DIMENSIONS

17.1 Table 1 - LIMITING HEIGHT, DENSITY, AND AREA BY ZONING DISTRICTS (See also [Article 21.1 Accessory Buildings](#) and [Article 22 General Exceptions for Area, Height, and Use](#))

| <i>Zoning District</i> | R1 & R2 | R3 | RR | FR & AR | Reserved for future use | Reserved for future use |
|---|----------------------------|--------------------|--------------------|----------------------------|--------------------------------|--------------------------------|
| Min. Lot Area (Sq. feet) | 20,000 .46 acre | 40,000 .92 acre | 20,000 .46 acre | 88,000 2.02 acre | | |
| Min. Front Setback (b/j) | 25 ft | 25 ft | 25 ft | 50 ft | | |
| Max. Front Setback | NA | NA | NA | NA | | |
| Min. Side Setback | 10 ft | 10 ft | 10 ft | 20 ft | | |
| Min. Rear Setback | 30 ft (a, h) | 30ft (a, h) | 30 ft (a, h) | 40 ft (a) | | |
| Min. Lot width (k) | 100 ft 150 ft Duplex | 100 ft | 100 ft | 150 ft AR 300 ft Duplex | | |
| Max. % lot coverage | 25% | 25% | 25% | 30% | | |
| Max. Building height (l) | 35 ft (g) | 35 ft (g) | 35 ft (g) | 35 ft (g) | | |
| Min. Ground Floor area of principal structure (Square feet) | 720 (i) | 720 (i) | 720 (i) | 720 (i) | | |
| Min. Width of principal structure | 20 ft (i) | 11 ft (i) | 20 ft (i) | 11 ft (i) | | |

Note a: Lots within five hundred (500) feet of lakes, ponds, flowages, rivers, streams: see [Article 18, LOTS NEAR WATER](#).

Note b: Where the front yards of two (2) or more principal buildings in any block, or within five hundred (500) feet in existence at the time of the passage of this Ordinance (or amendment thereto), in the same zoned district or the same side of the road are less than the minimum front yard setback, then any principal building subsequently erected on the same side of the road shall not be required to provide a greater setback than the average for the existing two (2) or more principal buildings.

Note c: On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than twenty (20) feet on the residential side in B1, B2, B3 and HX.

Note d: Loading and unloading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per linear foot of front building wall. Loading space shall not be counted as required off-street parking. Loading zones may be located in other non-required yards if screened or obscured from view from public streets and residential districts.

Note e: Off-street parking may be permitted in the front yard, except that a ten (10) foot wide landscaped buffer is maintained between the front lot line (or right-of-way line) and the parking area.

Note f: No building shall be placed closer than forty (40) feet to the outer perimeter of such district or property line when said use abuts a residential district boundary.

Note g: Subject to approval by the Planning Commission, the maximum height of buildings may be permitted to exceed the maximum stated in the Schedule by up to fifty percent (50%) in R1, R2, R3, RR, B1 and B2 Districts, and up to one hundred percent (100%) in all other districts, provided that the applicant can demonstrate that no good purpose would be served by compliance with maximums stated, (as in the case of steep topography, a Planned Unit Development (PUD), or larger site); and further, there is no conflict with airport zoning height restrictions; fire safety is maintained subject to local fire authority approval; and the light, air and/or scenic views of adjoining property is not impaired. The Planning Commission and or Zoning Board of Appeals cannot allow a WTG height greater than allowed in [Section 21.47](#) or a Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District [PRINCIPAL USES PERMITTED](#) or [PERMITTED USES SUBJECT TO SPECIAL CONDITIONS](#). Also see [Article 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT AND USE](#).

Note h: [Section 21.1](#) allows a rear setback of ten (10) feet for accessory buildings.

Note i: The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

Note j: In instances where the property is adjacent to a public right of way or ingress egress easement dedicated as permanent adequate access to one (1) or more lots, the setback shall be measured from that right of way or ingress egress easement.

Note k: Specific allowable uses have greater minimum lot widths as required in the Zoning District allowable use lists.

Note l: Specific allowable uses have greater allowable heights as stated in the Zoning District allowable use lists, [Article 21](#) and [Article 22, Section 22.3 Height Limits](#), of this ordinance

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

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
HAS – HAS NOT BEEN MET

19.7.2 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the county or the natural environment as a whole.
HAS – HAS NOT BEEN MET

19.7.3 The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
HAS – HAS NOT BEEN MET

19.7.4 The proposed special land used will be designed, constructed, operated, and maintained so as not to diminish the opportunity for the surrounding properties to be used and developed as zoned.
HAS – HAS NOT BEEN MET

- 19.7.5 The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
HAS – HAS NOT BEEN MET
- 19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
HAS – HAS NOT BEEN MET
- 19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity 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.



HEALTH DEPARTMENT of Northwest Michigan

Health Department of Northwest Michigan Otsego
95 Livingston Blvd
Gaylord, MI 49735
(989) 732-1794

Permit issued to:
Patricia Sullivan
1161 Grayton
Grosse Pointe Park, MI 48230
(313) 574-9089

Mail Permit to:
Residential Excavating
PO BOX 392
Waters MI 49797

| | | | |
|----------------------------|-----------------------|-------------------------------------|---------------|
| Permitted Location: | | | |
| Address: | 9745 Moore Dr | Permit Number: | O15-106 |
| County: | Otsego | Permit Type: | Septic Permit |
| Township: | Charlton | Section: | 7 |
| Subdivision: | Clear Lake | Lot: | 48 |
| Tax ID #: | 69-023-140-000-048-00 | Replacement or Repair: | No |
| | | Residential/Non-Residential: | Residential |

| | | | |
|----------------------------|-----|-----------------------------------|------------|
| Design Criteria | | | |
| Number of Bedrooms: | 4 | Soil Classification: | S (Sand) |
| Gallons Per Day: | 500 | Seasonal High Water Table: | >72 Inches |

System Design Specifications

| | | |
|--------------------|------------------------|---|
| Septic Tank | Gallons 1250 | Proposed changes to permit must be approved prior to installation. Call our office at the number listed above if you have any questions regarding this permit. |
|--------------------|------------------------|---|

| Design Type | Absorption Area | Size of Pipe | Number of Trenches | Length of Trenches | Width of Trenches | Pipe Spacing |
|-------------|-----------------|--------------|--------------------|--------------------|-------------------|--------------|
| Trench | 250 Sq. Ft. | 4" | 2 | 40 Feet | 3 Feet | 7.5 Feet |

Permit Requirements/Conditions:

1. Isolate all portions of the system a minimum of 50' from all water well(s).
2. Effluent filter is required to be installed in the outlet baffle of the septic tank.
3. All riser lids must weigh a minimum of 59# to prevent unauthorized access to septic tanks and pump chambers.
4. Remove any trees in drainfield area to avoid root intrusion.
5. Permit is to add to existing septic system to accommodate a guest house per owners request.
6. Refer to permit O14-118 for details of original design.
7. Remove section of existing forcemain from under proposed new structure and re-route around building to 1250 gallon 2-compartment septic tank.

Issued by: Chuck Edwards, RS
EH Sanitarian

Date Issued: July 16, 2015
Permit Expires 2 years from date issued.

Site Plan Drawing Attached or on Reverse Side

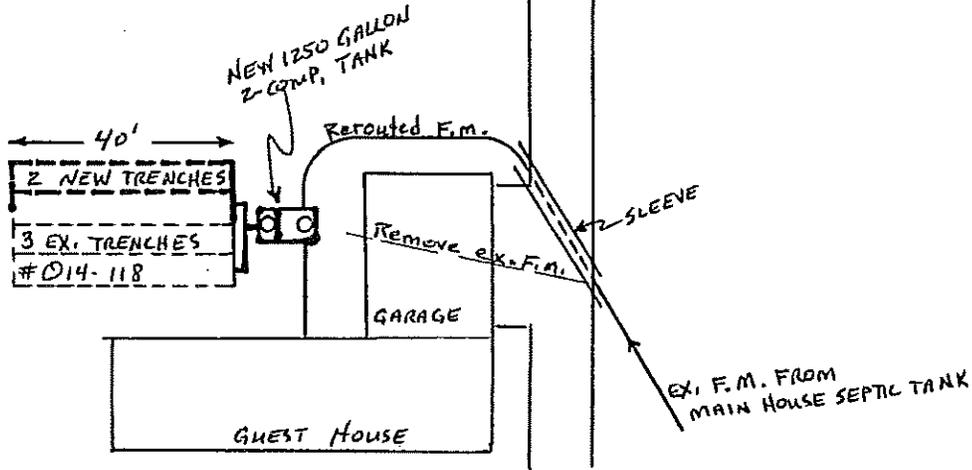


Permit Drawing and Instructions

Tax ID: 69-023-40-000-018-00

Permit #: 015-106

PERMIT SITE PLAN FOR BOTH SEWAGE AND WELL



Charles E. L. R.S.
Sanitarian Signature

7/17/15
Date Permit Issued

FINAL INSPECTION DRAWING - AS INSTALLED

Comments:

| Septic Final | | | | | | | Well Final | | | | | | |
|----------------------|-----|--------|----|-----------|------------|-------------|-----------------|-----|--------|----|-----------|------------|-------------|
| | APR | UNAPPR | NA | NOT DETER | NOT ACCESS | NOT INSTALL | | APR | UNAPPR | NA | NOT DETER | NOT ACCESS | NOT INSTALL |
| Tank Construction | | | | | | | Casing Material | | | | | | |
| Baffle/Filter | | | | | | | Well Cap & Seal | | | | | | |
| Riser Marker | | | | | | | Well Location | | | | | | |
| Pump Installation | | | | | | | Sample Tap | | | | | | |
| Drainfield/Stone | | | | | | | P. Tank - Prv. | | | | | | |
| Final Status | | | | | | | Well Abandoned | | | | | | |
| Approved w/Affidavit | | | | | | | Final Status | | | | | | |

Violations observed: Yes No Date corrected: _____

Partial Date: _____ Sanitarian Initials: _____ Date: _____ Partial Date: _____ Sanitarian Initials: _____ Date: _____

**OTSEGO COUNTY
PLANNING COMMISSION**

**PREZ15-001
Rezone
010-021-100-020-01**

Exhibit List

- Exhibit #1:* Application for case PREZ15-001 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended April 28, 2015
- Exhibit #4:* Copy of Otsego County Equalization Department record card/Quit Claim 1241/970
- Exhibit #5:* Letter of representation from Cottontails Inc dated June 25, 2015
- Exhibit #6:* Public Hearing Notice
- Exhibit #7:* Letter to Bagley Township Planning Commission dated July 13, 2015
- Exhibit #8:* Letter received September 3, 2015 from Bagley Township Planning Commission
- Exhibit #9:* Map and list of parties notified
- Exhibit #10:* Receipt #01306846
- Exhibit #11:* Finding of Fact/PREZ15-001
- Exhibit #12:*

REQUEST TO REZONE APPLICATION

**OTSEGO COUNTY LAND USE SERVICES
1322 HAYES ROAD
GAYLORD, MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419**

APPLICANT INFORMATION:

| | | |
|---|-------------------------------------|---|
| Name: <u>Andy Behrenwald</u> | | Owner <u>(Agent)</u> / Other (Circle one) |
| Address: <u>11199 Boardwalk Rd PO Box 391 Waters MI 49797</u> | | |
| Phone: <u>989-731-6598</u> | Fax: <u>theFamb & Yahoo.com</u> | |

PROPERTY OWNER INFORMATION: (IF DIFFERENT FROM APPLICANT)

| | |
|--|--------------------------------------|
| Name: <u>Cottontails Inc</u> | |
| Address: <u>PO Box 391 Waters MI 49797</u> | |
| Phone: <u>989-731-6598</u> | Fax: <u>the Famb & Yahoo.com</u> |

PROPERTY INFORMATION:

| | | |
|--|-------------------------------------|----------------------------|
| Address: <u>466 Nancy Lane</u> | | |
| Parcel Number: <u>010-021-100-020-01</u> | | |
| Acres: <u>33.34</u> | Current Zoning District: <u>B-1</u> | Current Use: <u>Vacant</u> |
| Requested Zoning: <u>B-2</u> | Future Land Use Designation: | |

ATTACHMENTS: Please submit the following items with the application.

- A Site Plan drawn to scale showing the following: the entire parcel to be rezoned, adjacent roads and/or easements, existing and proposed curb cuts, existing improvements, existing and proposed utilities, adjacent uses and zoning districts, any unique natural features such as lakes, rivers, streams, wetlands, steep slopes...
- A copy of the deed(s) and an accurate legal description(s) of the parcel(s) to be rezoned.
- A statement of the consistency of the proposed rezone with the existing and future surrounding land uses and the anticipated impacts to the surrounding area with specific regard to traffic, infrastructure, environment, noise, public safety and visual considerations.

| | |
|--|------------------------|
| Signature of Applicant <u>[Signature]</u> President | Date <u>6/23/15</u> |
| Signature of Owner (if different from applicant) | Date |

***Optional: I hereby grant permission for members of the Township Planning Commission, Township Board, Otsego County Planning Commission and Zoning Administrator to enter the above described property for the purposes of gathering information related to the application.

***Note to Applicant: This permission is optional and failure to grant permission will not affect any decision on the applicant.

| | |
|---|------------------------|
| Signature of Property Owner <u>[Signature]</u> President | Date <u>6/23/15</u> |
|---|------------------------|

OFFICE USE ONLY

| | | |
|---------------|----------|----------------------------|
| Fee: \$700.00 | File No: | Date Application Received: |
|---------------|----------|----------------------------|

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

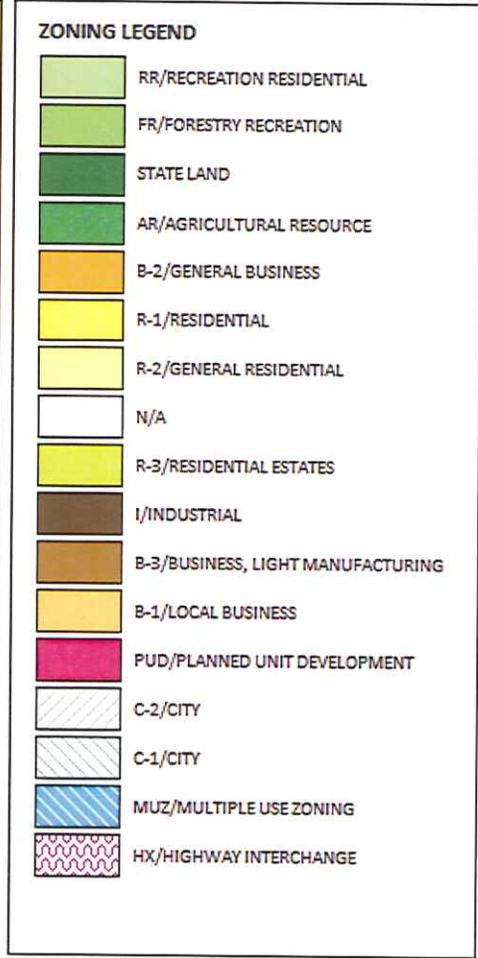
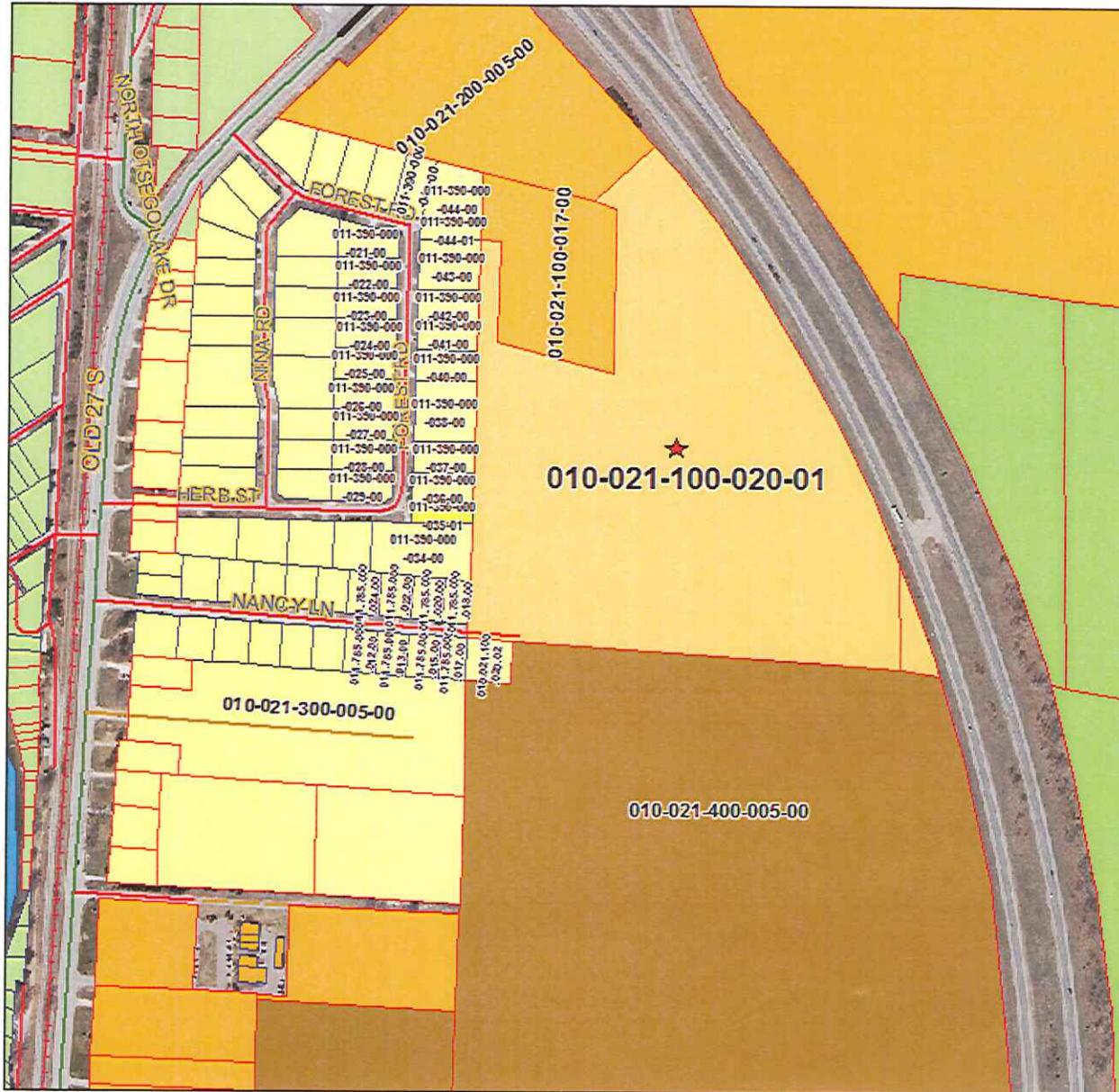


Exhibit 2



**EXHIBIT A
LEGAL DESCRIPTION**

Land situated in the County of Otsego, Township of Bagley, State of Michigan, is described as follows:

Parcel 1: (a/k/a "Tract A")

A parcel of land on part of the North 1/2 of Section 21 T30N-R3W, Bagley Township, Otsego County, Michigan, described as commencing as the North 1/4 corner of said Section 21; thence S 01 degree 04' 00" E, 462.20' along the North-South 1/4 line of said Section 21 to the POINT OF BEGINNING; thence along the Westerly right-of-way line of limited access Highway I-75, the following two courses: 1) S 41 degree 47' 48" E, 403.64' 2) 356.37' along the curve to the right said curve having a radius of 5614.58', a Delta Angle of 03 degrees 38' 12", a long chord of 356.31' bearing S 39 degrees 58' 43" E; thence S 37 degrees 30' 19" W, 249.64'; thence N 75 degrees 34' 43" W, 369.82', thence N 75 degrees 34' 55" W, 696.18' along the North line of the Plat of H.C. Johnson Subdivision, as recorded in Liber 3, Pages 48-49, Otsego County Survey Records; thence along the Easterly line of Highway Old US 27, the following five courses: 1) N 45 degrees 00' 26" E, 126.93' 2) S 75 degrees 33' 00" E, 46.46' 3) N 44 degrees 59' 29" E, 125.91' 4) N 44 degrees 55' 54" E, 224.47' 5) 353.99' along a curve to the left, said curve having a radius of 1373.24', a Delta Angle of 14 degrees 46' 10", a long chord of 353.01' bearing N 37 degrees 27' 25" E; thence S 41 degrees 48' 36" E, 134.16' along the Westerly right-of-way of said limited access Highway I-75 to the Point of Beginning.

Formerly described in a Warranty Deed recorded in Liber 675, Pages 12-13 and referred to in Survey recorded in Liber 688, Page 224, both in Otsego County Records as follows:

Commencing at the North Quarter corner of Section 21, Town 30 North, Range 3 West, Township of Bagley, Otsego County, Michigan, thence South 1 degree 04 minutes East along the North and South Quarter line of said Section 21, a distance of 462.2 feet to an iron bar at the right-of-way fence on the Southbound roadway of Highway I-75 for the Point of Beginning; thence South 41 degrees 48 minutes East along said right-of-way fence a distance of 403.8 feet to an iron bar at the point of tangency; thence continuing along an arc on the right-of-way fence, a distance of 356.2 feet to an iron bar; thence South 37 degrees 32 minutes West a distance of 370 feet to an iron bar on the North and South Quarter line; thence continuing North 75 degrees 33 minutes West a distance of 696.1 feet to an iron bar on the East right-of-way of Highway US-27; thence North 45 degrees 01 minutes East a distance of 276.7 feet to an iron bar; thence South 44 degrees 59 minutes East a distance of 40 feet to an iron bar; thence North 45 degrees 01 minutes East a distance of 224.59 feet to an iron bar; thence continuing along said East right-of-way on an arc a distance of 354.49 feet to a fence corner post on the right-of-way line of the Southbound roadway of said Highway I-75; thence South 41 degrees 48 minutes East along said right-of-way, a distance of 134 feet to the Point of Beginning;

EXCEPT: Commencing at the North Quarter corner of Section 21, Town 30 North, Range 3 West, thence North 81 degrees 39 minutes 27 seconds West 163.26 feet; thence South 41 degrees 47 minutes 44 seconds East 129.07 feet to a point on the arc of a 04 degrees 30 minute curve to the right, said point being on the reference line of relocated Old Highway US-27; thence Southwesterly along the arc of said curve 591.47 feet to the point of tangency of said curve (chord bearing South 31 degrees 43 minutes 04 seconds West); thence South 45 degrees 01 minutes 33 seconds West 381.59 feet; thence South 44 degrees 58 minutes 27 seconds East 60.00 feet to a point on the existing limited access right-of-way line of Highway I-75 and the point of beginning of this description; thence South 75 degrees 33 minutes East 46.46 feet; thence North 45 degrees 01 minutes 33 seconds East 126.36 feet; thence North 44 degrees 58 minutes 27 seconds West 40.00 feet, thence South 45 degrees 01 minutes 33 seconds West 150.00 feet to the point of beginning.

Together with all rights of ingress and egress, if any there be, to, from and between the highway to be constructed on the lands above described to the remainder of "Tract A".

P.I.N. 010-021-200-005-00



PARCEL II:
A.K.A. "Parcel A"

A part of Government Lot 1, Section 21, Town 30 North, Range 3 West, Bagley Township, Otsego County, Michigan, described as commencing at the North 1/4 corner of said Section 21; thence South 01 degrees 01' 57" West, 1142.08 feet along the North-South 1/4 line of said Section to the Northeast corner of Lot 44 of H.C. Johnson's Subdivision (recorded in Liber 3, Page 48, Otsego County Records) thence along the North line of said H.C. Johnson's Subdivision North 75 degrees 33' 55" West, 696.18 feet to the Northerly corner of Lot 49 of said Subdivision; thence South 73 degrees 34' 29" West, 249.62 feet to the Northwesterly line of the reconstructed Old US 27 and the Point of Beginning; thence 434.56 feet along a curve to the right, said curve having a radius of 1311.18 feet, a delta angle 18 degrees 59' 22", and a chord of 432.57 feet; which bears North 12 degrees 29' 06" East; thence South 66 degrees 28' 05" East 4.06 feet; thence 136.04 feet along a curve to the right, said curve having a radius of 1182.69 feet, a delta angle of 06 degrees 35' 27", and a chord of 135.97 feet which bears North 26 degrees 49' 38" East, thence along the South-bound ramp to Interstate Highway I-75 for the following two courses: 1) South 45 degrees 01' 42" East, 113.20 feet 2) South 00 degrees 01' 03" East 221.96 feet to the Westerly line of said reconstructed Old US 27; thence along the Northwesterly right-of-way of said reconstructed Old US 27, South 44 degrees 50' 16" West, 338.60 feet to the point of beginning. Subject to a Michigan Consolidated Gas Company easement as recorded in Liber 120, Page 116, Otsego County Records, and any other easements or restrictions of record, if any, Otsego County Records.

P.I.N. 010-021-200-010-00

PARCEL III
A/K/A "Parcel B"

A part of Government Lot 1, Section 21, Town 30 North, Range 3 West, Bagley Township, Otsego County, Michigan, described as commencing at the North 1/4 corner of said Section 21; thence South 01 degrees 01' 57" West, 1142.08 feet along the North-South 1/4 line of said Section to the Northeast corner of Lot 44 of H.C. Johnson's Subdivision (recorded in Liber 3, Page 48, Otsego County Records); thence South 75 degrees 34' 43" East, 369.82 feet to the point of beginning; thence North 37 degrees 29' 20" East, 249.66 feet to the Westerly right-of-way line of Interstate Highway I-75; thence 1675.48 feet along said right-of-way on a curve to the right, said curve having a radius of 5614.58 feet, a delta angle of 17 degrees 05' 53", a chord of 1669.27 feet which bears South 29 degrees 38' 22" East; thence South 00 degrees 10' 09" West, 446.38 feet to the East and West 1/4 line of said Section 21; thence North 85 degrees 46' 14" West, 1218.28 feet along said East and West 1/4 line; thence North 00 degrees 04' 07" East, 150.40 feet; thence North 85 degrees 46' 14" West 150.56 feet to the Easterly line of Valcke's Lakeview Acres; thence North 00 degrees 00' 18" East, 203.50 feet along the Easterly line of said Valcke's Lakeview Acres to the Northeast corner of Lot 19 of said Valcke's Lakeview Acres; thence along the Southerly line of Lot 35 of H.C. Johnson's Subdivision, South 85 degrees 11' 55" East, 6.46 feet to the Southeast corner of said Lot 35 of H.C. Johnson's Subdivision; thence North 01 degrees 02' 01" East, 1112.92 feet along the Easterly line of said H.C. Johnson's Subdivision to a point of 65.00 feet North of the Southeast corner of Lot 44 of said H.C. Johnson's Subdivision; thence South 88 degrees 45' 53" East, 66.00 feet; thence South 01 degrees 02' 01" West, 341.25 feet; thence South 75 degrees 34' 43" East, 392.15 feet; thence North 01 degrees 04' 11" East, 550.00 feet; thence North 75 degrees 37' 27" West, 90.38 feet to the point of beginning. Together with and subject to an easement for ingress/egress as recorded in Liber 144, Pages 445-449. Otsego County Records. And any other easements or restrictions of record, Otsego County Records.

P.I.N. 010-021-100-020-01

EXHIBIT B
EXCEPTIONS

1. Easement Agreement in favor of General Telephone Company of Michigan as set forth in instrument dated March 24, 1971 and recorded April 22, 1971 in Liber 144 pages 445-449, Otsego County Records.
2. Easement in favor of Top O' Michigan Rural Electric Company as set forth in instrument dated April 29, 1998 and recorded March 24, 1999 in Liber 715 pages 529-530, Otsego County Records.
3. Right-Of-Way Agreement in favor of Michigan Consolidated Gas Company as set forth in instrument dated March 19, 1964 and recorded May 8, 1964 in Liber 98 pages 520-521 and Modified in Liber 120, pages 116-117, Otsego County Records.
4. Memorandum of Billboard Lease in favor of Wolverine Sign Works as set forth in instrument dated March 12, 2004 and recorded March 15, 2004 in Liber 986 pages 171-172, Otsego County Records.
5. All oil, gas and mineral rights, interests and leases, as shown in the chain of title to subject property.
6. Rights of tenants, if any, under any unrecorded leases.
7. Matters which an accurate survey of the Property would disclose.
8. Zoning ordinances.
9. Building and use restrictions and easements.
10. The interests of all tenants and any other lessees or persons in possession.
11. The rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.
12. Taxes and assessments, whether general or special, and any lien arising therefrom, which are not due and payable as of the Closing Date.
13. Rights or claims of parties in possession not shown by the public records.
14. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
15. Easements or claims of easements, not shown by the public records.
16. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown on the public records.
17. Lien for outstanding water or sewer charges, if any.
18. The standard preprinted exceptions set forth in the binder to the Title Commitment No. 69-30689 issued by First American Title Insurance Company.



R1241 973 4

LIBER 1241

PAGE 973

Parcel Number: 69-010-021-100-020-01

Jurisdiction: BAGLEY TOWNSHIP

County: OTSEGO

Printed on

09/11/2015

| Grantor | Grantee | Sale Price | Sale Date | Inst. Type | Terms of Sale | Liber & Page | Verified By | Prcnt. Trans. |
|---------------------------|---------------------------|------------|------------|------------|------------------|--------------|-------------|---------------|
| FLAGSTAR BANK FSB | THE COTTONTAILS INC | 125,000 | 10/15/2010 | QC | Bank Sale | 1241/970 | Deed | 100.0 |
| FESTIVAL LAND DEVELOPMENT | FLAGSTAR BANK FSB | 0 | 02/26/2009 | WD | No Sale Price | 1199/457 | Deed | 0.0 |
| JOHNSON, RALPH D & BETTY | FESTIVAL LAND DEVELOPMENT | 0 | 06/17/1998 | WD | Fulfilment of LC | 991/294 | Deed | 0.0 |

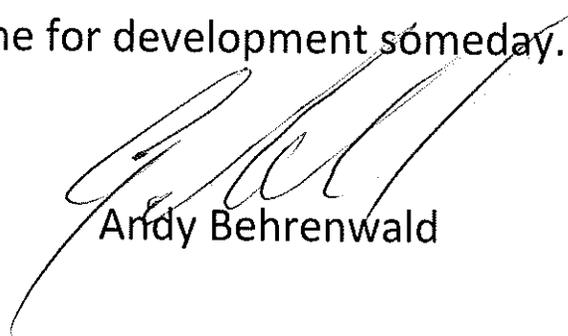
| | | | | | | | | | |
|--|---------------------------------------|-------------|---------------------------------------|------------|----------------|---|-----------------|----------------|---------------|
| Property Address | Class: 401 Residential Va | Zoning: B-1 | Building Permit(s) | Date | Number | Status | | | |
| | School: Gaylord Community | | | | | | | | |
| | P.R.E. 0% | | | | | | | | |
| Owner's Name/Address | : 0.00 | | | | | | | | |
| THE COTTONTAILS INC 900 S OTSEGO AVE GAYLORD MI 49735 | 2015 Est TCV 58,200(Value Overridden) | | | | | | | | |
| | Improved | X Vacant | Land Value Estimates for Land Table . | | | | | | |
| | Public Improvements | | Description | Frontage | Depth | * Factors * Rate %Adj. Reason Value | | | |
| Tax Description | Dirt Road | | | | | 33.340 Acres 0 100 0 | | | |
| COMM @ N¼ COR, TH S1°1'57"W 1142.08', TH S75°34'43"E 369.82' FOR POB, TH N37°29'20"E 249.66', TH ALG CURVE TO R 1675.48', RAD 5614.58', ANG 17°5'53", LC S29°38'22"E 1669.27', TH S0°10'9"W 446.38' TH N85°46'14"W 1218.28', TH N0°4'7"E 150.40', N85°46'14"W 150.56', TH N0°0'18"E 203.50', TH S85°11'55"E 6.46', TH N1°2'1"E 1112.92', TH S88°45'53"E 66', TH S1°2'1"W 341.25', TH S75°34'43"E 392.15', TH N1°4'11"E 550', TH N75°37'27"W 90.38' TO POB. SEC 21, T30N-R3W. | Gravel Road | | | | | 33.34 Total Acres Total Est. Land Value = 0 | | | |
| | Paved Road | | | | | | | | |
| | Storm Sewer | | | | | | | | |
| | Sidewalk | | | | | | | | |
| | Water | | | | | | | | |
| | Sewer | | | | | | | | |
| | Electric | | | | | | | | |
| | Gas | | | | | | | | |
| | Curb | | | | | | | | |
| | Street Lights | | | | | | | | |
| | Standard Utilities | | | | | | | | |
| | Underground Utils. | | | | | | | | |
| Comments/Influences | Topography of Site | | | | | | | | |
| 3259 FOREST RD WELL SITE 7-21 639 HERB ST B3-21 WELL SITE 466 NANCY LN B3-21 WELL SITE | Level | | Year | Land Value | Building Value | Assessed Value | Board of Review | Tribunal/Other | Taxable Value |
| | Rolling | | 2015 | 29,100 | 0 | 29,100 | | | 29,100S |
| | Low | | 2014 | 29,100 | 0 | 29,100 | | | 29,100S |
| | High | | 2013 | 34,200 | 0 | 34,200 | | | 34,200S |
| | Landscaped | | 2012 | 34,200 | 0 | 34,200 | | | 34,200S |
| | Swamp | | | | | | | | |
| | Wooded | | | | | | | | |
| | Pond | | | | | | | | |
| | Waterfront | | | | | | | | |
| | Ravine | | | | | | | | |
| | Wetland | | | | | | | | |
| | Flood Plain | | | | | | | | |

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

Dear Zoning,

06/25/2015

Cottontails is requesting this parcel to be changed from B-1 to B-2 . Reason is because Verizon would like to place a tower by the expressway in the woods 220 to 250 feet tall. I will have their engineering plan and also what coverage this tower will increase. Also I understand they will request a special use if zoning successful. The woods is a better spot than on the Cottontails property to the north in the field at 27 and 75 for safety reasons and the tower would be less noticed in the woods. Also these two parcels are so much the same the zoning would be best the same for development someday.



Andy Behrenwald

President

**OTSEGO COUNTY
PLANNING COMMISSION**

PUBLIC HEARING NOTICE

September 21, 2015

The Otsego County Planning Commission will hold three (3) public hearings on Monday, September 21, 2015 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1) DTE Energy has requested a Special Use Permit/Site Plan Review for property located in Otsego Lake Township at 117 Old State Rd Gaylord, MI 49735. The proposed use of the property is the installation of an inter connect to expand natural gas coverage to surrounding areas. The property is located in a B3/Business & Light Manufacturing Zoning District. Utility and essential service buildings when operating requirements necessitate the locating of said facilities within the district in order to serve the immediate vicinity and above-ground storage of flammable and combustible liquids, chemicals and hazardous liquids are permitted uses subject to special conditions in the B3 Zoning District.

Parcel identification number: **090-017-100-010-00**
117 Old State Rd
Gaylord, MI 49735

Legal Description:

COMM AT THE NE COR OF SEC 17, TH N87°28'18"W 1085.51 FT ALG N LN OF SEC 17 TO POB; THE S28°36'40"W 948.60 FT ALG W ROW OF I-75, TH CONT ALG SD ROW 873.96 FT ALG A CURVE TO THE LEFT HAVING A RADIUS OF 3934.72 FT AND A CHORD OF 872.17 FT BEARING S22°14'53"W TO E 1/8 LN OF SD SEC, TH N00°16'14"E 1292.64 FT ALG SD 1/8 LN, TH S87°29'45"E 250.24 FT, TH N03°16'26"E 381.20 FT TO N LN OF SEC 17, TH S87°28'18"E 507.08 ALG N LN TO POB. CONT 11.27 AC

2) Residential Excavating Inc has requested a Special Use Permit/Site Plan Review for property located in Charlton Township at 9745 Moore Dr Johannesburg, MI 49751. The proposed use of the property is to construct a guest house/garage on a parcel of property with an existing residence. The property is located in a RR/Recreation Residential Zoning District. A guest house is a permitted use subject to special conditions in the RR Zoning District.

Parcel identification number: **023-140-000-048-00**
9745 Moore Dr
Johannesburg, MI 49751

Legal Description:

LOT 48 CLEAR LAKE. SEC 7 T29N R1W.

3) Cottontails Inc is requesting a property rezone located in Bagley Township from a B1/Local Business Zoning District to a B2/General Business Zoning District to coincide with their contiguous property.

Parcel identification number: **010-021-100-020-01**
Nancy Ln
Gaylord, MI 49735

Legal Description:

COMM @ N¼ COR, TH S1°1'57"W 1142.08', TH S75°34'43"E 369.82' FOR POB, TH N37°29'20"E 249.66', TH ALG CURVE TO R 1675.48', RAD 5614.58', ANG 17°5'53", LC S29°38'22"E 1669.27', TH S0°10'9"W 446.38', TH N85°46'14"W 1218.28', TH N0°4'7"E 150.40', N85°46'14"W 150.56', TH N0°0'18"E 203.50', TH S85°11'55"E 6.46', TH N1°2'1"E 1112.92', TH S88°45'53"E 66', TH S1°2'1"W 341.25', TH S75°34'43"E 392.15', TH N1°4'11"E 550', TH N75°37'27"W 90.38' TO POB. SEC 21 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) 731-7400.



Otsego
COUNTY
M I C H I G A N

**Department of
Land Use Services**

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

July 13, 2015

Bagley Township
PO Box 52
Gaylord, MI 49735

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

If you require the applicant, Andy Behrenwald, representative for Cottontails Inc to be present at your meeting, he can be notified at the following:

Andy Behrenwald
c/o Cottontails Inc
PO Box 391
Waters, MI 49737

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

Bagley Township
Otsego County Michigan

Bagley Township Planning Commission
PO Box 52
Gaylord, Michigan 49734

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

Case: County PREZ 15-001 NS, Rezone
To Accommodate Communication Tower
Original Case: 2014 SUP 14-002
TIN: 010 021 100 020 01

Date and Location:: July 30, 2015, 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. Notes here are paraphrased from the discussion and commission conclusions at the hearing. The Applicant presented a site plan at the meeting, addressing essential issues in section 16 pursuant to the requested variance.

Members Present: Arndt, Beckett, Parsell, Trigger, Loney, Giles,
Supervisor

Absent: None

Representing the Applicant Andy Behrenwald for Cottontails, Inc.

Other Attendees: None from the general public

Applicant's was invited to speak. Representative Behrenwald briefed the committee on the plan for installing a new communication tower. He indicated that the rezone was necessary to B-2 because the tower would be over 190 feet and that was the driver. He told the commissioners the approximate location of the tower was about center NW on the property where it would be obscured by the woods. He concluded his comments.

Meeting was opened for public comment. There being no live humans present to make public comment nor was relevant correspondence for the record, the meeting closed to public comment at 7:24 PM.

Commissioners discussed the proposed rezoning and the impact in allowed uses for B-2 uses by right and also special uses and reviewed the general and specific conditions. At this point the petitioner indicated that the actual tower height had been reduced to about 165 feet rather than 215 to 220 feet.

Commissioners then examined the B-1 uses by right and special uses and, although very much in favor of additional communication capacity, there was a major concern about how the B-2 uses by right would impact the residents on Nancy Lane. Necessity for the rezone was question given consideration and discussion.

Chairman discussed similar re-zonings further south along Alpine Drive where a buffer had been impressed between residential homes and a B-3 re-zoning to protect the single homes and small businesses.

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

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

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

7:50PM Discussion ended.

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

Beckett, Parsell, Trigger, Loney voted no

Arndt voted yes

Motion Fails

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

Chairman discussed upcoming cases in the coming 2 months, including a proposal for a park area on South Old 27 and another communications tower.

There being no further business, the meeting was adjourned at 8:24 PM.

Respectfully Submitted,



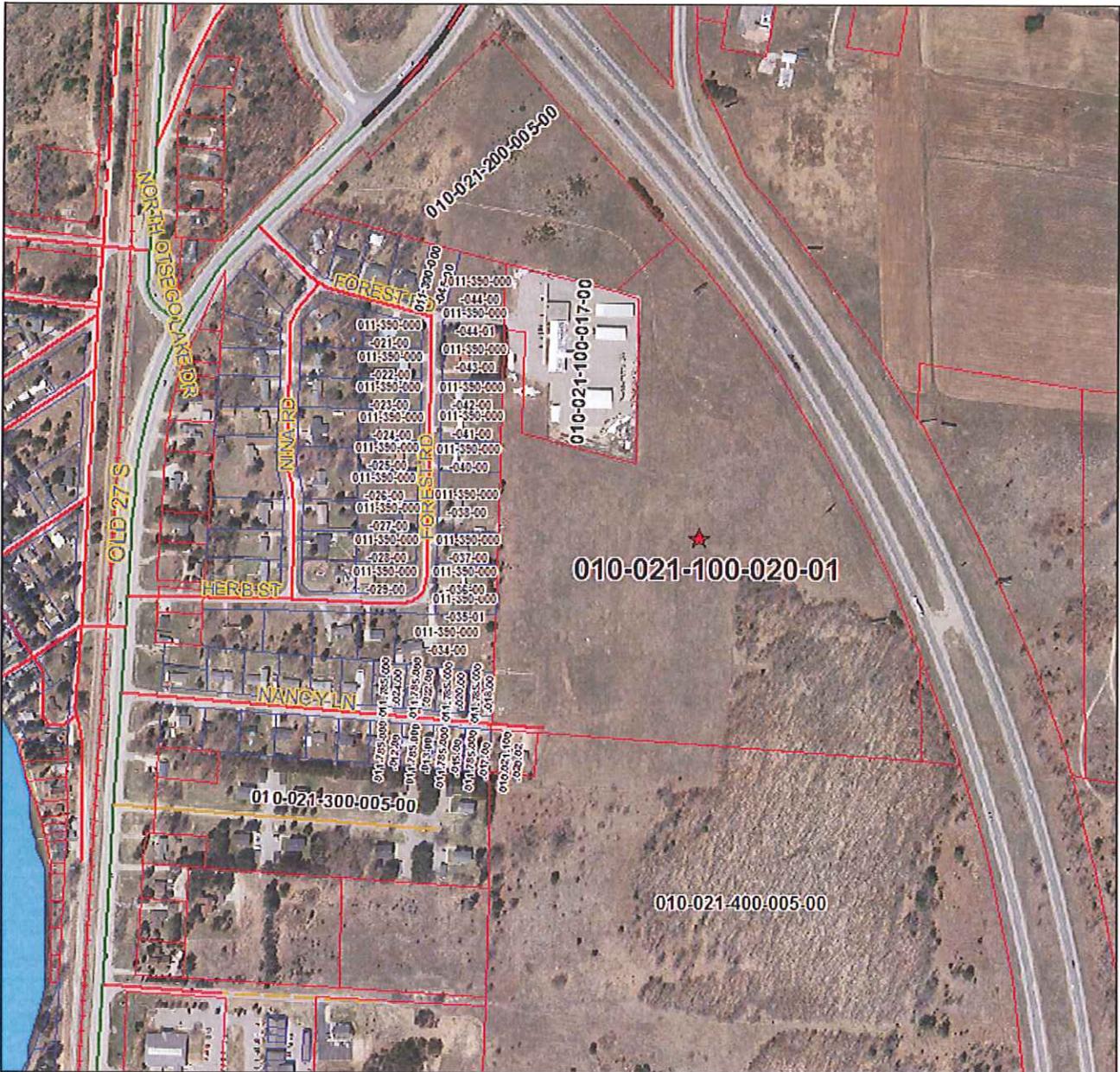
Kenneth R. Arndt
Chairman

Approved for the Board:

William Giles
Supervisor

Distribution:

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



- | | | |
|--------------------|--------------------|--------------------|
| 010-021-100-017-00 | 011-390-000-021-00 | 011-390-000-040-00 |
| 011-390-000-044-01 | 011-390-000-022-00 | 011-390-000-041-00 |
| 010-021-100-020-02 | 011-390-000-023-00 | 011-390-000-042-00 |
| 010-021-100-030-00 | 011-390-000-024-00 | 011-390-000-043-00 |
| 010-021-200-005-00 | 011-390-000-025-00 | 011-390-000-044-00 |
| 010-021-300-005-00 | 011-390-000-026-00 | 011-390-000-045-00 |
| 010-021-400-005-00 | 011-390-000-027-00 | 011-785-000-012-00 |
| | 011-390-000-028-00 | 011-785-000-013-00 |
| | 011-390-000-029-00 | 011-785-000-015-00 |
| | 011-390-000-034-00 | 011-785-000-017-00 |
| | 011-390-000-036-00 | 011-785-000-018-00 |
| | 011-390-000-037-00 | 011-785-000-020-00 |
| | 011-390-000-038-00 | 011-785-000-022-00 |
| | | 011-785-000-024-00 |
| | | 011-390-000-035-01 |

| OWNERS WITHIN THREE HUNDRED FEET (300') | | | | | | |
|---|------------------|-------------------------------|-------------------------|---------------|----|------------|
| PARCEL NUMBER | PROPERTY ADDRESS | OWNER NAME | OWNER ADDRESS | | | |
| 010-021-100-017-00/ 011-390-000-044-01 | 3249 FOREST RD | GENERAL TELEPHONE CO | 3249 FOREST RD | GAYLORD | MI | 49735-9516 |
| 010-021-100-020-02 | 500 NANCY LN | JOHNSON, EDWARD D | 2076 SCHUSS LN | GAYLORD | MI | 49735-8662 |
| 010-021-100-030-00 | | STATE OF MICHIGAN | PO BOX 30028 | LANSING | MI | 48909-7528 |
| 010-021-200-005-00 | | THE COTTONTAILS INC | 900 S OTSEGO AVE | GAYLORD | MI | 49735 |
| 010-021-300-005-00 | 417 ROBERTS AVE | STOCKYARD LLC | PO BOX 309 | GAYLORD | MI | 49734-0309 |
| 010-021-400-005-00 | | SCHENDEN, JAMES LLC | 162 NORTHPOINTE DR | LAKE ORION | MI | 48359-1863 |
| 011-390-000-021-00 | 3240 FOREST RD | STARKS, SCOTT J & JENNIFER L | 3240 FOREST RD | GAYLORD | MI | 49735 |
| 011-390-000-022-00 | 3260 FOREST RD | STRAUSS, KURT & SALLY | 939 HOLLY LN | GAYLORD | MI | 49735 |
| 011-390-000-023-00/ 011-390-000-024-00 | 3270 FOREST RD | BENNETT, EARL F | 3270 FOREST RD | GAYLORD | MI | 49735-9516 |
| 011-390-000-025-00 | 3290 FOREST RD | MURRAY, WILLIAM E & KATHLEEN | 3290 FOREST RD | GAYLORD | MI | 49735-9516 |
| 011-390-000-026-00/ 011-390-000-027-00 | 3300 FOREST RD | CISZEWSKI-CISZEWSKI-KORONKA | 3310 FOREST RD | GAYLORD | MI | 49735-8485 |
| 011-390-000-028-00 | 3328 FOREST RD | HAYES-HAYES | 3328 FOREST RD | GAYLORD | MI | 49735-8485 |
| 011-390-000-029-00 | 590 HERB ST | KWAPIS, THOMAS R & GAYLE A | 590 HERB ST | GAYLORD | MI | 49735-9515 |
| 011-390-000-034-00 | 581 HERB ST | SLIVINSKI, RAYMOND J & LISA A | 581 HERB ST | GAYLORD | MI | 49735-9515 |
| 011-390-000-036-00 | 3335 FOREST RD | MOORE, WALTER EDWIN III | 2555 ALLIS RD | GAYLORD | MI | 49735 |
| 011-390-000-037-00 | 3329 FOREST RD | ROYAL ALPINE HOLDINGS LLC | 2806 ALBA RD | GAYLORD | MI | 49735 |
| 011-390-000-038-00 | 3301 FOREST RD | STOUT-LEWIS | 3301 FOREST RD | GAYLORD | MI | 49735-8485 |
| 011-390-000-040-00/ 011-390-000-041-00 | 3291 FOREST RD | SHIVELY, JUDY | 3291 FOREST RD | GAYLORD | MI | 49735 |
| 011-390-000-042-00 | 3271 FOREST RD | BROWN, THOMAS ALLAN & DEBRA S | 3271 FOREST RD | GAYLORD | MI | 49735 |
| 011-390-000-043-00 | 3261 FOREST RD | SLAGEL, GORDON D & DIANE L | 5714 ALBA RD | GAYLORD | MI | 49735-8901 |
| 011-390-000-044-00/ 011-390-000-045-00 | | OILFIELD INVESTMENTS, LTD | 954 BUSINESS PARK DR #5 | TRAVERSE CITY | MI | 49686-8683 |
| 011-785-000-012-00 | 571 NANCY LN | KOTSCH-KOTSCH-GEE | 4192 OTTAWA TRL | JOHANNESBURG | MI | 49751-9475 |
| 011-785-000-013-00 | 551 NANCY LN | VESTAGE LLC | 3213 FOREST RD | GAYLORD | MI | 49735 |
| 011-785-000-015-00 | 531 NANCY LN | SCHRAM, HUNTER ESTATE | 531 NANCY LN | GAYLORD | MI | 49735-9521 |
| 011-785-000-017-00 | 511 NANCY LN | FITZHENRY-CLEMENT | 511 NANCY LN | GAYLORD | MI | 49735-9521 |
| 011-785-000-018-00 | 510 NANCY LN | BOGARD, BRANDON D | 9165 MICHAELS DR | KINGSLEY | MI | 49649-9700 |
| 011-785-000-020-00 | 530 NANCY LN | 530 NANCY LN LLC | 11375 SW TORCH LAKE DR | RAPID CITY | MI | 49676-9610 |
| 011-785-000-022-00 | 550 NANCY LN | KLEPADLO, JOHN III | 550 NANCY LN | GAYLORD | MI | 49735 |
| 011-785-000-024-00 | 570 NANCY LN | MEADE, WILLIAM & MELISSA | 570 NANCY LN | GAYLORD | MI | 49735 |
| 011-390-000-035-01 | | COUNTY OF OTSEGO | 225 W MAIN ST | GAYLORD | MI | 49735 |

**OTSEGO COUNTY
PLANNING COMMISSION**

**PREZ15-001
Rezone
010-021-100-020-01**

FINDING OF FACTS

1. This is a proposal for a rezoning of property. *Exhibit #1*
2. The property is located in a B1/Local Business Zoning District. *Exhibit #2*
3. The proposed rezone is for a B2/General Business Zoning District. *Exhibit #2*
4. The property is currently under the ownership of Cottontails Inc and being represented by Andy Behrenwald. *Exhibit #4, Exhibit #5*
5. The Public Hearing Notice was published in the Herald Times on September 4, 2015 *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. Applicant's contiguous property is zoned B2/General Business as is other property in the immediate area. *Exhibit #2*
9. The required fees have been collected by Otsego County Land Use Services. *Exhibit #10*

FINDINGS UNDER ARTICLE 25/SECTION 25.7

ARTICLE 25 ADMINISTRATION AND ENFORCEMENT

SECTION 25.7 CHANGES AND AMENDMENTS

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

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

1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed zoning ordinance amendment.
 - b. A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
 - c. The time, date, and place the proposed zoning ordinance will be considered.
 - d. The places and times at which the proposed zoning ordinance amendment may be examined.
 - e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
2. The notice shall be published in a newspaper of general circulation within the County not less than fifteen (15) days before the scheduled public hearing.
3. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing.
4. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the property or properties proposed for rezoning and to the occupants of all structures within three hundred (300) feet of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the County. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
5. The notice shall be given by first-class mail to each electric, gas, and pipeline public utility Company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the County clerk for the purpose of receiving the notice of public hearing.

PIT RECLAMATION PLAN

This plan was developed per the Otsego County ordinance **21.25.3 Restore the Quality of Soils to Their Pre-mining Level.**

21.25.3.1 Soil survey information was located using the USDA web soil survey (see attached pages).

21.25.3.2 Prior to the commencement of mining operations the topsoil shall be stripped from the area to be mined and stock piled

21.25.3.3 Using the soil survey information it was determined that there were no soils with high electrical conductivity, calcium carbonate, sodium, or other restrictive properties.

21.25.3.4 The overburden was used to construct the roadways throughout the site or as part of materials produced for sale.

21.25.3.5 The stockpiled material will be used as berm material to create sight and sound barriers. With construction of these barriers screening will be accomplished. This will place top soil material out of the direct mining path and provide for minimal disturbance. This will be further enhanced by the leaving of a 50 foot wide belt of natural and existing vegetation along the property and public road right-of-way lines. Per the timber owner's timber management agreement, only selective timber cutting will continue within the 50 foot buffer zone.

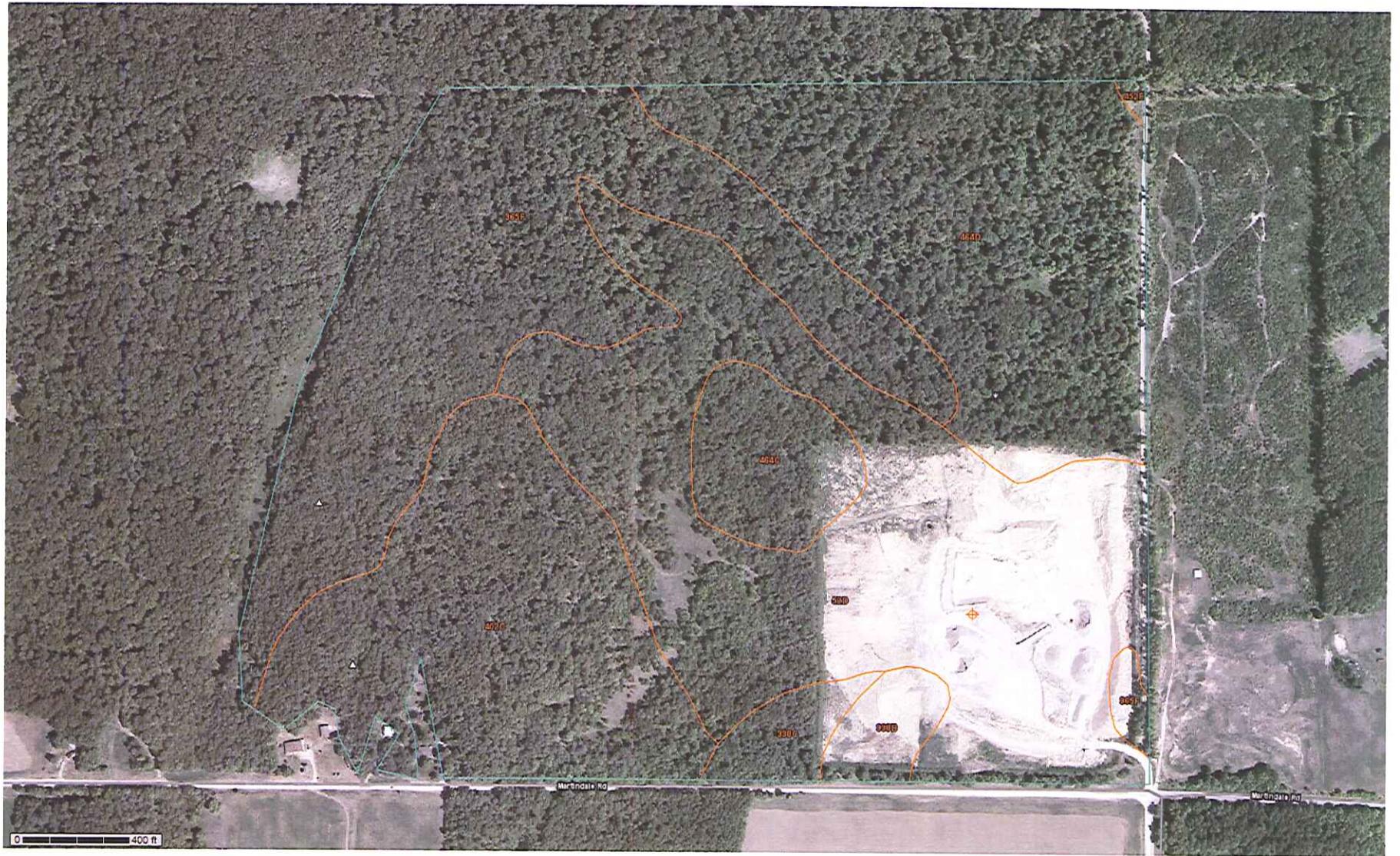
21.25.3.6 Once all extraction operations are completed the area will be sloped and contoured. All slopes around the mined perimeter shall be reclaimed to a maximum slope of one foot vertical to three foot horizontal before top soil is placed. Top soil shall be placed in phases at a depth of 2" to 4" per Otsego County recommendations.

21.25.3.7 The goal of the Rieth-Riley Construction Company Inc. is to restore the entire property in such a manner as to leave it in a condition that will make it compatible with forest, and recreational land uses.

21.25.3.8 Any spoil piles will be sloped and graded in a manner that will allow them to be blended into the natural landscape, while designated stock pile areas will be left within the reclaimed areas as long as mining continues. When all the areas' natural minerals have been extracted these stock piles will be removed and final reclamation will proceed in a progressive manner.

21.25.3.9 All of the reclaimed areas shall be seeded and planted with a combination of deciduous and coniferous seedlings or transplants from areas of future mining. In addition the reclamation area will be seeded using a herbaceous seed mix, the type of seed mix will be determined in cooperation with the county extension service.

Rieth-Riley Construction Company Inc. expects to start reclamation when the south 20 acres have been mined completely. This process will continue in a progressive manner as mining continues. As stated before, final reclamation of the area will proceed in a progressive manner as the areas' natural minerals become extracted in their entirety.



Otsego County, Michigan (MI137)

| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
|------------------------------------|---|---------------------|-----------------------|
| 52D | Blue Lake loamy sand, 6 to 18 percent slopes | 56.8 | 30.0% |
| 338B | Islandlake sand, 0 to 6 percent slopes | 3.3 | 1.7% |
| 338C | Islandlake sand, 6 to 12 percent slopes | 3.3 | 1.7% |
| 365F | Blue Lake loamy sand, 8 to 50 percent slopes, dissected | 45.1 | 23.9% |
| 402C | Islandlake loamy sand, 6 to 12 percent slopes | 33.2 | 17.5% |
| 452E | Bamfield fine sandy loam, sandy substratum, 18 to 35 percent slopes | 0.3 | 0.1% |
| 464C | Mossback sandy loam, 6 to 12 percent slopes | 8.0 | 4.2% |
| 464D | Mossback sandy loam, 12 to 18 percent slopes | 39.2 | 20.7% |
| Totals for Area of Interest | | 189.1 | 100.0% |

Sample Checklist to Guide Site Plan Review Decisions

In making rational, defensible decisions and in setting forth conditions for site plan approval, uniform site plan review criteria should be employed. Following is an example of typical criteria currently in use. These criteria presume that an ordinance contains other standards similar to those cited, which also must be complied with to gain zoning approval.

The site plan is reviewed in order to determine:

1. That the proposed use conforms to the uses permitted in that zoning district.
2. That the dimensional arrangement of building(s) and structure(s) conform to the required yards, setbacks and height restrictions of the ordinance.
3. That the proposed use conforms to all use and design provisions and requirements (if any) as found in the zoning ordinance for specified uses.
4. That there is a proper relationship between the existing and proposed streets and highways within the vicinity to assure the safety and convenience of pedestrian and vehicular traffic.
5. That the proposed on-site buildings, structures and entry ways are situated and designed to minimize adverse effects (upon owners and occupants of adjacent and surrounding properties) by providing for adequate design of ingress/ egress, interior / exterior traffic flow, storm drainage, erosion, grading, lighting and parking, as specified by the zoning ordinance or other county or state law.
6. That natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties (used for dissimilar purposes) or where they assist in preserving the general safety, health and appearance of the neighborhood (e.g. controlling erosion or the discharge of storm water, etc).
7. That adverse effects upon adjoining residents or owners of the proposed development and activities are minimized by appropriate screening, fencing, or landscaping (as provided or required in the zoning ordinance).
8. That all buildings and structures are accessible to emergency vehicles.
9. That the site plan as approved is consistent with the intent and purposes of the zoning ordinance which are to promote public health, safety and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, and to facilitate existing community land use and development plans.
10. Special standards are increasingly common as relate to lighting; access and highway noise management; groundwater, floodplain, wetland, sand dune, high risk erosion, soil sedimentation and waterbody protection. Some communities have special standards related to exterior building materials and compatibility of new structures to the physical features of adjoining structures.