

**OTSEGO COUNTY
PLANNING COMMISSION
SPECIAL MEETING
November 3, 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: None
5. CONSENT AGENDA: None
6. OTHER: None
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:
 1. *Ponsse North America Inc, owner has requested a Special Use Permit/Site Plan Review for vacant property located in Livingston Township
Expressway Ct/081-235-000-036-00
Expressway Ct/081-235-000-037-00
The property is located in a B3/Business, Light Manufacturing Zoning District
PSUP15-009-proposed use of the property is to construct a metal building to be used as a truck servicing facility, primarily for the logging industry.*
9. ADVERTISED CASES:
 1. *Ponsse North America Inc, owner has requested a Special Use Permit/Site Plan Review for vacant property located in Livingston Township
Expressway Ct/081-235-000-036-00
Expressway Ct/081-235-000-037-00
The property is located in a B3/Business, Light Manufacturing Zoning District
PSUP15-009-proposed use of the property is to construct a metal building to be used as a truck servicing facility, primarily for the logging industry.*
10. UNFINISHED COMMISSION BUSINESS
11. NEW BUSINESS
12. REPORTS AND COMMISSION MEMBER'S COMMENTS
13. ADJOURNMENT

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU15-009
Special Use Permit/Site Plan Review
081-235-000-036-00/081-235-000-037-00**

Exhibit List

- Exhibit #1:* Application for case PZSU15-009 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended April 28, 2015
- Exhibit #4:* Copy of Otsego County Equalization Department record cards/Warranty Deeds 1386/420, 1380/421
- Exhibit #5:* Proposal for Architectural Services/Todd L Seidell Architect LLC representative
- Exhibit #6:* Site Plan/PZSU15-009 submitted by Applicant
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Livingston Township Planning Commission dated October 5, 2015
- Exhibit #9:* Response from Livingston Township Planning Commission dated October 13, 2015
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01307691
- Exhibit #12:* General Finding of Fact/PZSU15-009
- Exhibit #13:* Specific Finding of Fact/PZSU15-009
- Exhibit #14:*

Otsego County
Land Use Services

Permit No.: PZSU15-009

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

APPLICATION FOR SPECIAL USE PERMIT

Date: 9/24/15

Tax Parcel Number: 081 - 235 - 000 - 037 - 00 Twp: LIVINGSTON Sec 33 N 31, R 3 W
081 - 235 - 000 - 036 - 00

Property location: (REQUIRED)

Address: LOTS 35 & 36 EXPRESSWAY CT. City: Gaylord State: MI Zip: 49725

Applicant:

Name: TOOD L. SEIDEL ARCHITECT LLC Phone No. (989) - 731 - 0372

Address: P.O. Box 2189 City: Gaylord State: MI Zip: 49734

Property Owner: (If different from applicant)

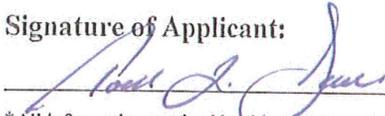
Name: PONSSE North America Inc Phone No. (715) - 369 - 4833

Address: 4400 International lane City: Rhineland State: WI Zip: 54501

Description of project and proposed use:

75' x 103' PRE-ENGINEER METAL BUILDING FOR USE AS
A TRUCK SERVICE FACILITY - PRIMARILY LOGGING INDUSTRY

Signature of Applicant:



Date:

9-24-15

*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: TODD L. SEIDEN ARCHITECT LLC Owner Agent Other interest (circle one)

Address: P.O. Box 2189 Gaylord MI 49734

Phone: 989-731-0372 Fax: 989-731-6932

Property Owner: (if different from applicant)

Name: PONSSE NORTH AMERICA INC.

Address: 4400 INTERNATIONAL CANE - RHINELANDER, MI 54501

Phone: 715-369-4833 Fax: _____

Property Location:

Township: LIVINGSTON Section: 33 Town 31 Range 3 Zoning District B3

Site Address: LOTS 35 & 36 EXPRESSWAY CT - GAYLORD MI 49735

Parcel Code: 001 - 235 - 000 - 037 - 00 AND 081-235-000-036-00

Description of Project and Proposed Use:

75' x 103' PRE-ENGINEERED METAL BUILDING FOR USE AS A
TRUCK SERVICE FACILITY - PRIMARILY LOGGING INDUSTRY

Signature of Applicant: _____

Date: 9-24-15

*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: _____
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: _____
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: _____
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: _____
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: _____
26. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
Yes No NA if "NA" explain: _____
27. Location of water supply lines and/or wells, including fire hydrants and shut off valves, 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: NONE
30. Location, size and specifications of all signs and advertising features with elevation views from front and side.
Yes No NA if "NA" explain: TO BE DETERMINED AT LATER DATE

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: _____
32. Location and specifications for all fences, walls and other screening features with elevation views from front and side.
Yes ___ No ___ NA if "NA" explain: NO PROVIDED
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: NONE PROVIDED - AN INTERVIEW
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: NONE ON PROJECT
37. Identification of any significant views onto or from the site to or from adjoining areas.
Yes ___ No ___ NA if "NA" explain: NONE PRESENT
38. North arrow, scale and date of original submittal and last revision.
Yes No ___ NA ___ if "NA" explain: _____
39. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.
Yes No ___ NA ___ if "NA" explain: _____
40. Paid appropriate fees to Otsego County.
Yes No ___ NA ___ if "NA" explain: _____

*****Attention*****

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

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

Or

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

OFFICIAL USE ONLY

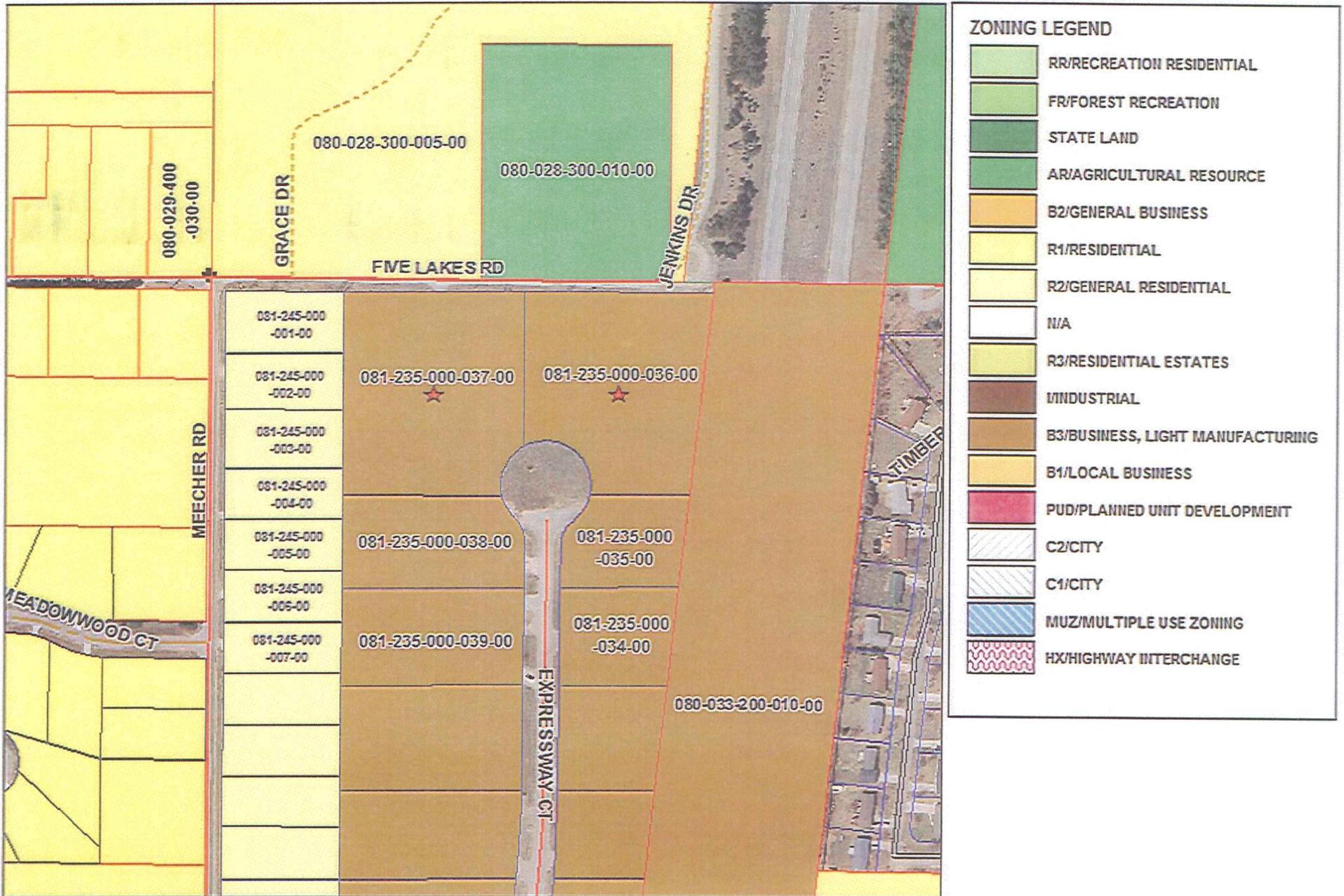
File No P25015:009 Soil Erosion Permit No.: - Fee: _____

Date Application Received: 10.2.2015 Application Received By: _____

Approved: _____ Not Approved: _____ By: _____

Conditions:

PZSU15-009
 SPECIAL USE PERMIT
 PONSSSE NORTH AMERICA INC
 081-235-000-036-00/081-235-000-037-00



Parcel Number: 69-081-235-000-036-00

Jurisdiction: LIVINGSTON TOWNSHIP

County: OTSEGO

Printed on

10/05/2015

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
HARVEY, BOBBIE	PONSSE NORTH AMERICA INC	93,500	09/30/2015	WD	Good	1386/420	DEED	100.0
VANHOUTEN, KENNETH W & DEB	HARVEY, BOBBIE	75,000	01/07/2010	WD	Good	1220/877	DEED	100.0

Property Address	Class: 201 Commercial Vac	Zoning: B-3	Building Permit(s)	Date	Number	Status		
	School: Gaylord Community							
	P.R.E. 0%							
Owner's Name/Address	: 0.00							
PONSSE NORTH AMERICA INC 4400 INTERNATIONAL LN RHINELANDER WI 54501	2015 Est TCV 115,000(Value Overridden)							
	Improved	X Vacant	Land Value Estimates for Land Table .					
Tax Description	Public Improvements	Description	Frontage	Depth	Front Depth	Rate %Adj. Reason Value		
LOT 36 CARD COMMERCIAL PARK NORTH. SEC 33 T31N R3W. 01 SPLIT OF 080-033-200-005-03	Dirt Road				3.730 Acres	0 100 0		
	Gravel Road				3.73 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							
	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	57,500	0	57,500	57,500S
				2014	57,500	0	57,500	57,500S
				2013	59,200	0	59,200	59,200S
				2012	59,200	0	59,200	59,200S



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

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

10-1-15

I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of local collection, board of review, PRE denial or tax tribunal.

Brookell James Deputy COUNTY TREASURER



OTSEGO COUNTY MICHIGAN
RECEIVED FOR RECORD
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
10/01/2015 10:38:33 AM



OTSEGO COUNTY
OCTOBER 1, 2015
RECEIPT #6404

MICHIGAN \$ 102.85-Ct
REAL ESTATE \$ 701.25-ST
TRANSFER TAX STRMP = 9803

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Bobbie Harvey, whose address is 2261 E. Hotchkiss Road, Bay City, MI 48706

Convey(s) and Warrant(s) to Ponsse North America Inc., whose address is 4400 International Lane, Rhinelander, WI 54501

the following described premises:

Land situated in the Township of Livingston, County of Otsego, State of Michigan described as:

Unit 36, Card Commercial Park North, a Commercial Condominium, according to the Master Deed recorded in Liber 775, Pages 284 through 333, Inclusive, First Amendment recorded in Liber 1293, Page 300, Otsego County Records, and designated as Otsego County Condominium Subdivision Plan No. 32; together with rights in general common elements and limited common elements as set forth in the above Master Deed and Amendment(s) thereto, and as described in Act 59 of the Public Acts of 1978, as amended.

Tax Parcel No.: 081-235-000-036-00

For the sum of Ninety Three Thousand Five Hundred Dollars and No Cents (\$93,500.00) subject to the existing building and use restrictions, easements, and zoning ordinances of record, if any.

The grantor grants to the grantee the right to make ALL division(s) under section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated September 30, 2015

Bobbie Harvey
Bobbie Harvey

RCUD OCT 1 15 10:35

State of Michigan)
County of Midland) SS

On this 30th day of September, 2015, before me personally appeared Bobbie Harvey to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Sara J. Philo
Notary Public Sara J. Philo
Midland County, Michigan
My Commission Expires: 10/24/2019
Acting in the County of: Midland

Drafted By: Bobbie Harvey
2261 E. Hotchkiss Road
Bay City, MI 48706

Return To: Ponsse North America Inc.
4400 International Lane
Rhinelander, WI 54501

Assisted By: Alpine Title & Escrow (415823)
114 E. Main Street
Gaylord, MI 49735

Recording Fee \$19.00 State Transfer Tax \$701.25 County Transfer Tax \$102.85
County Treasurer's Certificate City Treasurer's Certificate

804/10
11

10-1-15

I hereby certify that according to our records all taxes returned to this office are paid for five years preceding the date of this instrument. This does not include taxes in the process of local collection, board of review, PRE denial or tax tribunal.

Brock M. J. ... COUNTY TREASURER



LIBER 1386 PAGE 421



OTSEGO COUNTY MICHIGAN
RECEIVED FOR RECORD
SUSAN DEWEYTER, CLERK/REGISTER OF DEEDS
10/01/2015 10:42:34 AM



OTSEGO COUNTY
OCTOBER 1, 2015
RECEIPT #6405

STATE OF MICHIGAN \$ 82.50-CL
REAL ESTATE \$ 562.50-ST
TRANSFER TAX STAMP * 9804

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Kenneth W. VanHouten, a married man, whose address is PO Box 1643, Gaylord, MI 49734

Convey(s) and Warrant(s) to Ponsse North America Inc., whose address is 4400 International Lane, Rhinelander, WI 54501

the following described premises:

Land situated in the Township of Livingston, County of Otsego, State of Michigan described as:

Unit 37, Card Commercial Park North, a Commercial Condominium, according to the Master Deed recorded in Liber 775, Pages 284 through 333, inclusive, First Amendment recorded in Liber 1293, Page 300, Otsego County Records, and designated as Otsego County Condominium Subdivision Plan No. 32; together with rights in general common elements and limited common elements as set forth in the above Master Deed and Amendment(s) thereto, and as described in Act 59 of the Public Acts of 1978, as amended.

Tax Parcel No.: 081-235-000-037-00

For the sum of Seventy Five Thousand Dollars and No Cents (\$75,000.00) subject to the existing building and use restrictions, easements, and zoning ordinances of record, if any. This conveyance does not include any oil, gas or mineral rights: Seller (s) reserves all oil, gas and mineral rights, if any, unto themselves.

The grantor grants to the grantees the right to make ALL division(s) under section 108 of the Land Division Act, Act. No. 288 of the Public Acts of 1967. This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated September 30, 2015

Kenneth W. VanHouten

Kenneth W. VanHouten

Deborah L. VanHouten

Deborah L. VanHouten, his wife, who has executed this deed Solely for the purpose of barring her dower interest, if any, in the above referenced property.

State of Michigan)
County of Otsego) SS

RCUD OCT 1 2015 10:39

On this 30 day of September, 2015, before me personally appeared Kenneth W. VanHouten and Deborah L. VanHouten to me known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Laura Hoyt
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF OTSEGO
My COMMISSION EXPIRES 11/20/2018
ACTING IN OTSEGO COUNTY

Laura Hoyt
Notary Public
County, Michigan
My Commission Expires: _____
Acting in the County of: Otsego

Drafted By: Kenneth W. VanHouten
PO Box 1643
Gaylord, MI 49734

Return To: Ponsse North America Inc.
4400 International Lane
Rhinelander, WI 54501

Assisted By: Alpine Title & Escrow (415825)
114 E. Main Street
Gaylord, MI 49735

Recording Fee \$19.00 State Transfer Tax \$582.50 County Transfer Tax \$82.50
County Treasurer's Certificate City Treasurer's Certificate

645
A



August 26, 2015

Ponsse
Mr. Stacy Wagler
Sterling, Michigan 48659

Proposal for Architectural Services – New Truck Service Center

Project: The project shall consist of a new pre-engineered metal building approximately 75' x 103' with 2,500 sq. ft. of upper mezzanine located in Gaylord, Michigan. The proposed facility shall include rooms and configuration as outlined by preliminary plans provided by architect. The project documents shall be provided in Architectural Design-Build format for construction with package complete for competitive bidding.

Professional Fees Shall Include the Following:

- A) Site civil engineering – grading and drainage plan as well as septic system
- B) Foundation plan and details
- C) Floor plan
- D) Roof plan
- E) Reflected ceiling plan
- F) Exterior elevations
- G) Building sections and details
- H) Interior elevations
- I) Door and window schedules
- J) Room finish schedule
- K) Electrical and lighting plans (Design-build format)
- L) Mechanical and plumbing plans (Design-build format)
- M) Building code review and analysis
- N) Site coordination with general contractor as needed during construction
- O) Coordination of finishes with interior designer

Exclusions-Clarifications

- A) Fire sprinkler system and fire alarm system design and engineering shall be excluded but shall be coordinated by architect if required by Fire Marshall
- B) Civil engineering shall be included and provided by consulting engineer
- C) Soil and environmental testing shall be excluded
- D) Final selection of colors shall be excluded
- E) Professional fees will be charged at design professionals hourly rates for changes to plans that are requested by owner once final plans have been issued for construction
- F) Site supervision during construction shall be excluded. If required architect will charge a rate of \$90.00 per hour for this additional service

114 N. Court Ave., Suite 201, P.O. Box 2189, Gaylord, MI 49734 Phone: 989.731.0372 Fax: 989.731.6932

- G) Architectural services shall provide any corrections necessary by building authorities to obtain full permits at no additional costs to owner
- II) Zoning approval meeting shall be included by architect only

Professional Fees

Professional fees shall be provided at a fixed rate of \$13,400 excluding items listed above

Reimbursable Expenses

Overnight Postage	Direct expense
Mileage to site (For trips not listed above)	\$0.48 per mile
Printing of documents (Blue Prints)	\$2.50 per sheet
Site supervision during construction	\$90.00 per hour

Terms of Payment

Client billing will be done on a monthly basis. Invoices are due net 15 days with a late charge of 1 ½% interest per month applied to all invoices not received after thirty (30) days. A non-refundable deposit of \$3,000 shall be required prior to start of services.

This agreement represents an entire understanding between Owner and Architect with respect to the project, and may only be modified in writing by both parties. Contract shall be void if not accepted within thirty (30) days.

If this proposal is acceptable please sign and return one copy to my office. Upon receipt an A.I.A. Contract for services may be provided before commencement of professional services if required.

Sincerely,
Todd L. Seidell Architect, LLC



By: _____
Todd L. Seidell, Registered Architect

Accepted this 8 day of September 2015

By: _____

Stacy Woytek
Ponsse N.A. Ph.D.

**OTSEGO COUNTY
PLANNING COMMISSION**

**SPECIAL MEETING
PUBLIC HEARING NOTICE
November 3, 2015**

The Otsego County Planning Commission will hold a public hearing on Tuesday, November 3, 2015 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

Ponsse North America Inc, owner has requested a Special Use Permit/Site Plan Review for vacant property located in Livingston Township on Expressway Ct Gaylord, MI 49735. The proposed use of the property is to construct a metal building to be used as a truck servicing facility, primarily for the logging industry. The property is located in a B3/Business, Light Manufacturing Zoning District. Auto repair garages or auto body shops, including wrecker service are a permitted use subject to special conditions in the B3 Zoning District.

Parcel identification number: **081-235-000-036-00**
Expressway Ct
Gaylord, MI 49735

Legal Description:

LOT 36 CARD COMMERCIAL PARK NORTH. SEC 33 T31N R3W. 01 SPLIT OF 080-033-200-005-03

081-235-000-037-00
Expressway Ct
Gaylord, MI 49735

Legal Description:

LOT 37 CARD COMMERCIAL PARK NORTH. SEC 33 T31N R3W. 01 SPLIT OF 080-033-200-005-03

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

October 5, 2015

Livingston Township
PO Box 1848
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 Special Use Permit.

If you require the applicant, Todd Seidell, representing Ponsse North America Inc to be present at your meeting, you can notify him at:

Ponsse North America Inc
c/o Todd L Seidell Architect LLC
PO Box 2189
Gaylord, MI 49734
989.731.0372

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

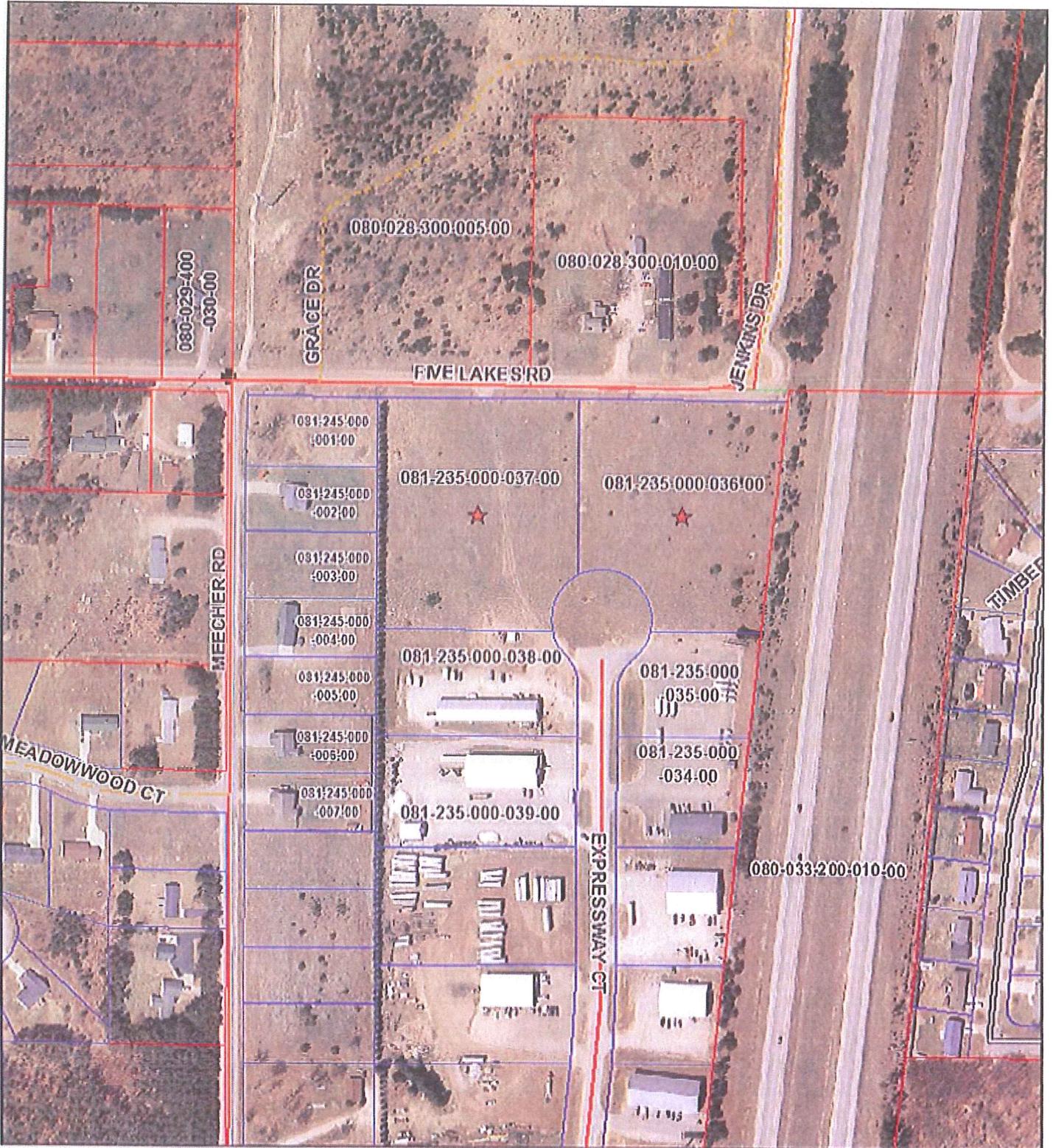
Christine Boyak-Wohlfeil

From: Steve Dipzinski <steven.a.dipzinski@gmail.com>
Sent: Tuesday, October 13, 2015 8:14 PM
To: Christine Boyak-Wohlfeil
Cc: Brecheisen, Norm; Richard Carlson
Subject: Special use request for Poncee

The Livingston Twp. Planning Commission had a meeting tonight and reviewed the special use request for the Poncee truck service facility. A motion was passed to recommend to the Otsego County Planning Commission to approve the special use permit pursuant to article 27 for Poncee North America Inc. for a 75' x 103' pre-engineered metal building for use as a truck service facility. All conditions under Article 19 have been reviewed and met.

Thankyou for your help getting this to us on short notice, if you need anything further please let me know.

Steve Dipzinski
P.C. Chairman



- | | | |
|--------------------|--------------------|--------------------|
| 080-029-400-030-00 | 081-245-000-001-00 | 081-235-000-034-00 |
| 080-028-300-005-00 | 081-245-000-002-00 | 081-235-000-035-00 |
| 080-028-300-010-00 | 081-245-000-003-00 | 081-235-000-038-00 |
| | 081-245-000-004-00 | 081-235-000-039-00 |
| | 081-245-000-005-00 | |
| | 081-245-000-006-00 | |
| | 081-245-000-007-00 | |

OWNERS WITHIN THREE HUNDRED FEET (300')

PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS				ZONING
080-028-300-005-00	988 FIVE LAKES RD	CIRCLE C PROPERTIES LLC	3812 BAY PORT RD	SEBEWAING	MI	48759	R-1
080-028-300-010-00	862 FIVE LAKES RD	GRACE BAPTIST CHURCH OF GAYLORD	232 S TOWNLINE RD	GAYLORD	MI	49735	AR
080-029-400-030-00	1014 FIVE LAKES RD	LAVIGNE, ALLEN T & LINDA M	PO BOX 622	GAYLORD	MI	49734	R-1
081-235-000-034-00 081-235-000-035-00 081-235-000-038-00 081-245-000-003-00 081-245-000-005-00	847 EXPRESSWAY CT	VANHOUTEN, KENNETH W ET UX	PO BOX 1643	GAYLORD	MI	49734	B-3
081-235-000-039-00	846 EXPRESSWAY CT	JDB REAL ESTATE COMPANY GAYLORD LLC	1000 ENTERPRISE DR	ALLEN PARK	MI	48101	B-3
081-245-000-001-00		KITCHEN-KITCHEN	6725 SATTERLY LAKE RD	MANCELONA	MI	49659	R-2
081-245-000-002-00	961 MEECHER RD	DIEHL-COASTER	961 MEECHER RD	GAYLORD	MI	49735	R-2
081-245-000-004-00	915 MEECHER RD	SHANGLE, ALLEN & JOANNE	915 MEECHER RD	GAYLORD	MI	49735	R-2
081-245-000-006-00	851 MEECHER RD	BEALS, PAMELA	851 MEECHER RD	GAYLORD	MI	49735	R-2
081-245-000-007-00	847 MEECHER RD	RHINE, DUSTIN	847 MEECHER RD	GAYLORD	MI	49735-9372	R-2

**OTSEGO COUNTY
PLANNING COMMISSION**

**PZSU15-009
Special Use Permit/Site Plan Review
081-235-000-036-00/081-235-000-037-00**

GENERAL FINDINGS OF FACT

1. This is a proposal for a truck servicing facility. *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 Ponsse North America Inc. *Exhibit #4*
5. The properties total 7.84 acres. *Exhibit #4*
6. The owners are being represented by Todd L Seidell Architect LLC. *Exhibit #5*
7. The Public Hearing Notice was published in the Herald Times on October 20, 2015 *Exhibit #7*
8. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
9. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
10. 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*
11. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
12. 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 #12, Exhibit #13*
- 13.

**OTSEGO COUNTY
PLANNING COMMISSION**

PZSU15-009

**Special Use Permit/Site Plan Review
081-235-000-036-00/081-235-000-037-00**

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 12/SECTION 12.2

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

12.2.4 Concrete and asphalt manufacturing and distribution

12.2.5 Detention Facilities

12.2.6 Power generation plants

12.2.7 Research, experimental, and development establishments

12.2.8 Adult Entertainment

12.2.9 Industrial Laundries

12.2.10 Medical Laboratories

12.2.11 Dirt and aggregate storage, sales and processing

12.2.12 Wireless Telecommunications Towers and Facilities over one hundred ninety (190) feet in height

12.2.13 WTG Small: Permitted as an accessory use to an allowed Principal Use.

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

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

SECTION 21.10 FENCES

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

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

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

21.10.2

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

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

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

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

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

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

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

21.18.2 General Performance Standards:

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

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

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

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

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

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

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

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

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

Replacement of plants may be delayed whenever the Zoning Administrator determines that extenuating circumstances beyond the owner's control prevent the immediate replacement of the dead or unhealthy plants within a time established by the Zoning Administrator. In any event, the dead or salvagable 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 Unsightly Areas:

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

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

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

21.18.6 Parking Lot Screening:

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

Landscaping design standards:

- 21.18.6.1 Any required planting strip shall be a minimum of ten (10) feet in width.
- 21.18.6.2 One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage. (This requirement shall not duplicate the requirements of [Sections 21.18.4](#) or [21.18.3.](#))
- 21.18.6.3 Where screens of non-living material are used, at least one (1) shrub or vine shall be planted on the right-of-way or property line side for each ten (10) lineal feet of screen or fraction thereof.
- 21.18.6.4 Parking lots with more than two (2) parking aisles shall require landscaped areas of at least ten (10) square feet of interior landscaping for each parking space, interior being defined as the area within the perimeter of the paved surface.
- 21.18.6.4.1 Landscaped areas shall be a minimum of seventy-five (75) square feet with a minimum dimension of ten (10) feet. Interior landscape areas shall be designed so as to cause minimum interference with snow removal. Each interior landscape area shall include one (1) or more canopy trees based on the provision of one (1) tree per each one hundred (100) square feet of interior landscape area.

21.18 TABLE I : Planting Buffer Yard

Boundary Zoning District ➔	R-1	R-2	R-3	RR	FR	AR	B-1	B-2	B-3	MUZ MAIN STREET	MUZ TOWN CENTER	HIGHWAY INTERCHANGE	I INDUSTRIAL
	Proposed Development Zoning District												
R-1	N												
R-2	B	N											
R-3	C	B	N										
RR	C	C	B	N									
FR	C	C	B	B	N								
AR	C	C	C	C	C	N							
B-1	B	B	B	B	B	B	N						
B-2	C	C	B	C	C	C	B	N					
B-3	C	C	C	C	C	C	B	B	N				
MUZ – MAIN STREET	A	A	A	B	C	C	A	A	B	N			
MUZ – TOWN CENTER	A	A	A	B	C	C	A	A	C	A	N		
HIGHWAY INTERCHANGE	C	C	C	C	C	C	B	B	B	B	C	N	
I - INDUSTRIAL	E	E	E	E	D	D	D	C	C	E	E	C	N

**TABLE II
STANDARD PLANT MATERIAL REQUIREMENTS**

Plant Material Requirements			Vegetation Types				
Type	Plant Material Reductions with: 6' Wall	3' Berm	Buffer Width	Canopy Trees	Flowering Trees or Large Shrubs	Shrubs	Evergreens & Conifers
A	.50	.75	10'	1	1	4	
			15' or more	1	1	3	
B	.50	.75	10'	3	3	6	2
			15' or more	2	2	5	1
C	.65	.80	10'	4	3	19	4
			15'	3	2	15	3
			20'	2	2	15	1
			25'	3	2	15	1
			30'	3	2	15	2
			35'	3	2	15	2
			40'	3	2	15	3
D	.75	.85	15'	1	4	32	1
			20'	2	4	30	1
			25'	3	4	30	1
			30'	3	5	30	2
			35'	3	5	30	2
			40'	3	5	30	3
			45'	4	6	30	4
E	NA	NA	20'	2	4	38	1
			25'	3	4	38	1
			30'	3	5	38	2
			35'	3	5	38	2
			40'	3	5	38	3
			45' or more	5	6	30	4

Minimum width of buffer with masonry wall = ten (10') feet

ALL PLANT QUANTITIES ARE PER ONE HUNDRED (100) LINEAR FEET, less the distance required for vehicle access to the property

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

FINDINGS UNDER SECTION 21.27

SECTION 21.27 PARKING

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

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

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

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

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

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

21.27.10 Off-street Parking Schedule

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

MINIMUM PARKING SPACES REQUIRED

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

Gasoline Convenience Store	1 per 300 sq. ft. of usable floor area
Laundromat	1 per 3 machines for washing
Funeral Home/Mortuary	1 per 200 sq. ft. of usable floor area
Motels, Hotels, Motor Inns, Cabin Courts, Bed & Breakfast Facilities and Tourist Lodging Facilities	1 per 150 sq. ft. of usable floor area, the Planning Commission may reduce up to half if they reserve land for open space
Vehicle Sales	1 per 200 sq. ft. of showroom usable floor area
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self-Storage Rental Units	1 per 10 units
Personal Service Establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft. of usable floor area
Rental Shops	1 per 200 sq. ft. of usable floor area in addition to a loading and unloading area; and a vehicle turnaround drop-off area
Rifle or Pistol Range	2 per range plus 1 per employee

NOTES

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

21.27.11 Parking Area Design Standards

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

<u>Parking Pattern</u>	<u>Maneuvering Lane width</u>	<u>Parking Space width</u>	<u>Parking Space length</u>
Parallel	12ft	8ft	23ft
30-53°	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-pixelation 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/PERMITTED USES SUBJECT TO SPECIAL CONDITIONS:

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

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

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

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

19.7.5 The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
HAS – HAS NOT BEEN MET

19.7.6 The proposed special land use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.
HAS – HAS NOT BEEN MET

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity 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

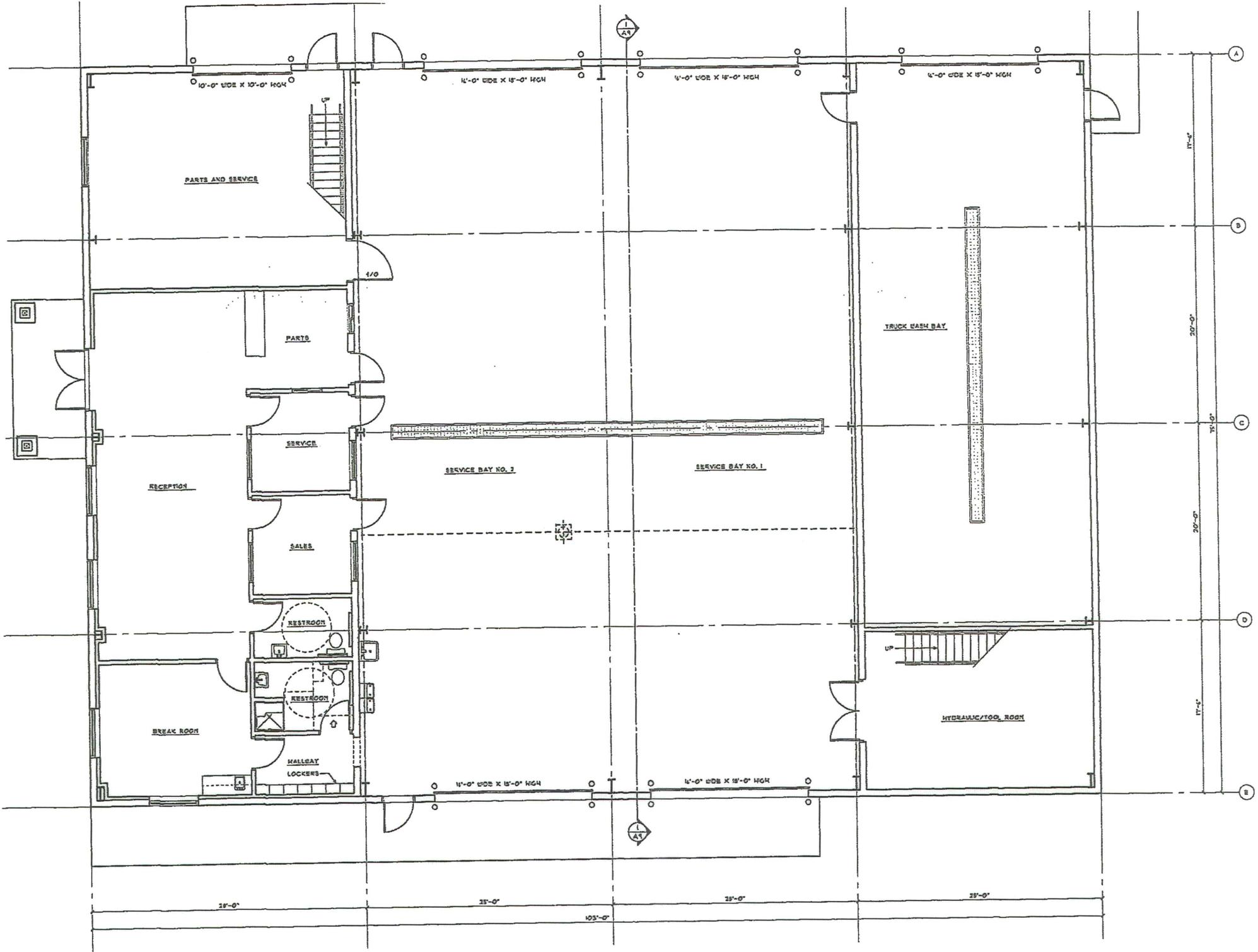
SECTION 19.8 - CONDITIONS

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.

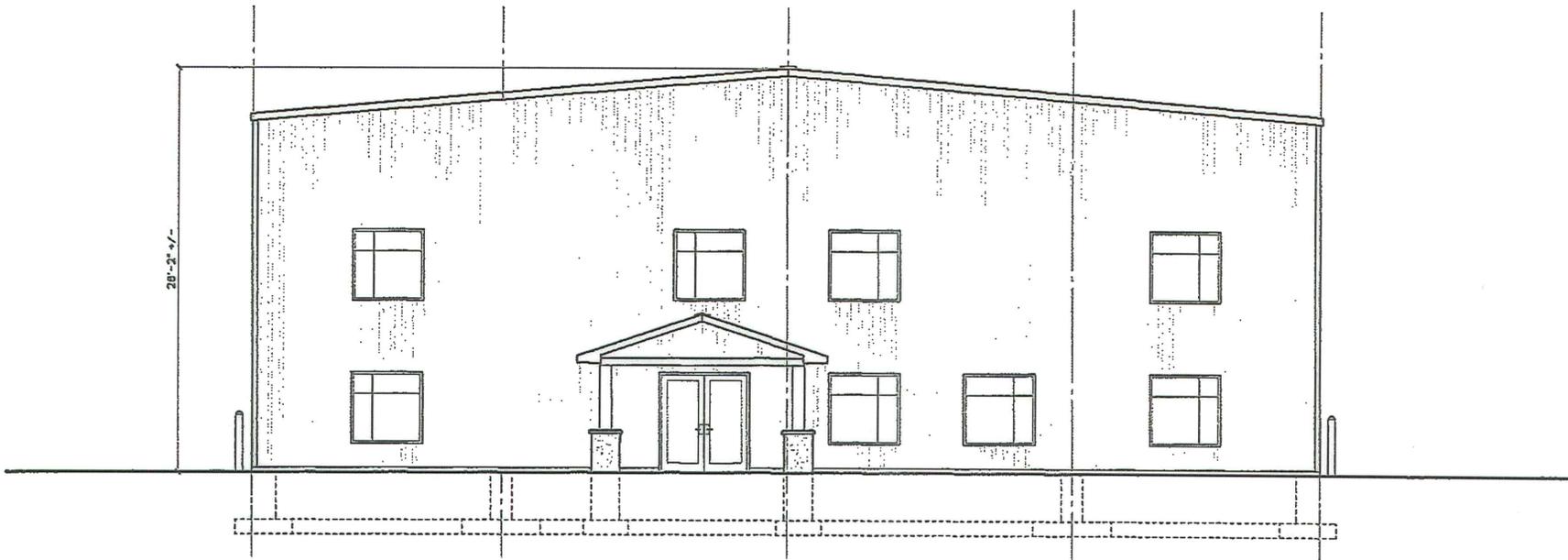
19.8.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.

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.



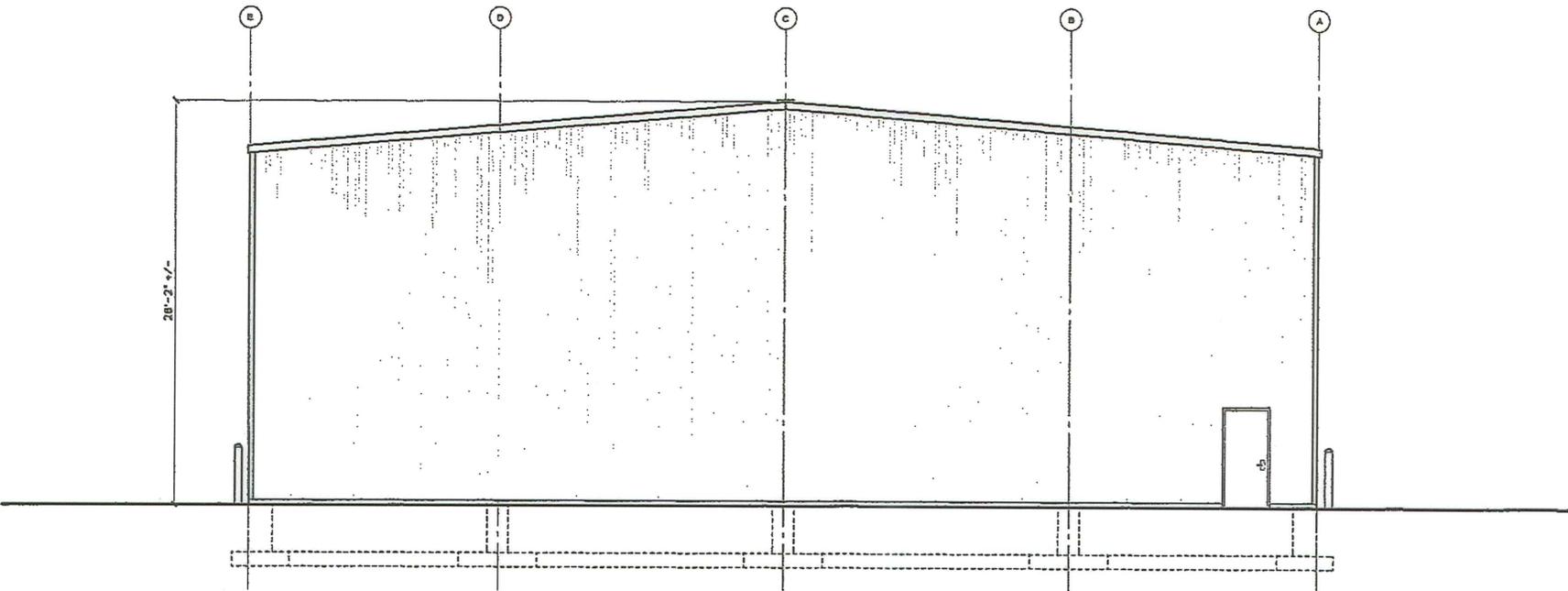
FLOOR PLAN





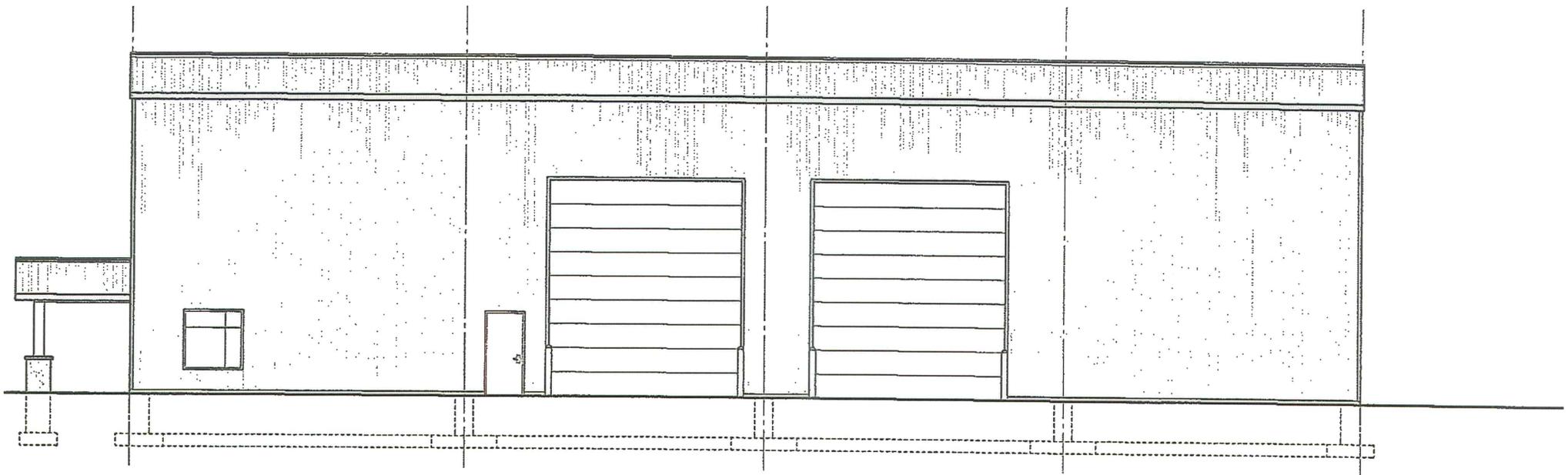
EAST ELEVATION

SCALE: 3/4" = 1'-0"



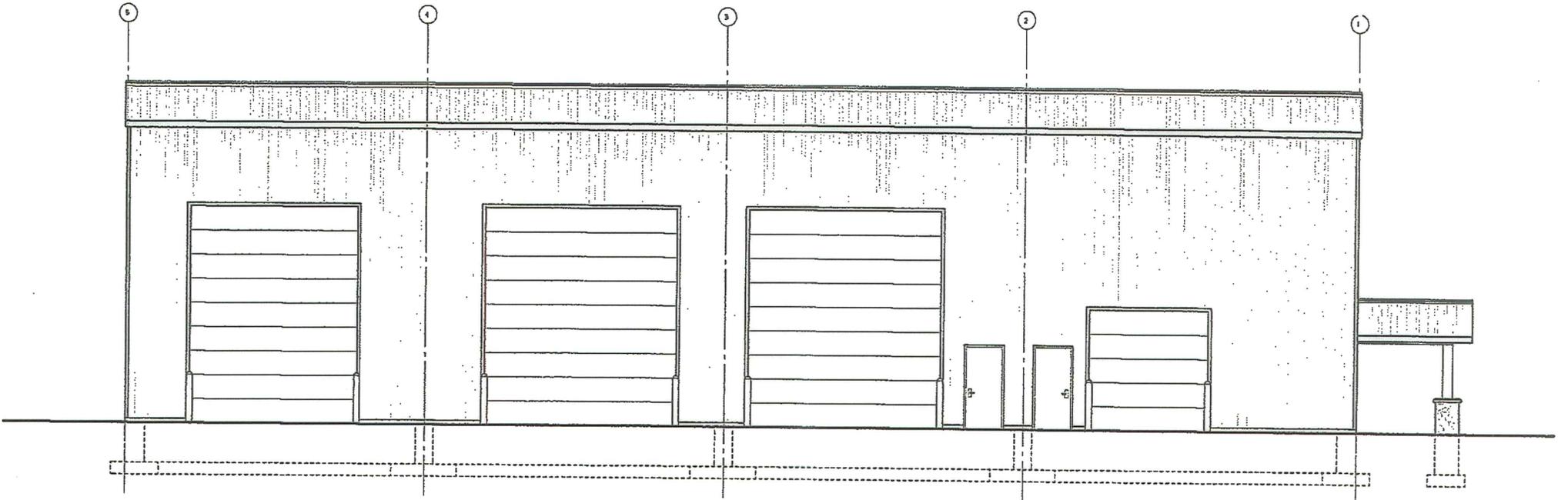
WEST ELEVATION

SCALE: 3/4" = 1'-0"



NORTH ELEVATION

SCALE: 3/4" = 1'-0"



SOUTH ELEVATION

SCALE: 3/4" = 1'-0"