

**OTSEGO COUNTY  
PLANNING COMMISSION**

**October 19, 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 September 21, 2015 meeting
5. CONSENT AGENDA: None
6. OTHER: None
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:  
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:
  1. *Telecad Wireless, representative of Telecom Infrastructure V LLC and Cottontails Inc, owner has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:  
Nancy Ln  
010-021-100-020-01  
Property located in a B1/Local Business Zoning District  
PSUP15-006- proposed use of the property is the installation of a wireless communication tower one hundred ninety feet (190') or less*
  2. *Telecad Wireless, representative of Telecom Infrastructure V LLC and Anna Cook, owner has requested a Site Plan Review for property located in Livingston Township:  
2617 Murner Rd  
080-020-200-025-01  
Property located in an AR/Agricultural Resource Zoning District  
PSPR15-002-proposed use of the property is the installation of a wireless communication tower one hundred ninety feet (190') or less*
  3. *Christopher Deckrow, owner has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:  
625 Alpine Rd/010-028-200-010-00  
4029 Old 27 S/010-028-200-020-00  
4049 Old 27 S/010-028-200-025-00  
Property located in a B3/ Business, Light Manufacturing Zoning District  
PSUP15-007- proposed use of the property is the installation of an inflatable amusement park*
  4. *2016-2021 Otsego County Capital Improvement Plan*
9. ADVERTISED CASES:
  1. *Telecad Wireless, representative of Telecom Infrastructure V LLC and Cottontails Inc, owner has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:  
Nancy Ln  
010-021-100-020-01  
Property located in a B1/Local Business Zoning District  
PSUP15-006- proposed use of the property is the installation of a wireless communication tower one hundred ninety feet (190') or less*
  2. *Telecad Wireless, representative of Telecom Infrastructure V LLC and Anna Cook, owner has requested a Site Plan Review for property located in Livingston Township:  
2617 Murner Rd  
080-020-200-025-01  
Property located in an AR/Agricultural Resource Zoning District*

*PSPR15-002-proposed use of the property is the installation of a wireless communication tower one hundred ninety feet (190') or less*

*3. Christopher Deckrow, owner has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

*625 Alpine Rd/010-028-200-010-00*

*4029 Old 27 S/010-028-200-020-00*

*4049 Old 27 S/010-028-200-025-00*

*Property located in a B3/ Business, Light Manufacturing Zoning District*

*PSUP15-007- proposed use of the property is the installation of an inflatable amusement park*

*4. 2016-2021 Otsego County Capital Improvement Plan*

10. UNFINISHED COMMISSION BUSINESS:

1. Verizon Wireless Tower/247 Old State Rd/PSUP14-003 Extension

11. NEW BUSINESS:

1. Election of Officers

2. Expiring Terms:

a. Paul Hartmann

b. Judy Jarecki

c. Michael Mang

3. Objective List Update/Forms

12. REPORTS AND COMMISSION MEMBER'S COMMENTS:

1. Otsego County Parks & Recreation report/Judy Jarecki

2. Sample Checklist Zoning Amendments/Zoning Training

13. ADJOURNMENT

**October 19, 2015 Meeting Packet includes:**

Agenda

September 21, 2015 minutes/*Proposed*

Public Hearings:

- 1) Applications/Submittal-*Telecad Wireless*  
Zoning Map  
Quit Claim Deed/Record card  
Site Plan  
Letter of representation  
Public Hearing Notice  
Letter to Bagley Township  
Letter from Bagley Township  
Exhibit List  
Owners within 300' w/Map  
General Finding of Fact  
Specific Finding of Fact
- 2) Applications/Submittal-*Telecad Wireless*  
Zoning Map  
Warranty Deed/Record card  
Site Plan  
Letter of representation  
Public Hearing Notice  
Letter to Livingston Township  
Letter from Livingston Township  
Exhibit List  
Owners within 300' w/Map  
General Finding of Fact  
Specific Finding of Fact
- 3) Application/Submittal-*Deckrow*  
Zoning Map  
Land Contract/Record card  
Site Plan  
Public Hearing Notice  
Letter to Bagley Township  
Letter from Bagley Township  
Exhibit List  
Owners within 300' w/Map  
General Finding of Fact  
Specific Finding of Fact
- 4) 2016-2021 Otsego County Capital Improvement Plan

Verizon Wireless Tower/247 Old State Rd/Letter for extension

Objective List Update/Forms

Sample Checklist Zoning Amendments/Zoning Training

# Otsego County Planning Commission

Proposed Minutes for September 21, 2015

**Call to Order:** 6:00 pm by Chairperson Hartmann

Pledge of Allegiance

## **Roll Call:**

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

Absent: Mr. Borton, Mr. Klee

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

Public Present: Ed Johnson, Johnson Oil Co, Jason Caverson, Tom Dahlman, DTE representatives, Joshua Clark, Patricia Sullivan, Bill Smith, Residential Excavating, representative, Donna Zielinski, Joseph Zielinski, Robert Brown, Gaylenn Rowe-Brown, Jim Wagner, Cindy Wagner, Mark Nowicki, Ken Nowicki, Brandon McDonell, Ginny Quillan, Tom Quillan

**Approval of minutes from:** August 17, 2015

Mr. Mang requested additions to the last paragraph on page two (2) first sentence... 'after the extensive work put into *'the revision of'* the mining section.' and last sentence also... 'being sure to address each item under that section *'in the Zoning Ordinance'*.'

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

Motion approved unanimously.

**Consent Agenda:** None

**Other:** Ed Johnson, representing Johnson Oil Co requested a change to the language in the Highway Interchange Zoning District to allow the storage of propane tanks stating they were trying to address a safety issue at their location.

Chairperson Hartmann asked Ms. Corfis, Otsego Lake Township representative to review the section and bring forth proposed language to be discussed and possibly sent to townships for input.

**Public participation for items not on the agenda:** None

## **Public Hearing:**

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*

Chairperson Hartmann opened the public hearing requesting Otsego Lake Township's recommendation.

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*Public Hearing open: 6:10 pm*

Ms. Corfis, Otsego Lake Township representative, stated Jason Caverson, representing DTE Energy attended their meeting. DTE was proposing to connect a twenty inch (20") gas line running east and west along Old State Rd and an eight inch (8") line running north and south along Old 27 S. A twelve inch (12') line will run from the twenty inch (20") line, under state land to the west and tie into the eight inch (8") line on the east side of Old 27 S. DTE owns the property on Old State Rd and proposes to construct a gas metering and regulation facility to provide natural gas to the northern Michigan area. The facility will be enclosed with fencing and locked gates at the entrance. Otsego Lake Township recommends approval of the special use permit.

Mr. Caverson concurred with Ms. Corfis and stated the property was determined to all be zoned B3 after the error in the survey was corrected. He stated the facility would bring natural gas to a widespread area in northern Michigan.

*Public Hearing closed: 6:18 pm*

## Advertised Case:

- 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*

Chairperson Hartmann read aloud the Finding of Fact per Article 19. *SEE ATTACHMENT 1*

Motion made by Mr. Hilgendorf to approve DTE Special Use Permit PSUP15-003 for the addition of the inter-connect expanding natural gas coverage in northern Michigan; Seconded by Mr. Hendershot.

Motion approved unanimously. *SEE ATTACHMENT 1*

## Public Hearing:

- 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*

Chairperson Hartmann opened the public hearing requesting the recommendation from Charlton Township.

*Public Hearing open: 6:22 pm*

Mr. Brown, representative of Charlton Township, stated the township had discussed the case and he had visited the site. They felt the parcel of property was large enough to accommodate another structure and the Sullivan's were making improvements to the septic and drain field that already existed. Charlton Township did not feel there would be any adverse effects to the lake and were recommending approval.

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Mrs. Sullivan stated she had grown up on the lake and her family had owned the property for many years. It was one of the larger parcels on the lake and with her growing family she wished to have somewhere for them to stay when they visited.

Neighboring property owners stated in turn, they were concerned about setting precedence on such a small lake. They worried about the health of the lake and the possibility of the second residence becoming a rental property should the parcel be sold in the future.

*Public Hearing closed: 6:40 pm*

## Advertised Case:

*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*

Mr. Schlaud stated a guest house was already an allowed use with a special use permit in a RR/Recreation Residential Zoning District so there was no setting of precedence.

Mr. Mang stated according to Article 2/Definitions in the Zoning Ordinance, the definition of a guest house is as follows:

*GUEST HOUSE: A building accessory to the main dwelling, lacking at least one (1) facility for independent living, such as kitchen or bathroom; used for housing guests. A shared septic system does not by itself qualify the building as a guest house.*

Mr. Mang stated the residence needed to eliminate either the bathroom or the kitchen in order to comply with the definition.

Members also voiced issues with the scale of the site plan and discussed further.

Chairperson Hartmann questioned which facility Mrs. Sullivan would rather eliminate from the proposed residence and would they produce a site plan drawn to scale.

Mrs. Sullivan stated she would eliminate the kitchen.

Mr. Smith, Residential Excavating, stated they would have drawings to scale for approval by the zoning administrator.

Motion made by Mr. Brown to approve Special Use Permit PSUP15-004 subject to the requirements of Article 2, *Guest house* definition for the elimination of the kitchen from the final plan and to produce a site plan drawn to scale including the location of the drain field and the proposed guest house; Seconded by Mr. Hartmann.

Roll Call vote:

Ayes: 9

Nays: 0

Motion passed unanimously. *SEE ATTACHMENT 2*

# Otsego County Planning Commission

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## Public Hearing:

- 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*

Chairperson Hartmann opened the public hearing requesting the recommendation from Bagley Township.

*Public Hearing open: 7:19 pm*

Mr. Arndt, Bagley Township representative, stated the rezone request had changed since Bagley had discussed it. Cottontails had previously requested a rezone to erect a two hundred foot plus (200'+) wireless communication tower but Verizon has since decided a one hundred ninety foot (190') tower would suffice. Bagley Township based their decision on that and disapproved the rezone because a tower that size could be permitted with a special use permit.

Mr. Schlaud stated Mr. Behrenwald, Cottontails Inc owner, had decided to move forward with the rezone based on the zoning of surrounding properties.

Mr. Behrenwald stated he was requesting the parcel zoning be changed to B2/General Business to coincide with his contiguous parcel and other parcels in the area.

*Public Hearing closed: 7:25 pm*

## Advertised Case:

- 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*

After discussion, Case PREZ15-001 was tabled to research buffering between the residential and business zoned properties.

Motion made by Mr. Mang to table PREZ15-001; Seconded by Mr. Hilgendorf.

PREZ15-001 tabled.

## Unfinished Commission Business:

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

Planning Commission members accepted the revised reclamation plan for Rieth-Riley/PSUP15-002.

# Otsego County Planning Commission

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**New Business:** None

## **Reports and Commission Member's Comments:**

### 1. Otsego County Parks & Recreation report

Vice-Chairperson Jarecki reported the Community Center was still under construction and progressing, reservations and revenues at the County Park have increased and the restitution money from Mr. Tarbutton would be deposited into the Parks budget. The remaining twenty-five acres at the Louis M Groen Nature Preserve was in the process of being transferred to the County and per Mr. Groen's wishes, the Echo Valley Lodge would be left as is. Also, the Libke Fields transfer was completed and repairs to the parking area were being made.

2. Mr. Hartmann stated a meeting had been held to discuss the proposed language for wireless communication towers and they had received some good information. They will continue to discuss and bring it forward for additional input.

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

**Adjournment:** 8:02 pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

# Otsego County Planning Commission

Proposed Minutes for September 21, 2015

ATTACHMENT 1:

## OTSEGO COUNTY PLANNING COMMISSION

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

### FINDINGS UNDER ARTICLE 19:

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

# Otsego County Planning Commission

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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. Hilgendorf to approve DTE Special Use Permit PSUP15-003 for the addition of the inter-connect expanding natural gas coverage in northern Michigan; Seconded by Mr. Hendershot.

Motion approved unanimously.

# Otsego County Planning Commission

Proposed Minutes for September 21, 2015

**ATTACHMENT 2:**

## OTSEGO COUNTY PLANNING COMMISSION

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

**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**

# Otsego County Planning Commission

Proposed Minutes for September 21, 2015

## 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. Brown to approve Special Use Permit PSUP15-004 subject to the requirements of Article 2, *Guest house* definition for the elimination of the kitchen from the final plan and to produce a site plan drawn to scale including the location of the drain field and the proposed guest house; Seconded by Mr. Hartmann.

Roll Call vote:

Ayes: 9

Nays: 0

Motion passed unanimously.

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PSUP15-006  
Special Use Permit/Site Plan Review  
010-021-100-020-01**

***Exhibit List***

- Exhibit #1:* Applications for case PSUP15-006 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:* Memorandum of Ground Lease between PI Telecom Infrastructure V LLC and Cottontails Inc, owners dated August 6, 2015
- Exhibit #6:* Letter from PI Telecom Infrastructure V LLC authorizing representation by Telecad Wireless dated August 17, 2015
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Bagley Township Planning Commission dated August 28, 2015
- Exhibit #9:* Letter dated...from Bagley Township Planning Commission
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01307301
- Exhibit #12:* General Finding of Fact/PSUP15-006
- Exhibit #13:* Specific Finding of Fact/PSUP15-006
- Exhibit #14:* Coverage area map (2)
- Exhibit #15:* Site plan
- Exhibit #16:* Colocation policy letter from Parallel Infrastructure (PI Telecom) dated August 17, 2015 w/map

**OTSEGO COUNTY**  
**LAND USE SERVICES**

PERMIT NO: PSUP15-006

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

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**APPLICATION FOR SPECIAL USE PERMIT**

Date: 8-24-2015

Tax Parcel Number: 010 - 021 - 100 - 020 - 01 Twp: Bagley Sec 21 N 30, R 3 W

**Property location: (REQUIRED)**

Address: Nancy Lane City: Gaylord State: MI Zip: 49735

**Applicant:**

Name: Telecad Wireless on behalf of PI Telecom Infrastructure V, LLC Phone No. ( 248 ) - 217 - 0989

Address: 1961 Northpoint Blvd, Suite 130 City: Hixson State: TN Zip: 37343

**Property Owner: (If different from applicant)**

Name: The Cottontails, Inc. (Andy Behrenwald) Phone No. ( 989 ) - 370 - 7690

Address: 900 S. Otsego Ave. City: Gaylord State: MI Zip: 49735

**Description of project and proposed use:**

Proposed 186' Monopole telecommunications tower, in a 50'x50 chain link fenced area within a 100'x100' lease area

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Signature of Applicant: 

Date: 8/25/15

\*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.

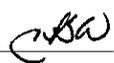
**Office Use Only**

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File No. PSUP15-006

Fee amount:

Date Application Received 8.28.15

Received By: 

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

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**APPLICATION FOR SITE PLAN REVIEW**

**Applicant:**

Telecad Wireless on behalf of  
Name: PI Telecom Infrastructure V, LLC Owner (Agent) Other interest (circle one)

Address: 1961 Northpoint Blvd, Suite 130, Hixson, TN 37343

Phone: 248-217-0989 Fax: 423-843-9509

Property Owner: (if different from applicant)

Name: The Cottontails, Inc (Andy Behrenwald)

Address: 900 S Otsego Ave, Gaylord, MI 49735

Phone: 989-370-7690 Fax: \_\_\_\_\_

**Property Location:**

Township: Bagley Section: 21 Town 30 North Range 3 west Zoning District B-1

Site Address: Nancy Lane, Gaylord, MI 49735

Parcel Code: 010 - 021 - 100 - 020-01

Description of Project and Proposed Use:

Proposed 186' Monopole telecommunications tower, in a 100' x 100' lease area

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant:  Date: 8/18/15

\*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: County to verify (Lease Agreement)
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: TBD
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: No Grading Needed
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: Geo to be ordered later

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: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

40. Paid appropriate fees to Otsego County.

Yes  No  NA  if "NA" explain: \_\_\_\_\_

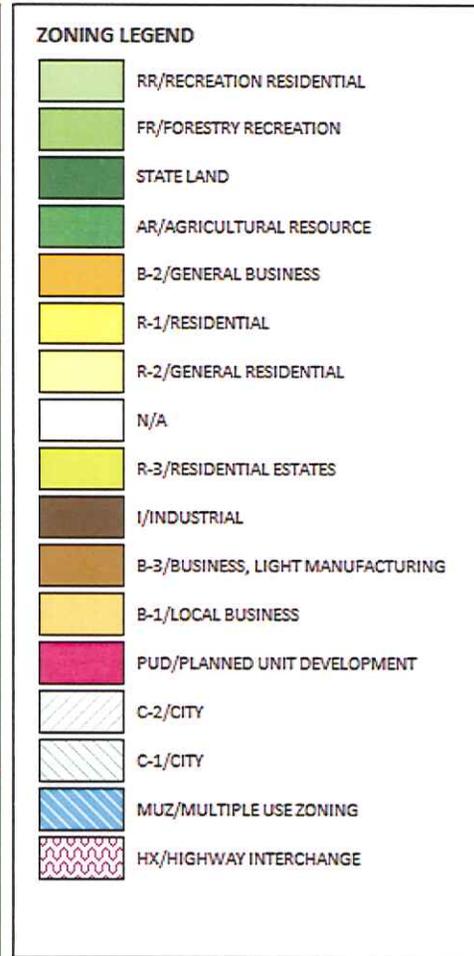
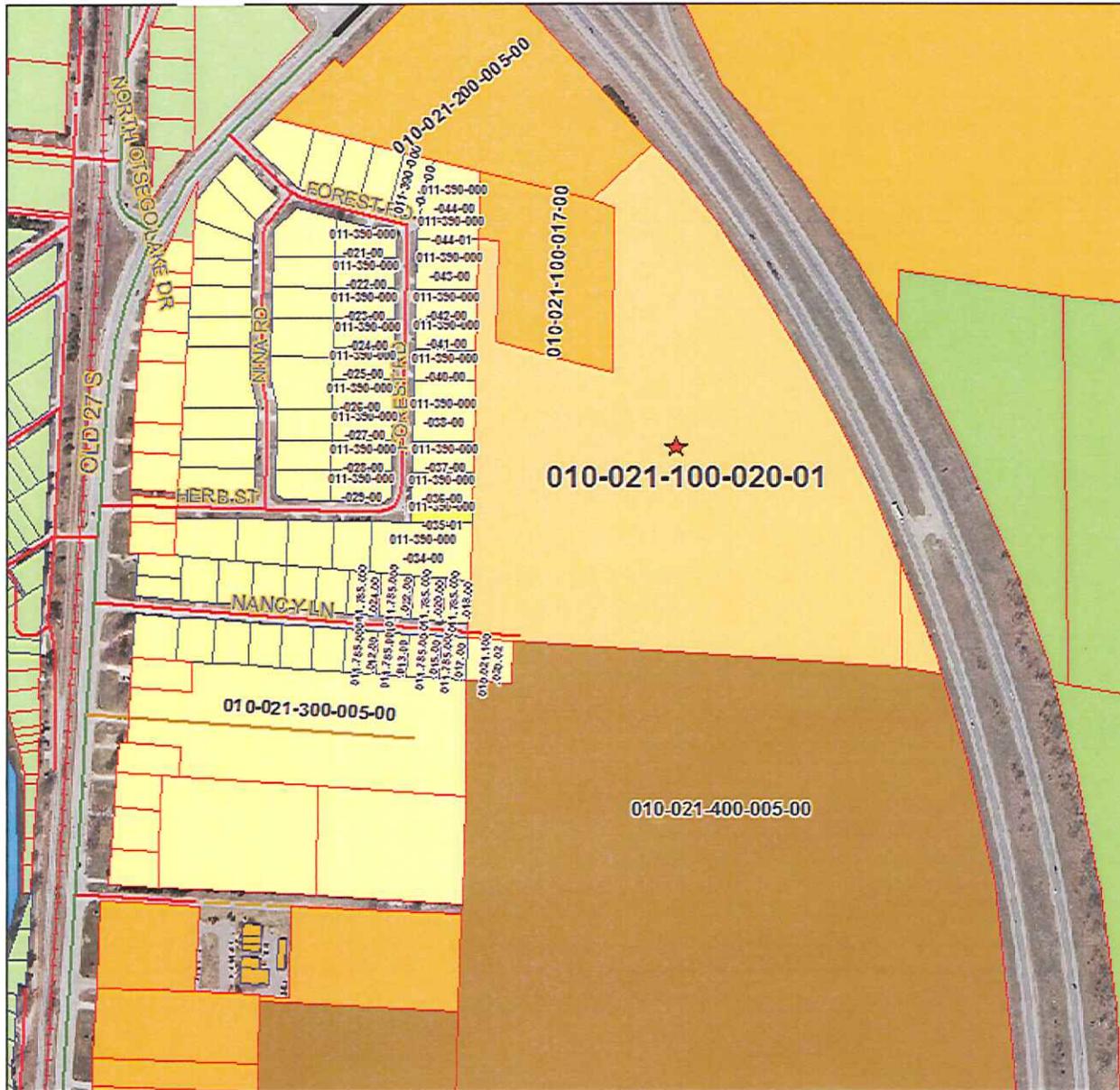


Exhibit 2





**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**

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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.



LIBER 1241 PAGE 973

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

Jurisdiction: BAGLEY TOWNSHIP

County: OTSEGO

Printed on

08/28/2015

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prct. 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 .					
Tax Description	Public Improvements	Description	Frontage	Depth	Front Depth	Rate %Adj. Reason	Value		
COMM @ NW 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.	Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.					0 100 33.34 Total Acres Total Est. Land Value =	0 0		
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 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	29,100	0	29,100		29,100S
				2014	29,100	0	29,100		29,100S
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan				2013	34,200	0	34,200		34,200S
				2012	34,200	0	34,200		34,200S

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

Upon recording return to:

PI Telecom Infrastructure V, LLC  
4601 Touchton Road  
Bldg. 300, Suite 3200  
Jacksonville, Florida 32246  
Attention: Contracts Administrator

Site Name: MI-Gaylord Cottontails  
Site Number: P13MI00006.A

**MEMORANDUM OF GROUND LEASE AGREEMENT**

This Memorandum of Ground Lease Agreement is made on \_\_\_\_\_, 201\_\_\_, by and between **THE COTTONTAILS, INC.**, a Michigan Domestic Profit Corporation, as Lessor, whose mailing address is 900 S. Otsego Ave., Gaylord, MI 49735 and **PI TELECOM INFRASTRUCTURE V, LLC**, a Delaware limited liability company, as Lessee, whose address is 4601 Touchton Road, Building 300, Suite 3200, Jacksonville, Florida 32246.

1. Lessor and Lessee are parties to a Ground Lease Agreement dated as of \_\_\_\_\_, 201\_\_ (the "Lease"), the terms and provisions of which are incorporated herein by this reference. The premises covered by the Lease are located in **Otsego County, Michigan**, as more fully described in the legal description attached hereto as **Exhibit "A"** ("Leased Premises").

2. Pursuant to the Lease, the Lessor has granted, and by these presents does grant, to the Lessee easements for ingress, egress, utilities, "Fall Zone" (if applicable), and any other easements required by Lessee or governmental authorities for the duration of the Lease Agreement a more particularly described on **Exhibit "A"** hereto. The easement rights herein granted include the right and authority of Lessee to grant or assign to third parties all or some of the easement rights granted to Lessee herein.

3. The Lease provides for an initial term of five (5) years (the "Initial Term") which commenced on \_\_\_\_\_. The Lease also provides for five (5) additional five (5) year renewal terms (each, a "Renewal Term"). The Lease shall automatically renew for each such Renewal Term unless Lessee delivers written notice of intent not to renew to Lessor at least thirty (30) days prior to the expiration of the Initial Term, or the Renewal Term then in effect.

4. The Lease provides that during the term of the Lease neither Lessor nor any tenant or person or entity claiming by or through Lessor shall be allowed to install or operate a communications facility, including a telecommunications transmission tower, or operate an antenna site leasing business which

competes directly or indirectly with Lessee on the lands of Lessor within a radius of five (5) miles of the Leased Premises.

5. The Lease provides that during the term of the Lease, in the event that the Lessor receives and desires to accept a bona fide offer to sell and convey the Leased Premises to a third party not related to the Lessor by at least 51% common ownership, then the Lessor shall first provide the Lessee with a written offer to sell and convey the Leased Premises to Lessee upon the same terms and conditions as the offer made by the third party, and Lessee shall have twenty (20) business days in which to accept the offer.

6. All of the terms and conditions of the Lease are incorporated herein by reference. In the event of a conflict between the terms hereof and the terms of the Lease, the terms of the Lease shall govern.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Lease as of the date first written above.

LESSOR:

THE COTTONTAILS, INC., a  
Michigan Domestic Profit Corporation

By: [Signature]  
Print Name: Andy Behrenwald  
Title: President

Witness:

Kimberly Dunn  
Print Name: Kimberly Dunn  
Amy S. Maxwell  
Print Name: Amy S Maxwell

STATE OF Michigan  
COUNTY OF Otsego

I, Patricia Diane Leask a Notary Public of the County and State aforesaid, certify that ANDY BEHRENWALD as PRESIDENT of COTTONTAILS INC. personally came before me this day and acknowledged that (s)he executed the foregoing instrument. He/She is personally known to me or produced DRIVERS LICENSE as identification.

WITNESS my hand and notarial seal, this 6<sup>th</sup> day of August, 2015

Notary Public: [Signature]  
Print Name: Patricia Diane Leask  
My Commission Expires: 10/25/2018

EXHIBIT "A"

LEASED PREMISES AND EASEMENTS

The 100' x 100' Leased Premises and Easement(s) are located in the land legally described as follows:

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

LESSEE:

PI TELECOM INFRASTRUCTURE V, LLC,  
a Delaware limited liability company

Witness:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

STATE OF FLORIDA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ the undersigned Notary Public for said County and State, do hereby certify that \_\_\_\_\_, as \_\_\_\_\_ of PI Telecom Infrastructure V, LLC, a Delaware limited liability company, personally appeared before me this day, and acknowledged the due execution of the foregoing instrument on behalf of said company. He/She is personally known to me or produced \_\_\_\_\_ as identification.

WITNESS my hand and notarial seal, this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Notary Public: \_\_\_\_\_

Print Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



To: Otsego County  
Attn: Vern Schlaud  
1322 Hayes Road  
Gaylord, MI 49735  
(989)731-7400

Date: 8/17/2015

Re: Authorization to represent PI Telecom Infrastructure V, LLC for Proposed Telecommunications Facilities

---

Mr. Schlaud-

PI Infrastructure V, LLC gives Telecad Wireless authorization to apply for and secure all Permits on our behalf related to the proposed telecommunications facilities located in Otsego County, MI.

A handwritten signature in black ink, appearing to read "M. Wilson".

---

Michael Wilson  
Director Program Management  
PI Infrastructure V, LLC

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING NOTICE**

October 19, 2015

The Otsego County Planning Commission will hold four (4) public hearings on Monday, October 19, 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) Telecad Wireless** is requesting a Special Use Permit/Site Plan Review for the installation of a wireless communications tower one hundred ninety feet (190') or less. The property is located in a B1/Local Business Zoning District. A wireless communications tower one hundred ninety feet (190') or less is a permitted use subject to special conditions in a B1 Zoning District.

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

**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

**2) Telecad Wireless** is requesting a Site Plan Review for the installation of a wireless communications tower one hundred ninety feet (190') or less. The property is located in an AR/Agricultural Resource Zoning District. A wireless communications tower one hundred ninety feet (190') or less is a permitted use in an AR Zoning District.

Parcel identification number: **080-020-200-025-01**  
**2617 Murner Rd**  
**Gaylord, MI 49735**  
**Livingston Township**

**Legal Description:**

2012 SPLIT FROM 080-020-200-025-00 PARCEL A-BEG AT THE W 1/4 COR OF SEC 20, TH N 00DEG 03MIN 43SEC W ALG THE W LN OF SEC 990.00FT, TH S 89DEG 05MIN 59SEC E PARALLEL W/ THE E-W 1/4 LN OF SEC 660.00FT, TH S 00DEG 03MIN 43SEC E PARALLEL W/ THE W LN OF SEC 990.00FT TO THE E-W 1/4 LN OF SEC, TH N 89DEG 05MIN 29SEC W ALG THE E-W 1/4 LN OF SEC 660.00FT TO POB. SEC 20 T31N R3W CONT 15.00 ACRES M/L

**3) Christopher T Deckrow** is requesting a Special Use Permit/Site Plan Review for property located in Bagley Township at 4049 Old 27 South, 4029 Old 27 South and 625 Alpine Rd Gaylord, MI 49735. The proposed use of the property is to conduct a seasonal business as an inflatable amusement park. The property is located in a B3/Business, Light Manufacturing Zoning District. Commercial outdoor sport and recreational facilities are a permitted use subject to special conditions in a B3 Zoning District.

Parcel identification numbers: **010-028-200-025-00**  
**4049 Old 27 S**  
**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

**010-028-200-020-00**

**4029 Old 27 S**

**Gaylord, MI 49735**

**Legal Description:**

COMM @ N1/4 COR, TH N89°40'30"W 761', TH S2°26'30"E 6.77' FOR POB, TH S2°26'30"E 193.23', TH N89°40'18"W 501.81', TH N3°15'30"E 200', TH S89°40'30"E 425.67', TH S82°51'43"E 56.98' TO POB. SEC 28 T30N R3W

**010-028-200-010-00**

**625 Alpine Rd**

**Gaylord, MI 49735**

**Legal Description:**

W 130' OF E 621' OF N 330' OF NW1/4 SEC 28 T30N R3W.

**4) 2016-2021 Otsego County Capital Improvement Plan**

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](http://www.otsegocountymi.gov)

August 28, 2015

Bagley Township  
PO Box 52  
Gaylord, MI 49734

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, Daniel Smith, representative for Telecad Wireless to be present at your meeting, he can be notified at the following:

Daniel Smith  
c/o Telecad Wireless  
1961 Northpointe Blvd Ste 130  
Hixson, TN 37343  
423.843.9500 Ext 1 (work)  
423.667.2631 (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

*Bagley Township*  
Otsego County Michigan

Bagley Township Planning Commission  
PO Box 52  
Gaylord, Michigan 49734

Subject: Public Hearing Results and Recommendation For Special Use Permit

Case: County PREZ 15-006 Special Use  
To Accommodate Communication Tower 190  
Feet or Less  
Original Case: 2015 SUP 15-001  
TIN: 010 021 100 020 01

Date and Location: September 10, 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 detailed site plan at the meeting, addressing essential issues in section 16 pursuant to the requested variance.

Members Present: Arndt, Beckett, Parsell, Goebel, Loney,

Absent: None

Representing the Applicant Tower developers for Verizon.

Other Attendees: None from the general public

**Applicant was invited to speak.** Complete drawings were provided including the exact location of the proposed tower. The proposed tower will be 186 feet in height with a 4 foot lightning rod at the top (190 feet). The tower will be a monopole style with 4 cells and be installed in the woods on the northeast side of the property. The case is a follow-on development and resubmission of the above previous case originally submitted as a rezone, which was voted down.

**Meeting was opened for public comment.** There being no live citizens 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 SUP and the impact in allowed uses for B-1 uses by right and also special uses and reviewed the general and specific conditions for the action. No objections to the interpretation of the specific conditions. Items were logged without objection.

Commissioners were very much in favor of the application and the additional communication capacity. Commissioners acknowledged that the uses by right in B-1 were not negotiable but the special use permitted possibilities could be permitted at a later date. The previous case was discussed and the reasons for the no vote explained to our newest commissioner for clarity.

More general discussion followed. Commissioners reviewed the coverage patterns at completion and the representatives suggested that the range may be increased in the future, depending on demand.

7:50PM Discussion ended.

**Chair accepted a motion from Loney and second by Parsell to recommend approval of the rezoning special use permit referenced above to the Township Board.**

**All in favor.**

**None opposed.**

**Recommendation to approve the referenced SUP Passes.**

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

**Item 2:** Commissioners approved unanimously moving the regular meeting of the Bagley Township planning commission to the last Monday of the month, subject to board approval. This will give the Township Board an opportunity to review our results on the second Monday of the following month and those results to reach the County Planning Commission so that action could be taken by the third Monday of the month.

There being no further business, the meeting was adjourned at 8:12 PM.

Respectfully Submitted,

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

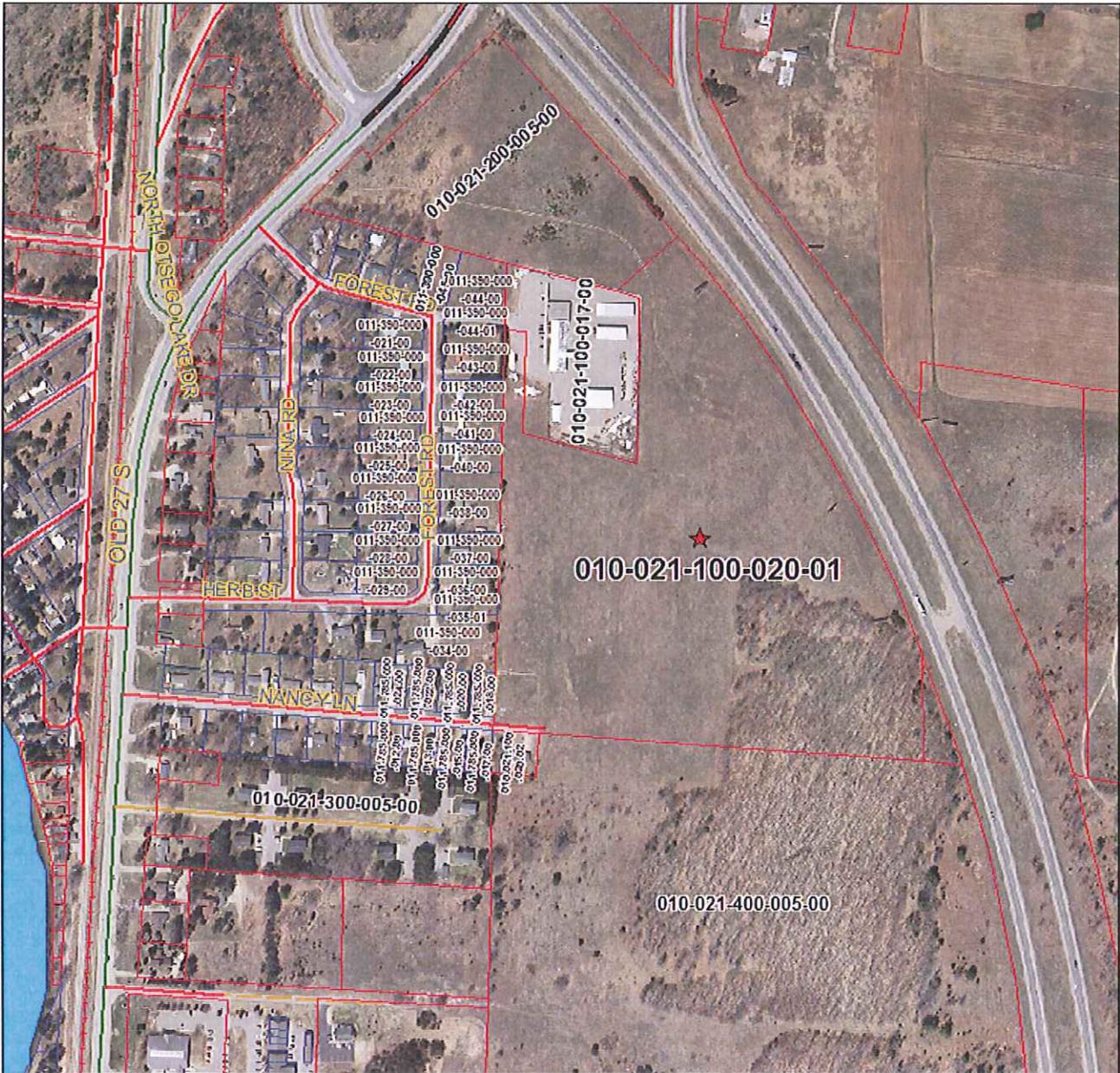
Kenneth R. Arndt  
Chairman

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**

**PSUP15-006  
Special Use Permit/Site Plan Review  
010-021-100-020-01**

**GENERAL FINDING OF FACTS**

1. This is a proposal for the installation of a wireless communication tower one hundred ninety feet (190') or less. *Exhibit #1, Exhibit #15*
2. The property is located in a B1/Local Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B1/Local Business Zoning District. *Exhibit #2, Exhibit #3*
4. The property is currently under the ownership of Cottontails Inc, being leased to PI Telecom Infrastructure V LLC and represented by Telecad Wireless. *Exhibit #4, Exhibit #5, Exhibit #6*
5. The Public Hearing Notice was published in the Herald Times on October 2, 2015 *Exhibit #7*
6. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
7. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
8. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
9. The site plan requirements of Article 23 have been submitted by applicant and reviewed by Otsego County Land Use Services. *Exhibit #1, Exhibit #3, Exhibit #12, Exhibit #13, Exhibit #15*
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*

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PSUP15-006  
Special Use Permit/Site Plan Review  
010-021-100-020-01**

**SPECIFIC FINDINGS OF FACT**

**FINDINGS UNDER ARTICLE 10**

**ARTICLE 10 B1 LOCAL BUSINESS DISTRICT**

**INTENT**

The B1 Local Business District establishes a Business District that is more selective than a General Business District. It provides for the establishment of neighborhood shopping areas, personal services, and professional office areas that are compatible with and of service to residential uses, provided the uses are within a completely enclosed building.

**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.

**10.2.6 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height Permit criteria include [Article 21.46](#)**

10.2.7 Nursery sales, garden supply centers, and greenhouses with outdoor display areas

10.2.8 Recycling Facility

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

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

**FINDINGS UNDER ARTICLE 21**

*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:

*Proposed language:*

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

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

**SECTION 21.46.1 DEFINITIONS:**

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

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

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

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

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

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

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

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

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

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

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

21.46.2.6 The tower itself must be of monopole design. There shall be no guyed or self-supporting towers. Self-supporting towers may be considered with application to the Planning Commission.

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

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

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

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

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

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

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

21.46.2.8 Lighting shall be designed in accordance with [Section 21.19](#) in addition to the following:

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

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

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6) safety fence with a locked gate.

21.46.2.10 The application shall include a description of security to be posted at the time of receiving a building permit for the tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the security shall, at the selection of the applicant, be in the

form of: cash or letter of credit to remove the tower in a timely manner as required under [Section 21.46.4](#), with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorneys' fees incurred by the county in securing removal.

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

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

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

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

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

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

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

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

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

**SECTION 21.46.4 REMOVAL OF WIRELESS COMMUNICATION TOWERS:**

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

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

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

#### **SECTION 21.46.5**

All towers in [Section 21.46](#) must comply with FCC and FAA regulations.

#### **FINDINGS UNDER ARTICLE 27**

#### ***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.

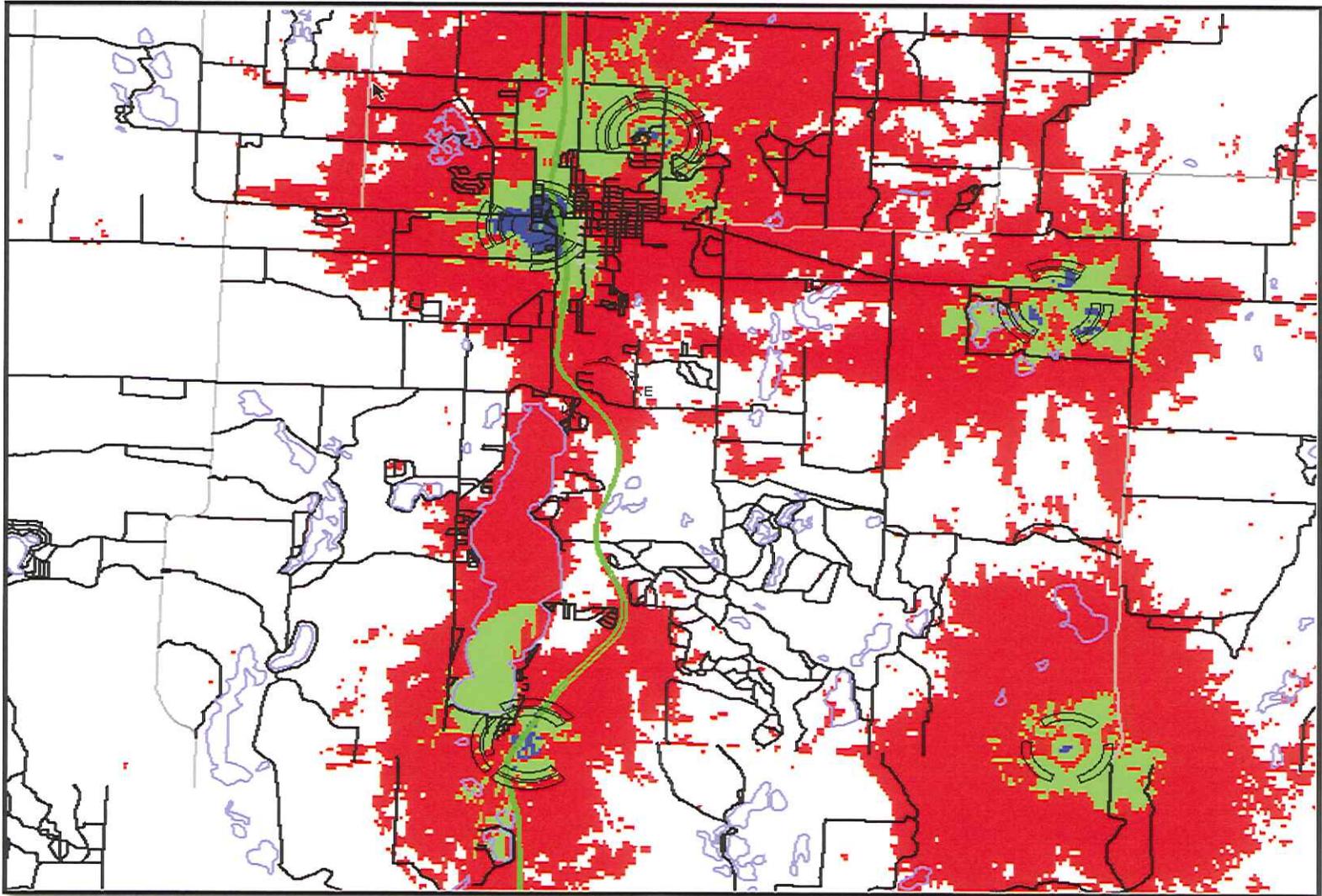
The affected township shall take some official action to notify the county Zoning Administrator of its decision within forty (40) days after having received the written petition. The township may take an additional thirty (30) days to study the matter and take action thereon; but it shall file written 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:*

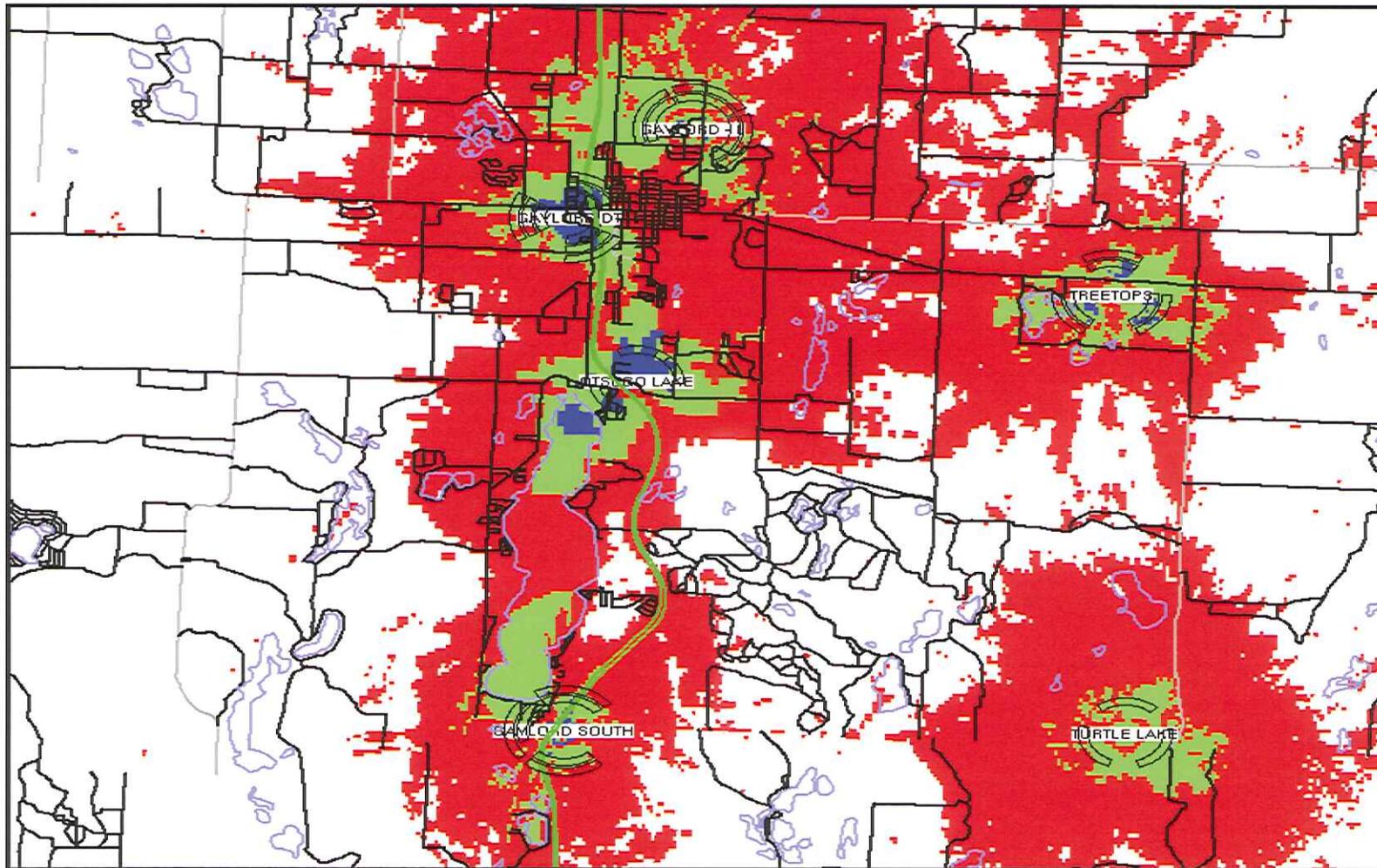
The affected township shall take some official action to notify the county Zoning Administrator of its decision within forty (40) days after having received the written petition. The township may take an additional thirty (30) days to study the matter and take action thereon; but it shall file written 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 Lake Current 700MHz LTE Coverage



# Otsego Lake Coverage 700MHz LTE Coverage with Proposed Site



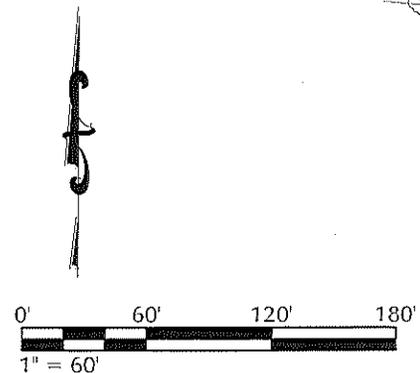
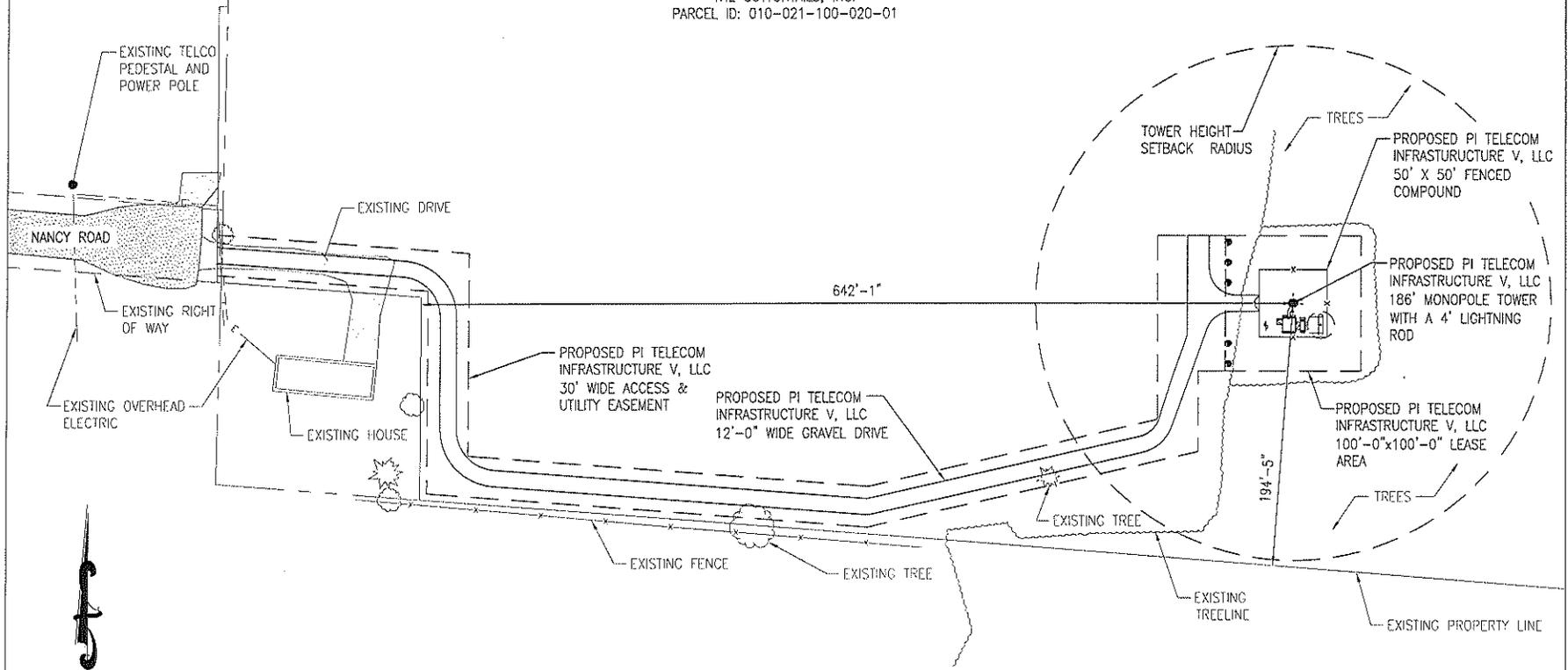






DIMENSIONS SHOWN ARE TO THE CLOSEST PROPERTY LINES. FOR ALL DIMENSIONS TO ALL PROPERTY LINES SEE SHEET S2.

PARENT PARCEL  
THE COTTONTAILS, INC.  
PARCEL ID: 010-021-100-020-01



**Parallel INFRASTRUCTURE**  
4601 TOUCHTON ROAD  
SUITE 300, SUITE 3000  
JACKSONVILLE, FL 32246  
PH: (904) 348-0211

**TeleCAD Wireless**  
1961 NORTHPOINT BLVD, SUITE 130  
HIXSON, TN 37343  
PH: 423-843-9500  
FAX: 423-843-9500

AAE PROJECT #:	N/A
DRAWN BY:	JOP
CHECKED BY:	CTD

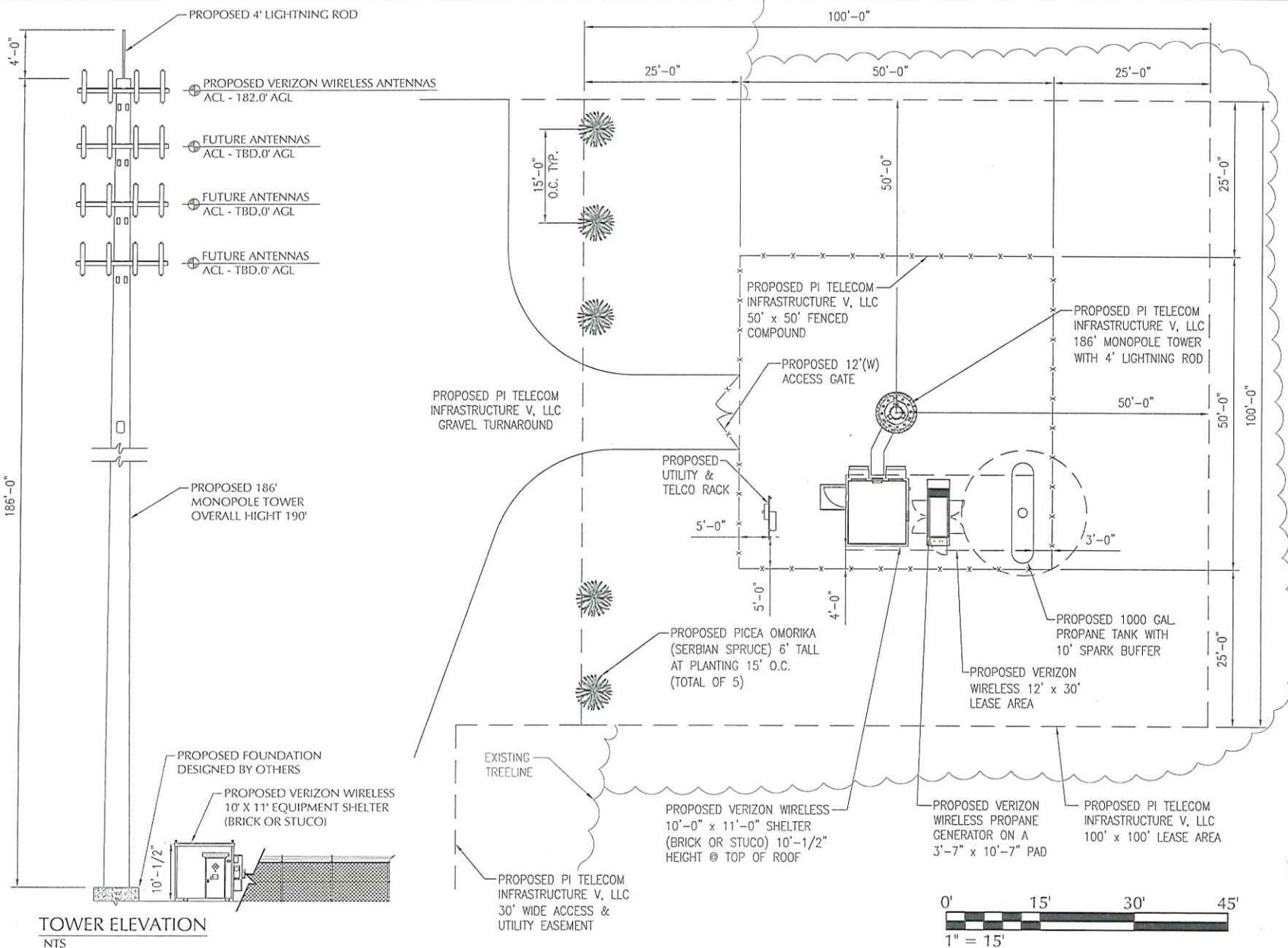
REVISIONS	

NO.	DATE	DESCRIPTION
08/10/15		ZONING ISSUE

STATE OF MICHIGAN  
STEPHEN DEJUN  
ENGINEER  
No. 6201054169  
LICENSED PROFESSIONAL ENGINEER

SITE NAME:	MI-GAYLORD-COTTONTAILS
SITE NUMBER:	PI3MI00006.A
SITE ADDRESS:	TBD NANCY LANE
DESIGN TYPE:	ZONING
SHEET TITLE:	OVERALL SITE LAYOUT PLAN

DRAWING NO.	REVISION:
Z1	0



TOWER ELEVATION  
NTS

**Parallel**  
INFRASTRUCTURE

4601 TOUCHTON ROAD  
BLDG. 300, SUITE 3200  
JACKSONVILLE, FL 32246  
PH: (904) 330-0211

**TeleCAD**  
Wireless

1961 NORTHPOINT BLVD, SUITE 130  
HIXSON, TN 37343  
PH: 423-843-9500  
FAX: 423-843-9509

ASE PROJECT #:	N/A
DRAWN BY:	JDP
CHECKED BY:	CTD

REVISIONS	
NO.	DESCRIPTION

STATE OF MICHIGAN

STEPHEN  
WILSON  
ENGINEER  
No.  
6201054169

LICENSED PROFESSIONAL ENGINEER

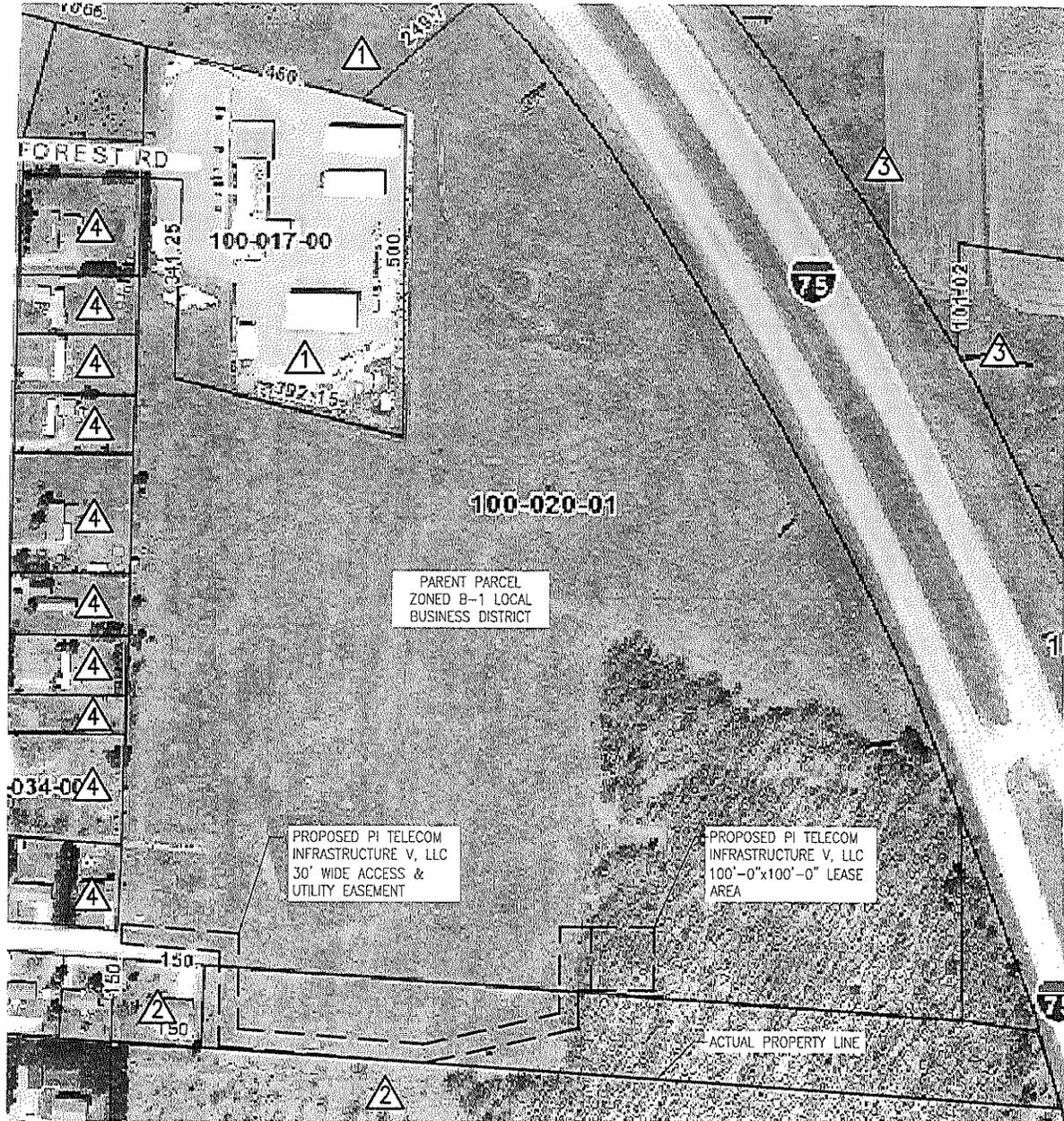
8/18/15

SITE NAME:	MI-GAYLORD-COTTONTAILS
SITE NUMBER:	PI3MI00006.A
SITE ADDRESS:	TBD NANCY LANE
DESIGN TYPE:	ZONING
SHEET TITLE:	OVERALL SITE LAYOUT PLAN

DRAWING NO.	REVISION:
Z2	0

ADJOINING PARCELS ZONING AND LAND USES

1	<u>NORTH</u> B-2, GENERAL BUSINESS
2	<u>SOUTH</u> B-3, BUSINESS, LIGHT MANUFACTURING
3	<u>EAST</u> FR, FORESTRY RECREATION
4	<u>WEST</u> R-2, MEDIUM DENSITY RESIDENTIAL



**Parallel**  
INFRASTRUCTURE

4601 TOUCHTON ROAD  
BLDG. 300, SUITE 2000  
JACKSONVILLE, FL 32246  
PH: (904) 316-0211



**TeleCAD**  
Wireless

1961 NORTHPOINT BLVD, SUITE 130  
HIXSON, TN 37343  
PH: 423-843-9500  
FAX: 423-843-9509

A&E PROJECT #	N/A
DRAWN BY:	JDP
CHECKED BY:	CTD

REVISIONS		
NO.	DATE	DESCRIPTION
1	08/18/15	ZONING ISSUE

FOR REFERENCE ONLY

SITE NAME:  
MI-GAYLORD-COTTONTAILS

SITE NUMBER:  
PISM100006.A

SITE ADDRESS:  
TBD NANCY LANE

DESIGN TYPE:  
ZONING

SHEET TITLE:  
ZONING INFORMATION

DRAWING NO. <b>Z3</b>	REVISION: <b>0</b>
--------------------------	-----------------------

# Parallel

INFRASTRUCTURE

4601 Touchton Road East | Building 300 | Ste. 3200  
Jacksonville, FL 32246  
T 904.450.4830 | [parallelinfrastructure.com](http://parallelinfrastructure.com)

August 17, 2015

Otsego County  
1322 Hayes Road  
Gaylord, MI 49735

RE: PI Telecom Infrastructure V, LLC / Verizon Wireless proposed wireless telecommunication facility at Nancy Lane, Gaylord - PI3MI00006.A MI-Gaylord- Cottontails-Colocation policy.

Dear Mr. Schlaud,

PI Telecom Infrastructure V, LLC, the applicant for the zoning and building permits associated with the development of a Wireless Telecommunications Facility for Verizon Wireless at the above mentioned location states that PI Telecom Infrastructure V, LLC is an independent owner and operator of Wireless Telecommunication Facilities and that our business plan is marketing PI's owned towers to all wireless communication carriers for collocation.

PI Telecom Infrastructure V, LLC designs all towers, regardless of height, for a minimum of four (4) collocators which ensures our ability to collocate a minimum number of (4) carriers on the towers from inception.

PI Telecom Infrastructure V, LLC requires all collocating tenants to complete a collocation application indicating the proposed size and number of antennas and other equipment as well as the mounting height on the tower. Collocation rates are industry average and determined, by the carrier requested height and amount of equipment to install on the tower.

Sincerely,



Michael Wilson  
Program Management Director  
PI Telecom Infrastructure V, LLC  
4601 Touchton Rd.  
Bldg. 300, Suite 3200  
Jacksonville, FL 32246  
T: 585.330.0211  
[Mike.Wilson@pitowerscom](mailto:Mike.Wilson@pitowerscom) | [parallelinfrastructure.com](http://parallelinfrastructure.com)

Parallel  
INFRASTRUCTURE

 A WHOLLY OWNED SUBSIDIARY OF  
FLORIDA EAST COAST INDUSTRIES, LLC



**OTSEGO COUNTY  
PLANNING COMMISSION**

**PSPR15-002  
Site Plan Review  
080-020-200-025-01**

***Exhibit List***

- Exhibit #1:* Application for case PSPR15-002 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 1264/424
- Exhibit #5:* Letter from Anna Cook, owner authorizing Telecad Wireless, agent for PI Telecom Infrastructure V LLC as representative dated August 17, 2015
- Exhibit #6:* Letter from PI Telecom Infrastructure V LLC authorizing representation by Telecad Wireless dated August 17, 2015
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Livingston Township Planning Commission dated August 28, 2015
- Exhibit #9:* Response from Livingston Township Planning Commission dated September 8, 2015
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01307365
- Exhibit #12:* General Finding of Fact/PSPR15-002
- Exhibit #13:* Specific Finding of Fact/PSPR15-002
- Exhibit #14:* Coverage area map (2)
- Exhibit #15:* Site Plan
- Exhibit #16:* Colocation policy letter from Parallel Infrastructure (PI Telecom) dated August 17, 2015 w/map

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

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**APPLICATION FOR SITE PLAN REVIEW**

**Applicant:**

Telecad Wireless on behalf of  
Name: PI Telecom Infrastructure V, LLC Owner/ (Agent) / Other interest (circle one)  
Address: 1961 Northpoint Blvd, Suite 130, Hixson, TN 37343

Phone: 248-217-0989 Fax: 423-843-9509

Property Owner: (if different from applicant)

Name: Anna Cook  
Address: 2617 Murner Road, Gaylord, MI 49735  
Phone: 989-350-7597 Fax: \_\_\_\_\_

**Property Location:**

Township: Livingston Section: 20 Town 31N Range 3W Zoning District AR  
Site Address: 2617 Murner Road, Gaylord, MI 49735  
Parcel Code: 080 - 020 - 200 - 025-01

Description of Project and Proposed Use:

Proposed 186' Monopole telecommunications tower, in a 100'x100' lease area.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant:  Date: 8/18/15

\*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: TBD
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: TBD

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: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

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

Yes  No  NA  if "NA" explain: \_\_\_\_\_

40. Paid appropriate fees to Otsego County.

Yes  No  NA  if "NA" explain: \_\_\_\_\_





# Otsego County Land Use Services

Permit No.: \_\_\_\_\_

1322 Hayes Road  
Gaylord, MI 49735  
Phone 989-731-7400 \* Fax 989-731-7419

## APPLICATION FOR ZONING PERMIT

Date: \_\_\_\_\_

Tax Parcel Number: 080 - 020 - 200 - 025 - 01 Twp: Livingston Sec 20 N 31, R 3 W

### Property location: (REQUIRED)

Address: 2617 Murner Road City: Gaylord State: MI Zip: 49735

### Property Owner :

Name: Anna Cook Phone No. (989)- 350 - 7590

Address: 2617 Murner Road City: Gaylord State: MI Zip: 49735

### Contractor:

Name: Telecad Wireless on behalf of PI Telecom Infrastructure V, LLC Phone No. (248)- 217 - 0989

Address: 1961 Northpoint Blvd, Suite 130 City: Hixson State: TN Zip: 37343

### Description of work to be done:

Proposed 186' Monopole telecommunications tower, in a 100'x100' lease area

### PLOT PLANS SHALL CONTAIN ALL OF THE FOLLOWING:

**Plot Plan: Provide copy of an accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator.**

1. Name, address and telephone number of the applicant (and owner if different).
2. The location, shape, area and dimension of the lot, including setbacks and shoreland and natural river districts, if any.
3. The location, dimensions and height of the existing and/or proposed structures to be erected, altered, or moved on the lot.
4. A description of proposed use of the building(s), land or structures.
5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
6. The yard, open space and parking lot dimensions, parking space dimensions, and number of spaces.
7. A vicinity sketch showing the location of the site in relation to the surrounding street system, and adjacent land uses within three hundred (300) feet in every direction including on the opposite side of any public street; also showing adjacent landowners.
8. Location of any septic system or drain field and well.
9. Configuration of the driveway and parking, county drains and site drainage patterns.
10. Existing public right-of-ways or easements.
11. Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

**TURN SHEET OVER FOR DRAWING AREA AND SIGNATURE LINE**

Plot plan drawing Area:

**\*\*SEE ATTACHED ZONING DRAWINGS\*\***



Applicant signature: 

Date: 8/18/15

---

**This area to be completed by staff only**

Zoning district: \_\_\_\_\_ Parcel size: \_\_\_\_\_ Use of proposed Structure: \_\_\_\_\_

Setback requirements: Front \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_

Building size: Width \_\_\_\_\_ Length \_\_\_\_\_ Height \_\_\_\_\_ 1<sup>st</sup> floor \_\_\_\_\_ 2<sup>nd</sup> floor \_\_\_\_\_

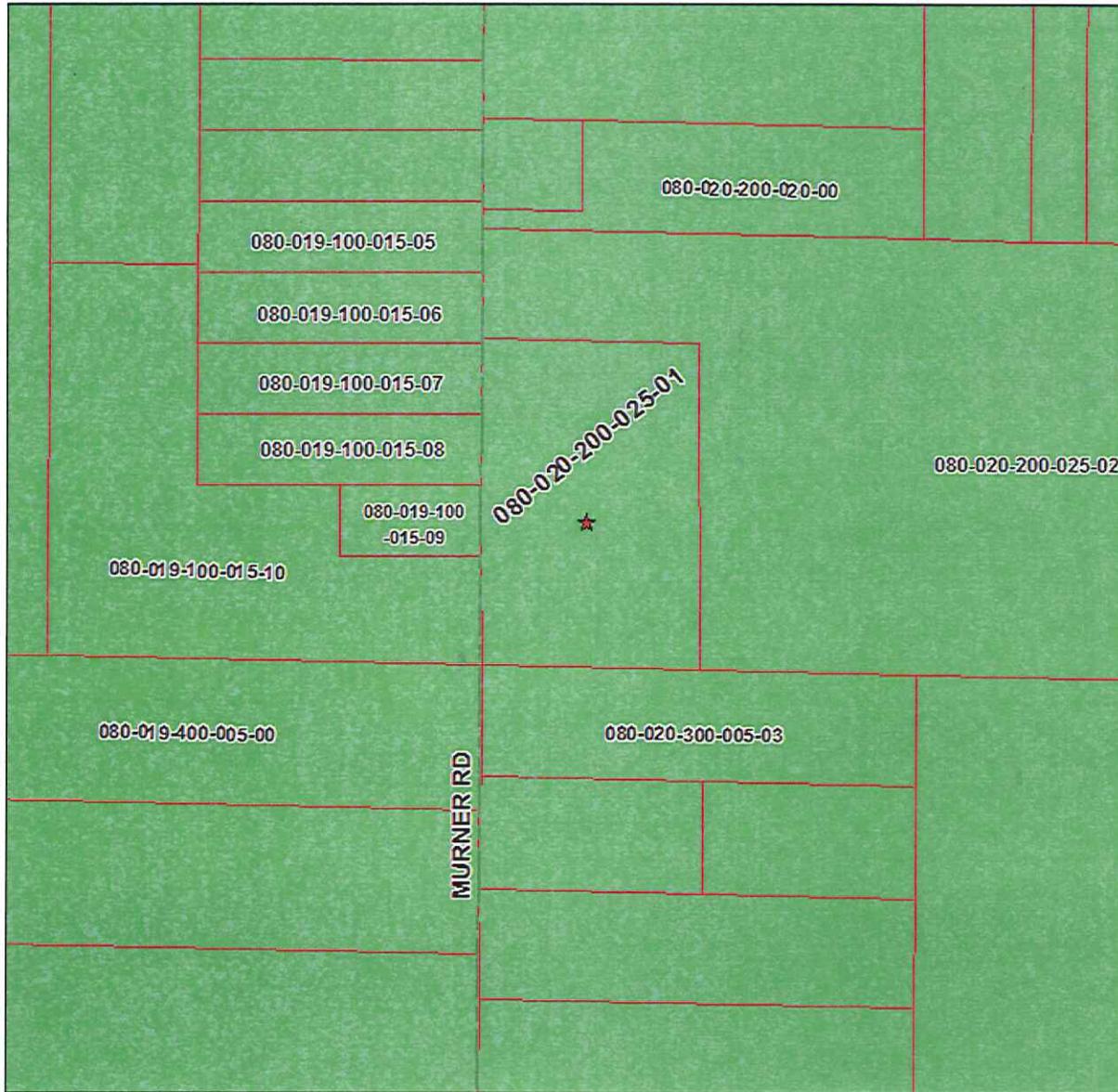
Acc. Building size: Width \_\_\_\_\_ Length \_\_\_\_\_ Height \_\_\_\_\_ 1<sup>st</sup> floor \_\_\_\_\_ 2<sup>nd</sup> floor \_\_\_\_\_

Not required  Approved  Denied  Soil Erosion  Soil Erosion waiver

Notes: \_\_\_\_\_  
\_\_\_\_\_

Zoning Administrator signature: \_\_\_\_\_ Date: \_\_\_\_\_

PSPR15-002/SITE PLAN REVIEW  
 TELECAD WIRELESS  
 080-020-200-025-01  
 2617 MURNER RD



ZONING LEGEND	
	RR/RECREATION RESIDENTIAL
	FR/FOREST RECREATION
	STATE LAND
	AR/AGRICULTURAL RESOURCE
	B2/GENERAL BUSINESS
	R1/RESIDENTIAL
	R2/GENERAL RESIDENTIAL
	N/A
	R3/RESIDENTIAL ESTATES
	I/INDUSTRIAL
	B3/BUSINESS, LIGHT MANUFACTURING
	B1/LOCAL BUSINESS
	PUD/PLANNED UNIT DEVELOPMENT
	C2/CITY
	C1/CITY
	MUZ/MULTIPLE USE ZONING
	HX/HIGHWAY INTERCHANGE

Exhibit 2

8/11/11

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, PPE denial or tax tribunal:

Brooke Jyner Deputy  
COUNTY TREASURER



LIBER 1264 PAGE 424



OTSEGO COUNTY MICHIGAN  
RECEIVED FOR RECORD  
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS  
08/11/2011 9:24:12 AM



OTSEGO COUNTY  
AUGUST 11, 2011  
RECEIPT #15173

STATE OF MICHIGAN \$ DS 124.30-CO  
REAL ESTATE 847.50-ST  
TRANSFERTAX STAMP \* 6382

RCVD AUG11'11 AM8:50

RCVD AUG9'11 AM9:52

**Warranty Deed**

Corporate Title Agency, Gaylord

(3/97)

The Grantor	John W. Felton, Personal Representative of the Estate of Robert C. Widger, Otsego County Probate File 05-7481-DA
whose address is	440 W. Main St., Suite A, Gaylord, MI 49735,
conveys and warrants to	Anna M. Cook
whose address is	1980 McGregor Rd., Vanderbilt, MI 49795,

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

Parcel A: Part of the South one-half of the Northwest one-quarter of Section 20, Town 31 North, Range 3 West and described as beginning at the West one-quarter corner of said Section 20; thence North 00°03'43" West, along the West line of said section, 990.00 feet; thence South 89°05'59" East, parallel with the East-West one-quarter line of said section, 660.00 feet; thence South 00°03'43" East, parallel with the West line of said section, 990.00 feet to the East-West one-quarter line of said section; thence North 89°05'29" West, along the East-West one-quarter line of said section, 660.00 feet to the Point of Beginning.

**Reservation of Easement.** Grantor reserves for itself and it's personal representatives, heirs, successors, transferees and assigns, a perpetual, non-exclusive, rent-free, 50 foot wide easement for ingress and egress, including utility access, to all or any divided parts of the Remainder Parcel, as described on the attached Exhibit "A", from Murner Road on, over and through that portion of the Parcel A, along an existing easement access road on the southerly portion of Parcel A, as shown in the attached Certificate of Survey dated July 25, 2011, by Bob Mitchell and Associates. This reservation includes non-exclusive perpetual easements for utilities in, to, over, under, along, and across Parcel A as may be necessary for the installation, operation, flow, passage, use, maintenance, connection, repair, relocation, and removal of utilities serving each of the parcels within the Remainder Parcel including, but not limited to, water lines, gas, electrical, telephone, and communication lines.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining thereto.

SUBJECT TO all easements, reservations, rights-of-way and restrictions of record, if any.

3024

509  
3



The Grantor(s) grant(s) to the Grantee(s) the right to make FOUR divisions under Section 108 of the Land Division Act, Act 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

Reserving unto Grantor(s) herein all oil, gas and mineral rights of every kind and nature, and all rights incidental thereto.

This deed is given for the sum of One Hundred Thirteen Thousand and 00/100 (\$113,000.00) Dollars.

Dated: August 8, 2011

Signed and Sealed:

The Estate of Robert C. Widger

*[Handwritten Signature]*  
By: John W. Felton as Personal Representative

State of <u>Michigan</u>	}	ss.
County of <u>Otsego</u>		

This foregoing instrument was acknowledged before me 8th day of August 2011 by John W. Felton, as Personal Representative of the Estate of Robert C. Widger.

**Cheryl M. Alexander**  
**Notary Public, Otsego County of Michigan**  
**Acting in Otsego County**  
**My Commission Expires: 12-24-2013**

Notary Public *Cheryl M. Alexander*  
\_\_\_\_\_ County, Michigan

My commission expires: \_\_\_\_\_

*Prepared by and Return To:*  
Dennis W. Bila, Esq. (cma)  
Jelinek, Bila & Snabes, PLLC  
440 E. Front Street  
Traverse City, MI 49686  
69-080-020-200-025-00 (PART OF)  
File No: MI-40628

Revenue stamps: State: \$847.50 County: \$124.30

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
Property Address		Class: 402 Residential St		Zoning: AR (*)	Building Permit(s)	Date	Number	Status		
2617 MURNER RD		School: Gaylord Community								
Owner's Name/Address		P.R.E. 100% 08/08/2011								
COOK, ANNA M 2617 MURNER RD GAYLORD MI 49735		2015 Est TCV 116,400 (Value Overridden)								
		Improved	X	Vacant	Land Value Estimates for Land Table .					
Tax Description		Public Improvements		Description		* Factors *		Value		
2012 SPLIT FROM 080-020-200-025-00 PARCEL A-BEG AT THE W 1/4 COR OF SEC 20, TH N 00DEG 03MIN 43SEC W ALG THE W LN OF SEC 990.00FT, TH S 89DEG 05MIN 59SEC E PARALLEL W/ THE E-W 1/4 LN OF SEC 660.00FT, TH S 00DEG 03MIN 43SEC E PARALLEL W/ THE W LN OF SEC 990.00FT TO THE E-W 1/4 LN OF SEC, TH N 89DEG 05MIN 29SEC W ALG THE E-W 1/4 LN OF SEC 660.00FT TO POB, SEC 20 T31N R3W. CONT 15.00 ACRES M/L		Dirt Road		Frontage		Depth	Front	Depth	Rate %Adj. Reason	Value
		Gravel Road		15.00		Total Acres		0 100	0	
		Paved Road						Total Est. Land Value =	0	
		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	58,200	0	58,200		55,778C		
			2014	54,900	0	54,900		54,900S		
			2013	56,800	0	56,800		56,800S		
			2012	58,700	0	58,700		58,700S		

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



To: Otsego County  
1322 Hayes Road  
Gaylord, MI 49735  
(989) 731-7400

Date: 8/17/2015

Re: Landowner Authorization for Permitting for Proposed Telecommunications Facility at 2617 Murner Road, Gaylord, MI 49725

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Ms. Cook-

The purpose of this letter is regarding the zoning and permitting for the proposed telecommunications facility located on your property at 2617 Murner Road, Gaylord, MI 49725. It is the landowner's authorization for Telecad Wireless, acting as an agent for PI Telecom Infrastructure V, LLC, to secure permits as required for this project.

"I, Anna Cook, give Telecad Wireless, agent for PI Telecom Infrastructure V, LLC, authorization to secure permits for the proposed telecommunications facility on my property at 2617 Murner Road, Gaylord, MI 49725."

A handwritten signature in cursive script that reads "Anna Cook". The signature is written in black ink and is positioned above a horizontal line.

Anna Cook, Landowner

Thanks in advance,

Amy Rodriguez

TeleCad Wireless  
1961 Northpoint Boulevard, Suite 130  
Hixson, TN 37343  
248-217-0989  
[Amy.Rodriguez@telecadsiteacq.com](mailto:Amy.Rodriguez@telecadsiteacq.com)



To: Otsego County  
Attn: Vern Schlaud  
1322 Hayes Road  
Gaylord, MI 49735  
(989)731-7400

Date: 8/17/2015

Re: Authorization to represent PI Telecom Infrastructure V, LLC for Proposed Telecommunications  
Facilities

---

Mr. Schlaud-

PI Infrastructure V, LLC gives Telecad Wireless authorization to apply for and secure all Permits on our behalf related to the proposed telecommunications facilities located in Otsego County, MI.

A handwritten signature in black ink, appearing to read "M. Wilson".

---

Michael Wilson  
Director Program Management  
PI Infrastructure V, LLC

**OTSEGO COUNTY  
PLANNING COMMISSION  
PUBLIC HEARING NOTICE  
October 19, 2015**

The Otsego County Planning Commission will hold four (4) public hearings on Monday, October 19, 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)** Telecad Wireless is requesting a Special Use Permit/Site Plan Review for the installation of a wireless communications tower one hundred ninety feet (190') or less. The property is located in a B1/Local Business Zoning District. A wireless communications tower one hundred ninety feet (190') or less is a permitted use subject to special conditions in a B1 Zoning District.

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

**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

**2)** Telecad Wireless is requesting a Site Plan Review for the installation of a wireless communications tower one hundred ninety feet (190') or less. The property is located in an AR/Agricultural Resource Zoning District. A wireless communications tower one hundred ninety feet (190') or less is a permitted use in an AR Zoning District.

Parcel identification number: **080-020-200-025-01**  
**2617 Murner Rd  
Gaylord, MI 49735  
Livingston Township**

**Legal Description:**

2012 SPLIT FROM 080-020-200-025-00 PARCEL A-BEG AT THE W 1/4 COR OF SEC 20, TH N 00DEG 03MIN 43SEC W ALG THE W LN OF SEC 990.00FT, TH S 89DEG 05MIN 59SEC E PARALLEL W/ THE E-W 1/4 LN OF SEC 660.00FT, TH S 00DEG 03MIN 43SEC E PARALLEL W/ THE W LN OF SEC 990.00FT TO THE E-W 1/4 LN OF SEC, TH N 89DEG 05MIN 29SEC W ALG THE E-W 1/4 LN OF SEC 660.00FT TO POB. SEC 20 T31N R3W CONT 15.00 ACRES M/L

**3)** Christopher T Deckrow is requesting a Special Use Permit/Site Plan Review for property located in Bagley Township at 4049 Old 27 South, 4029 Old 27 South and 625 Alpine Rd Gaylord, MI 49735. The proposed use of the property is to conduct a seasonal business as an inflatable amusement park. The property is located in a B3/Business, Light Manufacturing Zoning District. Commercial outdoor sport and recreational facilities are a permitted use subject to special conditions in a B3 Zoning District.

Parcel identification numbers: **010-028-200-025-00**  
**4049 Old 27 S  
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

**010-028-200-020-00**

**4029 Old 27 S**

**Gaylord, MI 49735**

**Legal Description:**

COMM @ N1/4 COR, TH N89°40'30"W 761', TH S2°26'30"E 6.77' FOR POB, TH S2°26'30"E 193.23', TH N89°40'18"W 501.81', TH N3°15'30"E 200', TH S89°40'30"E 425.67', TH S82°51'43"E 56.98' TO POB. SEC 28 T30N R3W

**010-028-200-010-00**

**625 Alpine Rd**

**Gaylord, MI 49735**

**Legal Description:**

W 130' OF E 621' OF N 330' OF NW1/4 SEC 28 T30N R3W.

**4) 2016-2021 Otsego County Capital Improvement Plan**

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](http://www.otsegocountymi.gov)

August 28, 2015

Livingston Township  
PO Box 1848  
Gaylord, MI 49734

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

If you require the applicant, Daniel Smith, representative for Telecad Wireless to be present at your meeting, he can be notified at the following:

Daniel Smith  
c/o Telecad Wireless  
1961 Northpointe Blvd Ste 130  
Hixson, TN 37343  
423.843.9500 Ext 1 (work)  
423.667.2631 (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

## Christine Boyak-Wohlfeil

---

**From:** Steve Dipzinski <steven.a.dipzinski@gmail.com>  
**Sent:** Tuesday, September 08, 2015 8:25 PM  
**To:** Christine Boyak-Wohlfeil  
**Subject:** Livingston Twp. planning commission site plan review

Hi Christine, we had our planning commission meeting tonight and we reviewed site plan 080-020-200-025-01 in regards to the cell tower off Murner road. two personnel from TelCAD were present to address the planning commission and answer questions. We all did an on site review prior to the meeting and it looks like a this is a go from our stand point. We also consulted with our legal associates and there were no objections to the material from a legal perspective. We recommend that this tower be permitted to to be built as proposed at the address provided 2617 Murner Rd. as per the site plan we received.

Thank you for all you do and especially for taking the time to highlight the areas of special interest for us to review. You make it much easier for us to do our job.

Steve Dipzinski  
Livingston Township Planning Commission Chairman

PSPR15-002/SITE PLAN REVIEW  
TELECAD WIRELESS  
080-020-200-025-01  
2617 MURNER RD



080-019-400-005-00  
080-019-100-015-10  
080-019-100-015-09  
080-019-100-015-08  
080-019-100-015-07  
080-019-100-015-06  
080-019-100-015-05

080-020-200-020-00  
080-020-200-025-02  
080-020-300-005-03

**OWNERS WITHIN THREE HUNDRED FEET (300')**

<b>PARCEL NUMBER</b>	<b>PROPERTY ADDRESS</b>	<b>OWNER NAME</b>	<b>OWNER ADDRESS</b>			
080-019-100-015-05		MERRY, PENNY	515 N COURT AVE	GAYLORD	MI	49735
080-019-100-015-06		MERRY, PENNY	515 N COURT AVE	GAYLORD	MI	49735
080-019-100-015-07		KUJAWA, ANDREW & COLLEEN A	2534 MURNER RD	GAYLORD	MI	49735
080-019-100-015-08		KUJAWA, ANDREW & COLLEEN A	2534 MURNER RD	GAYLORD	MI	49735
080-019-100-015-09	2550 MURNER RD	ANGEL-LING, JOYCE E	2550 MURNER RD	GAYLORD	MI	49735
080-019-100-015-10	2534 MURNER RD	KUJAWA, ANDREW & COLLEEN A	2534 MURNER RD	GAYLORD	MI	49735
080-019-400-005-00	2418 MURNER RD	KILBOURN, BRAD M & KRISTINE M	502 E FELSHAW ST	GAYLORD	MI	49735
080-020-200-020-00	2779 MURNER RD	STEMPIEN, MARY ANN	2779 MURNER RD	GAYLORD	MI	49735
080-020-200-025-02		DELANEY, WILLIAM GRANT TRUST	1507 PARMATER RD	GAYLORD	MI	49735
080-020-300-005-03		LANGE, DENNIS E	2403 MURNER RD	GAYLORD	MI	49735
080-020-200-025-01	2617 MURNER RD	COOK, ANNA M	2617 MURNER RD	GAYLORD	MI	49735

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PSPR15-002  
Site Plan Review  
080-020-200-025-01**

**GENERAL FINDING OF FACTS**

1. This is a proposal for the installation of a wireless communication tower one hundred ninety feet (190') or less. *Exhibit #1, Exhibit #15*
2. The property is located in an AR/Agricultural Resource Zoning District. *Exhibit #2*
3. The proposed use is a permitted use in an AR/Agricultural Resource Zoning District. *Exhibit #2, Exhibit #3*
4. The property is currently under the ownership of Anna Cook, being represented by PI Telecom Infrastructure V LLC and Telecad Wireless. *Exhibit #4, Exhibit #5, Exhibit #6*
5. The Public Hearing Notice was published in the Herald Times on October 2, 2015 *Exhibit #7*
6. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
7. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
8. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
9. The site plan requirements of Article 23 have been submitted by applicant and reviewed by Otsego County Land Use Services. *Exhibit #1, Exhibit #3, Exhibit #12, Exhibit #13, Exhibit #15*
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*

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PSPR15-002  
Site Plan Review  
080-020-200-025-01**

**SPECIFIC FINDINGS OF FACT**

**FINDINGS UNDER ARTICLE 9**

**ARTICLE 9 AN AGRICULTURAL RESOURCE DISTRICT**

**INTENT**

The Agricultural Resource District is intended to encourage the maintenance of productive farm and agricultural land for growing, raising or production of food stuffs. It is further intended that the productive agricultural land base of the County be maintained in agricultural activities. Other land uses and activities may be permitted if they meet the objective of retaining farmlands in an open land character.

**SECTION 9.1 PRINCIPAL USES PERMITTED**

No buildings or land shall be used and no building shall be erected except for one (1) or more of the following specified uses:

9.1.1 One (1) family dwelling unit

9.1.2 Two (2) family (duplex) dwellings subject to the one (1) family density requirements with a minimum lot width of three hundred (300) feet.

9.1.3 Two (2) detached single-family dwelling units may be permitted, subject to the following conditions:

9.1.3.1 There is a separation between the two (2) dwellings so the lot may be divided into two (2) legal lots with each lot having a lawful minimum width and area, with each dwelling still maintaining the front, side and rear setback as regulated in the District.

9.1.3.2 The County Health Department approves the sanitary system.

9.1.4 Growing, raising, and harvesting of agricultural products and farm livestock.

9.1.5 Woodlots, tree farms, nursery field stock, and harvesting activities

9.1.6 Buildings for storing or housing machinery, equipment, and/or livestock, including repair operations when accessory to agricultural and farm operations.

9.1.7 Experimental agricultural activities and uses related to farm research

9.1.8 Wildlife habitat and plant species preservation areas

9.1.9 Farm industries may include saw mills of a permanent or temporary nature, with assembly of green or untreated wood to a usable item for marketing, provided the operation is conducted as an accessory to a farm and that the use is two hundred (200) feet from property lines.

9.1.10 Bed and breakfast/tourist homes

9.1.11 Family and group care facilities

9.1.12 Forest production and forest harvesting operations including temporary sawmills, temporary log storage yards and related facilities.

9.1.13 Fraternal lodges

9.1.14 Aircraft Landing Strips

- 9.1.15 Churches
- 9.1.16 Cemeteries [Permit criteria include [Article 21.4](#)]
- 9.1.17 Dwellings less than sixteen (16) feet wide [Permit criteria include [Article 21.22](#)]
- 9.1.18 Riding academies or stables [Permit criteria include [Article 21.35](#)]
- 9.1.19 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site, and that the parking requirements of [Article 21.27](#) be observed.
- 9.1.20 Veterinary hospitals, clinics with indoor kennel [Permit criteria include [Article 21.45](#)]
- 9.1.21 Travel trailers (on private property) [Permit criteria include [Article 21.33](#)]
- 9.1.22 Home occupation
- 9.1.23 Farm buildings, in existence at the time of the adoption of this amendment and no longer used in support of agricultural interests, may be used as rental property for storage of individually owned items.
  - 9.1.23.1 So as to alleviate noise and traffic associated with commercial activities and thus maintain the rural, open space, character of the area, the rental shall not be made into commercial enterprises.
  - 9.1.23.2 All applicable sections of the zoning Ordinance apply.
  - 9.1.23.3 The Zoning Administrator may opt to refer the application to the Planning Commission if there are unusual circumstances.
- 9.1.24 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights [Permit criteria include [Article 21.46](#)]...

**FINDINGS UNDER ARTICLE 21**

*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:

*Proposed language:*

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

- (1) Protect residential zoning districts from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in non-residential areas;
- (3) Minimize the total number of towers throughout the county;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape screening, and innovative camouflaging techniques;
- (7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

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

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

#### **SECTION 21.46.1 DEFINITIONS:**

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

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

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

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

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

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

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

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

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

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

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

21.46.2.6 The tower itself must be of monopole design. There shall be no guyed or self-supporting towers. Self-supporting towers may be considered with application to the Planning Commission.

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

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

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

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

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

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

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

21.46.2.8 Lighting shall be designed in accordance with [Section 21.19](#) in addition to the following:

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

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

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6) safety fence with a locked gate.

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

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

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

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

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

accessory equipment shelter building shall meet all normal requirements of accessory buildings.

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

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

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

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

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

#### **SECTION 21.46.4 REMOVAL OF WIRELESS COMMUNICATION TOWERS:**

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

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

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

#### **SECTION 21.46.5**

All towers in [Section 21.46](#) must comply with FCC and FAA regulations.

## FINDINGS UNDER ARTICLE 27

*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.

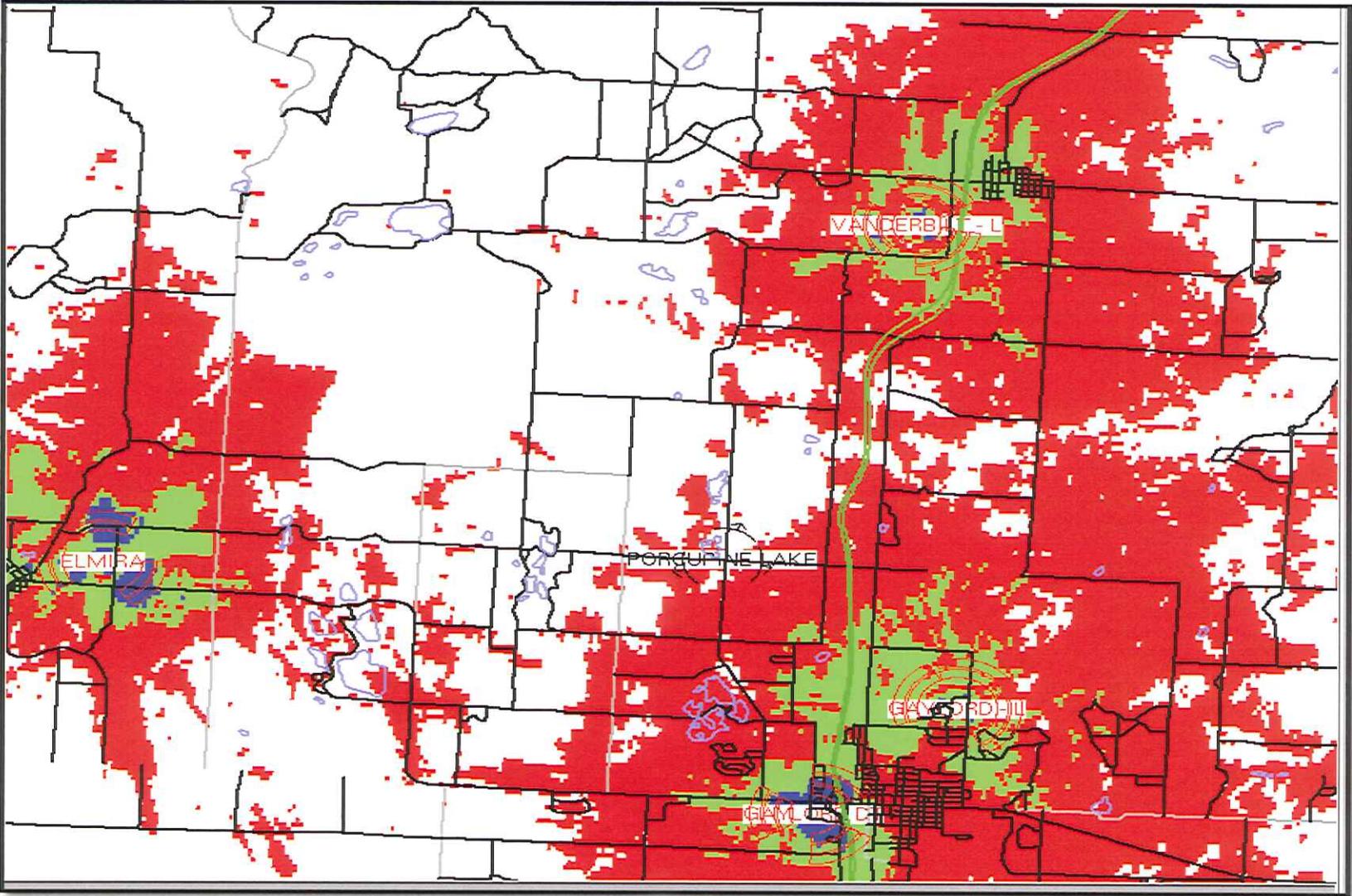
The affected township shall take some official action to notify the county Zoning Administrator of its decision within forty (40) days after having received the written petition. The township may take an additional thirty (30) days to study the matter and take action thereon; but it shall file written 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:*

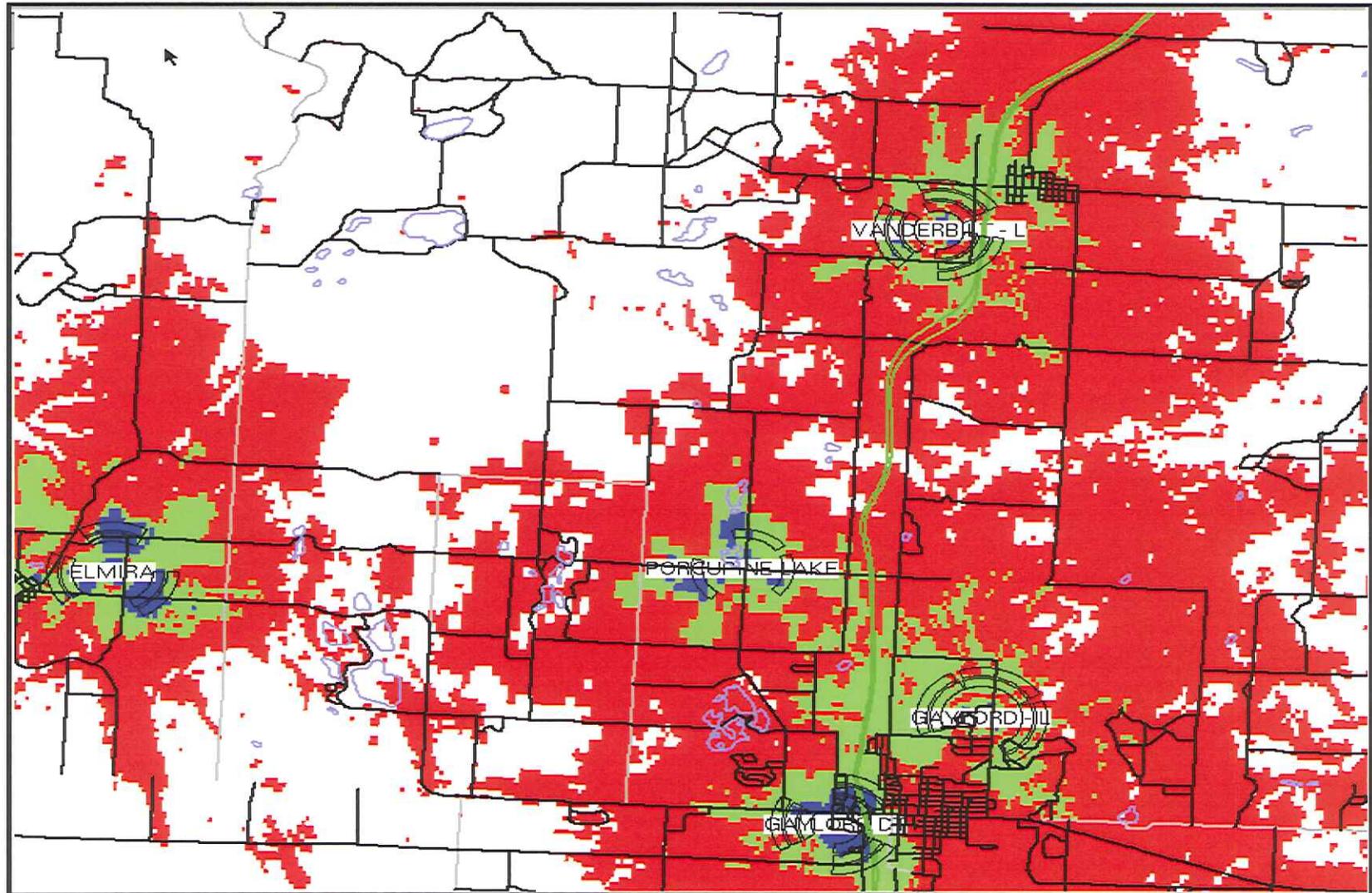
The affected township shall take some official action to notify the county Zoning Administrator of its decision within forty (40) days after having received the written petition. The township may take an additional thirty (30) days to study the matter and take action thereon; but it shall file written 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).

# Porcupine Lake Current 700MHz LTE Coverage



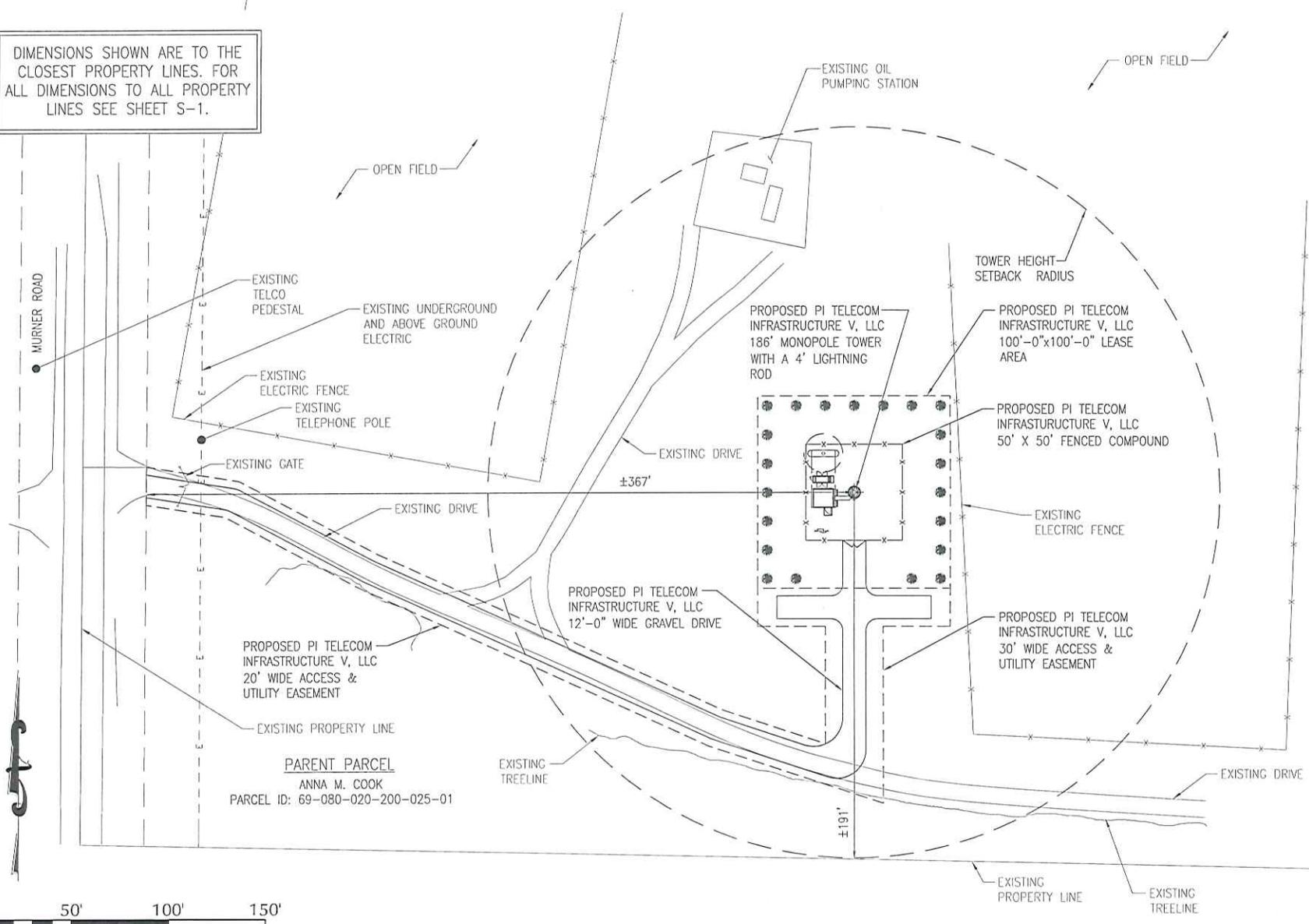
# Porcupine Lake Coverage 700MHz LTE Coverage with Proposed Site







DIMENSIONS SHOWN ARE TO THE CLOSEST PROPERTY LINES. FOR ALL DIMENSIONS TO ALL PROPERTY LINES SEE SHEET S-1.



**Parallel INFRASTRUCTURE**  
 4601 TOUCHTON ROAD  
 BLDG. 300, SUITE 3200  
 JACKSONVILLE, FL 32246  
 PH: (904) 330-0211



**TeleCAD Wireless**  
 1961 NORTHPOINT BLVD, SUITE 130  
 HIXSON, TN 37343  
 PH: 423-843-9500  
 FAX: 423-843-9509

ASE PROJECT #:	N/A
DRAWN BY:	JDP
CHECKED BY:	CTD

REVISIONS		
NO.	DATE	DESCRIPTION



SITE NAME:  
MI - GAYLORD - PORCUPINE

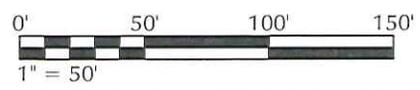
SITE NUMBER:  
PI3M00005.A

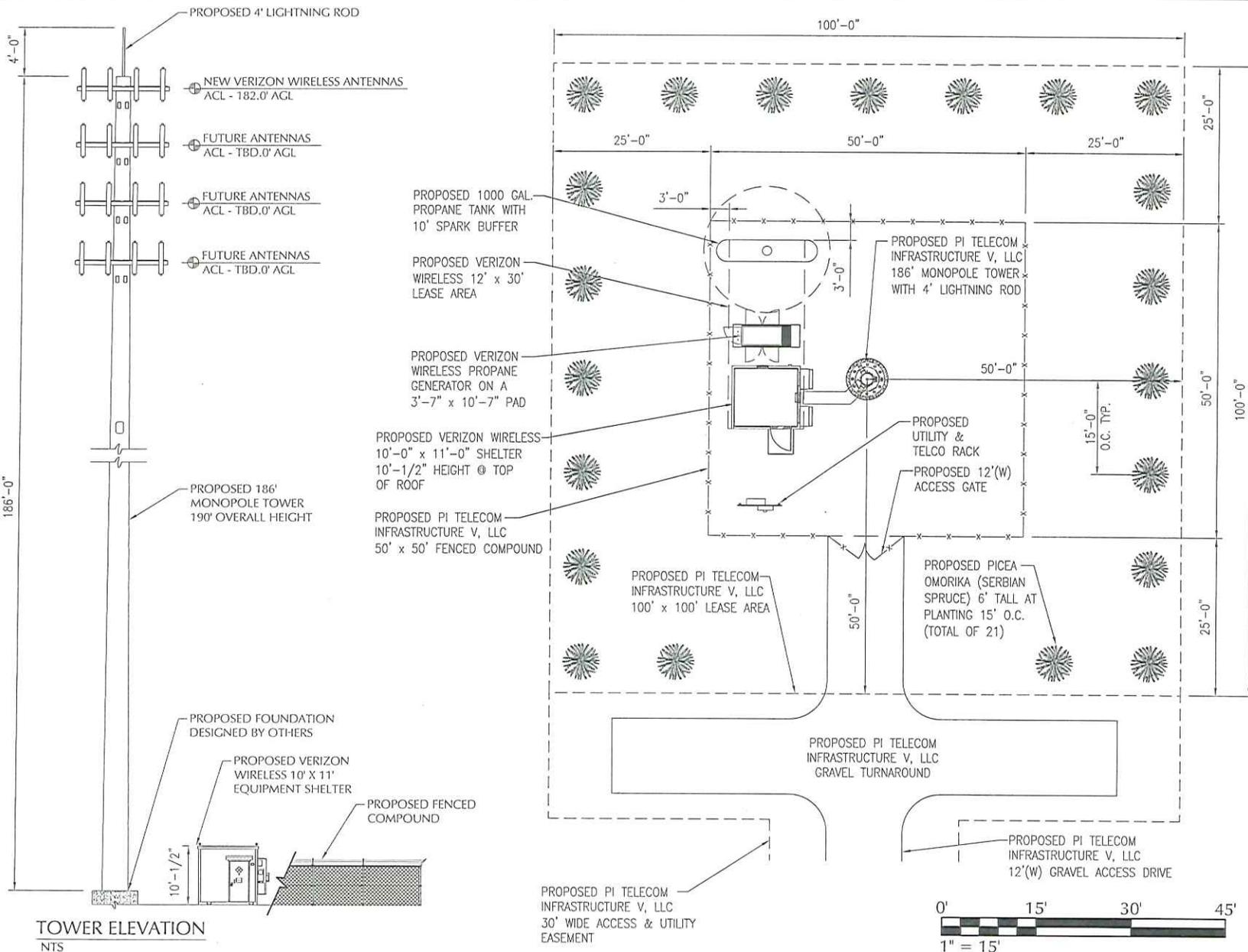
SITE ADDRESS:  
MURNER ROAD  
GAYLORD, MI 49735

DESIGN TYPE:  
ZONING

SHEET TITLE:  
OVERALL SITE LAYOUT PLAN

DRAWING NO. <b>Z1</b>	REVISION: <b>0</b>
--------------------------	-----------------------





**TOWER ELEVATION**  
NTS

**Parallel INFRASTRUCTURE**  
4601 TOUCHTON ROAD  
BLDG. 300, SUITE 3200  
JACKSONVILLE, FL 32246  
PH: (904) 338-0211

**TeleCAD Wireless**  
1961 NORTHPOINT BLVD, SUITE 130  
HISSON, TN 37343  
PH: 423-843-9500  
FAX: 423-843-9509

AXE PROJECT #:	N/A
DRAWN BY:	JDP
CHECKED BY:	CTD

REVISIONS		
NO.	DATE	DESCRIPTION

STATE OF MICHIGAN

STEPHEN  
*Stephen*  
ENGINEER

No.  
6201054169

LICENSED PROFESSIONAL ENGINEER

8/18/15

SITE NAME:	MI - GAYLORD - PORCUPINE
SITE NUMBER:	PI3MI00005.A
SITE ADDRESS:	MURNER ROAD GAYLORD, MI 49735
DESIGN TYPE:	ZONING

SHEET TITLE:	OVERALL SITE LAYOUT PLAN
--------------	--------------------------

DRAWING NO.	REVISION
<b>Z2</b>	<b>0</b>



# Parallel

INFRASTRUCTURE

4601 Touchton Road East | Building 300 | Ste. 3200  
Jacksonville, FL 32246  
T 904.450.4830 | [parallelinfrastructure.com](http://parallelinfrastructure.com)

August 17, 2015

Otsego County  
1322 Hayes Road  
Gaylord, MI 49735

RE: PI Telecom Infrastructure V, LLC /Verizon Wireless proposed wireless telecommunication facility at  
2617 Murner Road, Gaylord - PI3MI00005.A MI-Gaylord-Porcupine -Colocation policy.

Dear Mr. Schlaud,

PI Telecom Infrastructure V, LLC, the applicant for the zoning and building permits associated with the development of a Wireless Telecommunications Facility for Verizon Wireless at the above mentioned location states that PI Telecom Infrastructure V, LLC is an independent owner and operator of Wireless Telecommunication Facilities and that our business plan is marketing PI's owned towers to all wireless communication carriers for collocation. PI Telecom Infrastructure V, LLC designs all towers, regardless of height, for a minimum of four (4) collocators which ensures our ability to collocate a minimum number of (4) carriers on the towers from inception.

PI Telecom Infrastructure V, LLC requires all collocating tenants to complete a collocation application indicating the proposed size and number of antennas and other equipment as well as the mounting height on the tower. Collocation rates are industry average and determined, by the carrier requested height and amount of equipment to install on the tower.

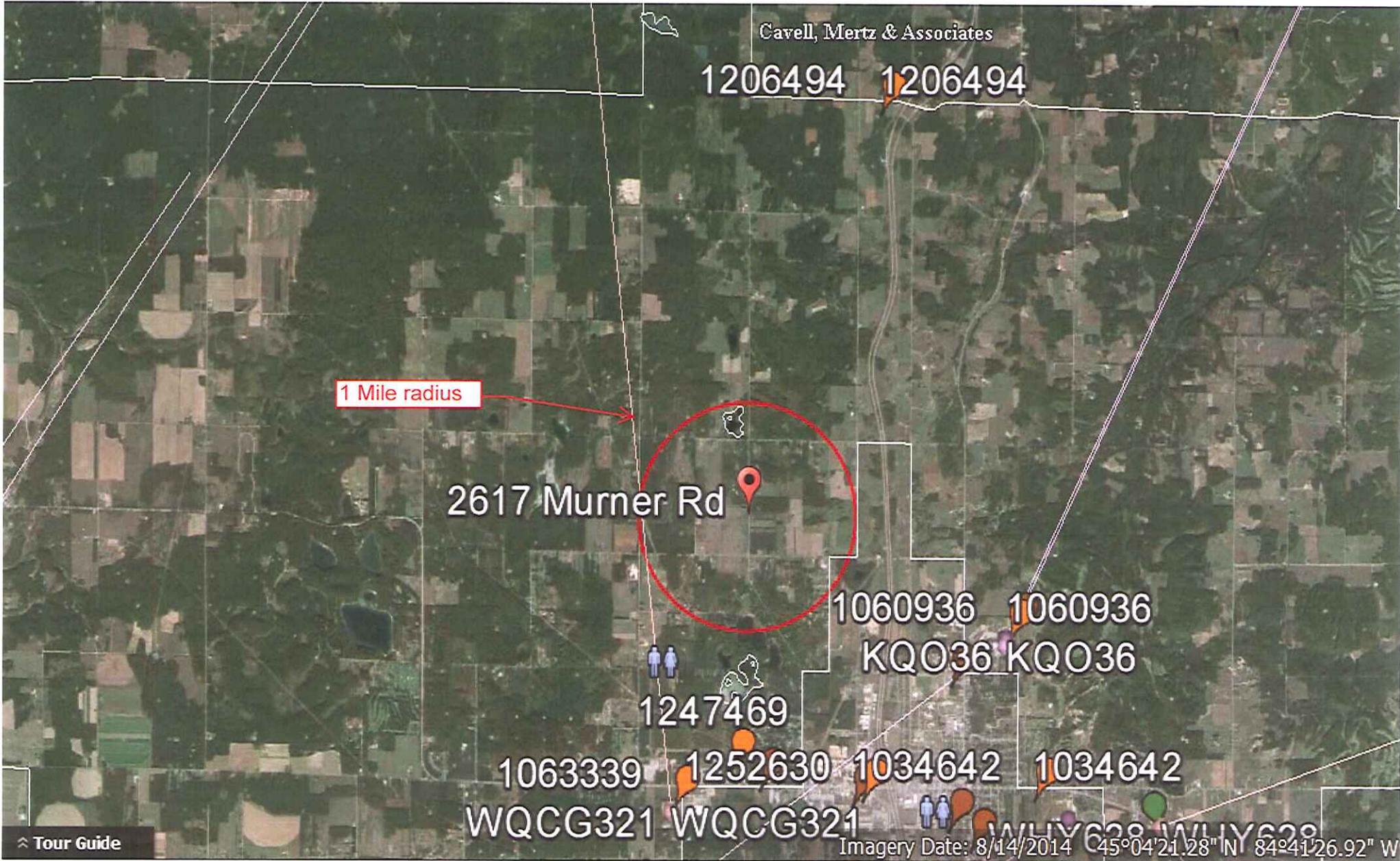
Sincerely,



Michael Wilson  
Program Management Director  
PI Telecom Infrastructure V, LLC  
4601 Touchton Rd.  
Bldg. 300, Suite 3200  
Jacksonville, FL 32246  
T: 585.330.0211  
[Mike.Wilson@pitowers.com](mailto:Mike.Wilson@pitowers.com) | [parallelinfrastructure.com](http://parallelinfrastructure.com)

Parallel  
INFRASTRUCTURE

 A WHOLLY OWNED SUBSIDIARY OF  
FLORIDA EAST COAST INDUSTRIES, LLC



**OTSEGO COUNTY  
PLANNING COMMISSION**

**PSUP15-007**

**Special Use Permit/Site Plan Review**

**010-028-200-025-00/010-028-200-020-00/010-028-200-010-00**

***Exhibit List***

- Exhibit #1:* Application for case PSUP15-007 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/Land Contract 1325/110
- Exhibit #5:* Site Plan/PSUP15-007 submitted by Applicant
- Exhibit #6:* Public Hearing Notice
- Exhibit #7:* Letter to Bagley Township Planning Commission dated August 14, 2015
- Exhibit #8:* Response from Bagley Township Planning Commission dated..., 2015
- Exhibit #9:* Map and list of parties notified
- Exhibit #10:* Receipt #01307306
- Exhibit #11:* General Finding of Fact/PSUP15-007
- Exhibit #12:* Specific Finding of Fact/PSUP15-007
- Exhibit #13:*

**OTSEGO COUNTY  
LAND USE SERVICES**

PERMIT NO: PS0715-006

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

---

**APPLICATION FOR SPECIAL USE PERMIT**

Date: 7-20-15

Tax Parcel Number: 010 - 028 - 200 - 025 - 00 Twp: Bagley Sec 28 N 30, R 3 W

**Property location: (REQUIRED)**

Address: 4049 Old 27 South City: Gaylord State: MI Zip: 49735

**Applicant:**

Name: Christopher T. Deckrow Phone No. (989)-350-0826

Address: 5575 Twin Peaks Road City: Fredric State: MI Zip: 49733

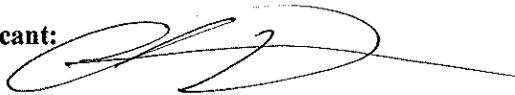
**Property Owner: (If different from applicant)**

Name: \_\_\_\_\_ Phone No. (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Description of project and proposed use:**

Inflatable fun Park - no permanent structures  
Incredible Inflatable Fun Park LLC.

Signature of Applicant: 

Date: 8/4/15

\*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: CSK

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

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**APPLICATION FOR SITE PLAN REVIEW**

**Applicant:**

Name: Christopher T. Deckrow  Owner  Agent  Other interest (circle one)

Address: 4029 Old 27 South Gaylord, MI 49735

Phone: (989) 350-0826 Fax: (989) 448-8808

Property Owner: (if different from applicant)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**Property Location:**

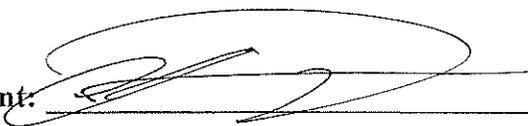
Township: Bagley Section: \_\_\_\_\_ Town \_\_\_\_\_ Range \_\_\_\_\_ Zoning District B-3

Site Address: 4049 Old 27 South Gaylord, MI 49735

Parcel Code: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Description of Project and Proposed Use:

creating a fun park for families to enjoy inflatable attractions at a per day rate will include basic concessions, parking and a minimum of 6 attractions to begin, with room for expansion

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: \_\_\_\_\_
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: not different
7. Name and address of the engineer, architect and/or land surveyor.  
Yes  No \_\_\_ NA \_\_\_ if "NA" explain: Toold Siedell
8. Project title.  
Yes  No \_\_\_ NA \_\_\_ if "NA" explain: Fun Park
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: 2 public bathroom .20 Inflatable slides
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: 5.5 acre
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: Today 5
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: \_\_\_\_\_
30. Location, size and specifications of all signs and advertising features with elevation views from front and side.  
Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: \_\_\_\_\_

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

Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: \_\_\_\_\_

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: \_\_\_\_\_

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

Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: \_\_\_\_\_

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

Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: \_\_\_\_\_

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

Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: \_\_\_\_\_

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

Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: \_\_\_\_\_

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

Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: \_\_\_\_\_

40. Paid appropriate fees to Otsego County.

Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: \_\_\_\_\_

**\*\*\*Attention\*\*\***

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

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

**Or**

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

**OFFICIAL USE ONLY**

File No: - \_\_\_\_\_ Soil Erosion Permit No.: - \_\_\_\_\_ Fee: - \_\_\_\_\_

Date Application Received: - \_\_\_\_\_ Application Received By: CSW

Approved: \_\_\_\_\_ Not Approved: \_\_\_\_\_ By: \_\_\_\_\_

Conditions:

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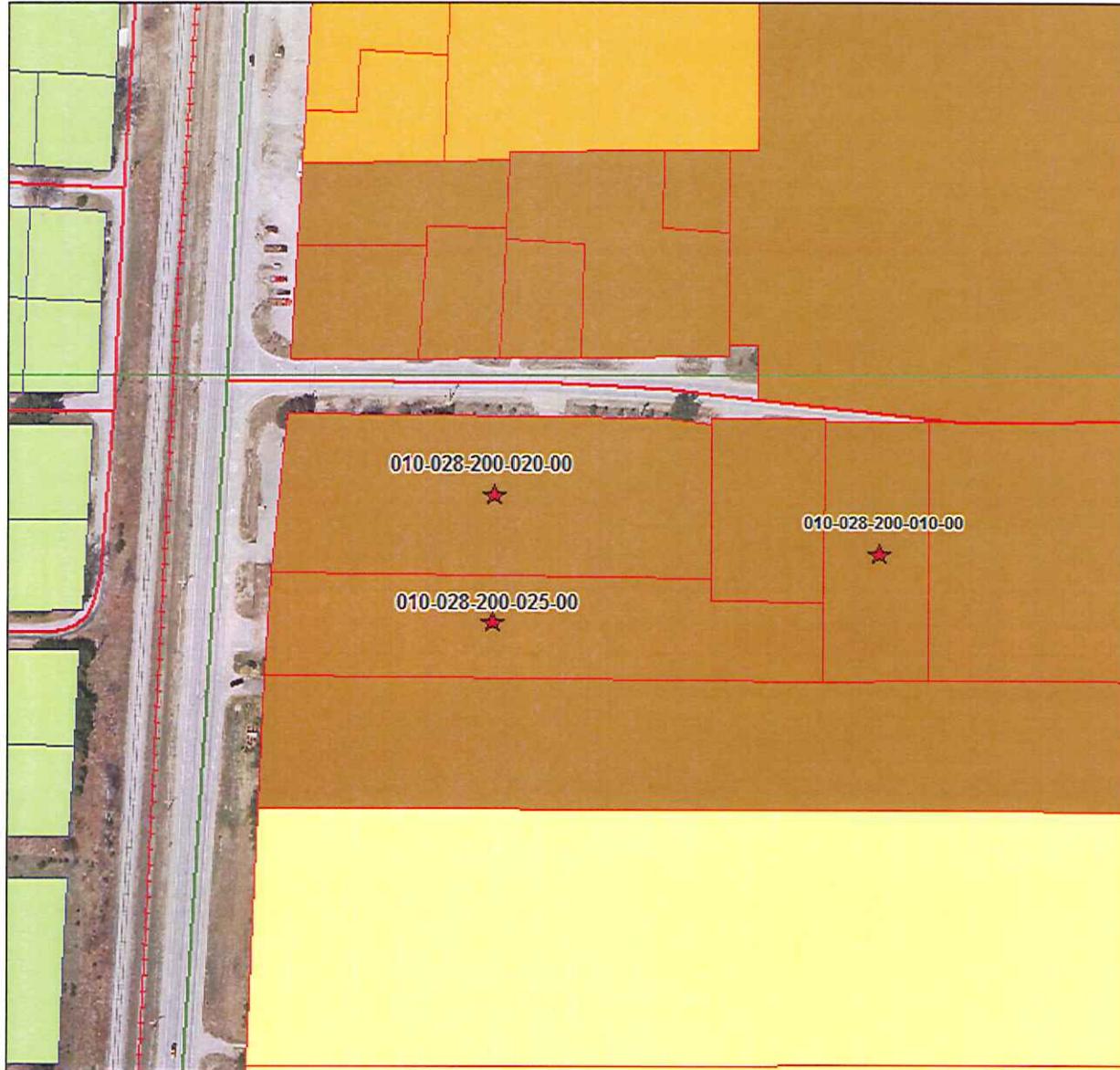
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PSUP15-006  
010-028-200-025-00/4049 OLD 27 S  
010-028-200-020-00/4029 OLD 27 S  
010-028-200-010-00/625 ALPINE RD  
DECKROW



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

Exhibit 2

OTSEGO COUNTY  
TREASURER'S OFFICE  
Gaylord, Mich.,

7/2/13



LIBER 1325 PAGE 110

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.

Ronald Dell COUNTY TREASURER



OTSEGO COUNTY MICHIGAN  
RECEIVED FOR RECORD  
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS  
07/02/2013 1:53:54 PM

RCVD JUL2'13#9:11

LAND CONTRACT

File No. MI-140818

**THIS CONTRACT** is made this 28th day of June, 2013 between **James L. Robinson, a/k/a James Leon Robinson and Linda Robinson, a/k/a Lynda Jo Robinson, a/k/a Linda J. Robinson, husband and wife, of 2010 Ports O'Call, Granbury, TX 76049, ("Seller"), and Christopher T. Deckrow, 5575 Twin Peaks, Frederic, MI 49733, ("Purchaser").**

**WITNESSETH,** That in consideration of the mutual covenants to be performed between the respective parties hereto as hereinafter expressed and the sum hereinafter stated to be duly paid by the Purchaser to the Seller, as hereinafter specified, it is agreed between the parties hereto as follows:

**1. Sale.** The Seller hereby sells and agrees to convey unto the Purchaser all that certain piece or parcel of land situated in the Township of Bagley, State of Michigan, described as follows:

Parcel B: A parcel of land on part of the Northeast 1/4 of the Northwest 1/4 of Section 28, Town 30 North, Range 3 West, according to the Certificate of Survey recorded in Liber 256, Page 336, Otsego County Records described as commencing at the North 1/4 corner of said Section 28; thence North 89°40'30" West, 490.93 feet along the North line of said Section 28; thence South 02°26'30" East, 39.25 feet to the point of beginning; thence continuing South 02°26'30" East, 291.09 feet; thence North 89°40'30" West, 130.00 feet; thence North 02°26'30" West, 306.73 feet; thence South 82°51'43" East, 131.68 feet along the South right of way line of Alpine Avenue to the point of beginning.

Parcel 1: Part of the North 20 rods of the Northeast 1/4 of the Northwest 1/4 of Section 28, Town 30 North, Range 3 West described as commencing at the North 1/4 corner of said Section 28; thence North 89°40'30" West, 761.00 feet along the North line of the section; thence South 2°26'30" East, 6.77 feet to the south line of a county road for a point of beginning; thence South 2°26'30" East, 193.23 feet; thence North 89°40'18" West, 501.81 feet; thence North 3°15'30" East, 200.00 feet along the East line of Old U.S. 27; thence South 89°40'30 East, 425.67 feet along the south line of a county road; thence South 82°51'43" East, 56.98 feet along the south line of the county road to the point of beginning.

Parcel C: A parcel of land in part of the Northeast 1/4 of the Northwest 1/4 of Section 28, Town 30 North, Range 3 West described as commencing at the North 1/4 corner of

MI-140818

38  
9



Section 28, Town 30 North, Range 3 West; thence North 89°40'30" West, 1242.92 feet along the North line of said Section 28; thence South 03°15'30" West, 200.00 feet to the point of beginning; thence South 89°40'18" East, 501.81 feet; thence South 02°26'30" East, 30.00 feet; thence South 89°40'30" East, 140.00 feet; thence South 02°26'30" East, 100.34 feet; thence North 89°40'30" West, 654.78 feet; thence North 03°15'30" East, 130.39 feet along the East right of way line of Old U.S. 27 South to the point of beginning.

**RESERVING UNTO SELLER all oil, gas and mineral rights, and all rights incidental thereto.**

Together with all easements and rights benefiting the premises which are of record, and all tenements, hereditaments, improvements, and appurtenances, now on the premises, and subject to all recorded easements, restrictions, reservations, right-of-way, conditions, encumbrances and limitations and to all applicable building and use restrictions, zoning laws and ordinances, if any, affecting the premises.

**2. Price and Terms.** Said Purchaser hereby purchases said premises from the Seller and agrees to pay the Seller therefore the sum of **Two Hundred Sixty Nine Thousand and 00/100 Dollars (\$269,000.00)** in the manner following: **Ten Thousand and 00/100 Dollars (\$10,000.00)** on delivery of this contract, and the remaining **Two Hundred Fifty Nine Thousand and 00/100 Dollars (\$259,000.00)**, the sum which is secured by this contract, together with interest on the whole sum that shall be from time to time unpaid at the rate of **Five and one-half per cent (5.5%), per annum, payable as follows: monthly payments of Two Thousand and 00/100 Dollars (\$2,000.00) commencing July 28, 2013, and continuing on the same day of each month thereafter until the entire principal and interest due hereunder has been paid in full.** However, purchaser may pay larger installments than above provided for and may pay the whole or any part of the balance remaining unpaid on this contract at any time before the same, by the terms hereof, become due and payable. Interest shall commence to run on the unpaid balance of principal as of the date hereof, and payments shall be made at Seller's above address until Purchaser is given written notice to the contrary. Notwithstanding the prepayment of any installments, the Purchaser is not relieved of the requirement that the Purchaser make the payments described above. **Buyer shall make an additional Fifty Thousand and 00/100 Dollars (\$50,000.00) Principal Payment on or before one year from the date hereof.**

**3. Taxes and Insurance.** Said Purchaser shall promptly pay, when due, all taxes and assessments of every nature which shall become a lien on said premises after the date hereof, and any installments of special assessments becoming due after the date hereof, and shall, during the continuance of this contract, maintain liability insurance on the premises, naming the Seller as an



additional insured, keep insured the buildings now on said premises, or which shall hereafter be placed thereon, in the name of said Seller against loss by fire and windstorm, and all other risks, in such company or companies and for such amount as the Seller shall approve, and forthwith deposit all policies of insurance with the Seller, with loss, if any, payable to the Seller, as his interest may appear under this contract. All such insurance policies shall provide for 30 days written notice by the insurers to Seller prior to cancellation or change of coverage. Should the Purchaser fail to pay any tax or assessment, or installment thereof, when due, or keep said buildings insured, the Seller may pay the same and have the buildings insured, and the amounts thus expended shall be a lien on said premises and may be added to the balance then unpaid hereon and be due at once and bear interest until paid at the rate above specified in Paragraph 2. **Purchaser shall provide the Seller with a copy of Buyer's Life Insurance Policy and property insurance in an amount equal to or greater than the described Land Contract balance. Said Life Insurance Policy shall indicate the Seller as primary beneficiary/beneficiaries of said insurance policy during the term of this Land Contract. Purchaser shall provide Seller with paid receipts for all premiums on said Life Insurance policy, and for taxes and insurance during the term of this Land Contract.**

In case of damage as a result of which said insurance proceeds are available, the Purchaser may, within sixty (60) days of said loss or damage, give to the Seller written notice of Purchaser's election to repair or rebuild the damaged parts of the premises, in which event said insurance proceeds shall be used for such purpose. The balance of said proceeds, if any, which remain after completion of said repairing or rebuilding, or all of said insurance proceeds if the Purchaser elects not to repair or rebuild, shall be applied toward the satisfaction of any existing defaults under the terms of the contract, and then as a prepayment upon the principal balance owing, and without penalty, notwithstanding other terms of paragraph 2 to the contrary. No such prepayment shall defer the time for payment of any remaining payments required by said contract. Any surplus of said proceeds in excess of the balance owing hereon shall be paid to the Purchaser.

**4. Maintenance.** All buildings, live trees and other improvements now on said premises, or hereafter made or placed thereon, shall be a part of the security for the performance of this contract and may not be removed therefrom. Purchaser shall not commit, or suffer any other person to commit, any waste or damage to said premises or the appurtenances and shall keep the said premises and all improvements in as good conditions as they are now.

**5. Forfeiture and Acceleration.** If the Purchaser shall fail to perform any of the covenants or conditions contained in this contract on or before the date on which the performance is required, the Seller may:

(a) give the Purchaser a written notice specifying the default and informing the Purchaser that if the default continues for a period of fifteen (15) days after service of the notice



18. **Transfer Tax.** The Sellers are responsible for payment of State and County Transfer Taxes at the time the Warranty Deed is given to the Purchasers for recording. The Transfer Tax may be deducted from the balance owed by the Purchaser at the time the Land Contract is paid off. It then becomes the Purchasers responsibility to pay the Transfer Tax when the deed is recorded.

19. **"As is"condition.** Purchaser accepts the subject property in its "as is" and "where is" condition with no warranties express or implied.

IN WITNESS WHEREOF, the parties hereto have signed this Land Contract on the day and year first above written.

WITNESSES:

[Signature]

SELLER

[Signature]  
James L. Robinson, a/k/a James Leon Robinson

State of \_\_\_\_\_  
County of Chesgo } ss.

The foregoing instrument was executed before me this 29<sup>th</sup> day of June, 2013 by James L. Robinson a/k/a James Leon Robinson.

Notary Public [Signature]  
Charlevoix County, State of MI

My Commission Expires: 7/30/19

69-010-028-200-020-00  
69-010-028-200-025-00  
69-010-028-200-010-00

JENNIFER M. STARK  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF Charlevoix  
MY COMMISSION EXPIRES JUN 30, 2019  
ACTING IN COUNTY OF Chesgo



WITNESSES:

SELLER

\_\_\_\_\_  
Linda Robinson, a/k/a Lynda Jo Robinson, a/k/a Linda J. Robinson

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss.

The foregoing instrument was executed before me this \_\_\_\_\_ day of June, 2013 by Linda Robinson a/k/a Lynda Jo Robinson a/k/a Linda J. Robinson.

Notary Public \_\_\_\_\_

\_\_\_\_\_ County, \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

WITNESSES:

PURCHASER

Jennifer M. Stark \_\_\_\_\_  
Christopher T. Deckrow \_\_\_\_\_

State of Michigan }  
County of Oshtemo } ss.

The foregoing instrument was executed before me this 26<sup>th</sup> day of June, 2013 by Christopher T. Deckrow.

Notary Public Jennifer M. Stark

Oshtemo County, Michigan

My Commission Expires: 7/30/2019

Prepared by and Return To:  
Jerome E. Jelinek, Attorney at Law  
440 E. Front Street, Traverse City, MI 49686

JENNIFER M. STARK  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OSHTEMO Oshtemo  
MY COMMISSION EXPIRES Jul 30, 2019  
ACTING IN COUNTY OF Oshtemo



WITNESSES:

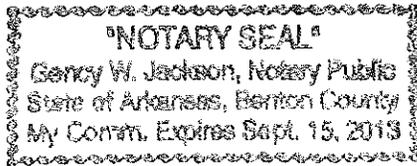
Collette [Signature]

SELLER

[Signature]  
Linda Robinson, a/k/a Lynda Jo Robinson, a/k/a Linda J. Robinson

State of AR  
County of Benton } ss.

The foregoing instrument was executed before me this 27 day of June, 2013 by Linda Robinson a/k/a Lynda Jo Robinson a/k/a Linda J. Robinson.



Notary Public Gency W. Jackson  
Benton County, AR

My Commission Expires: Sept. 15, 2013

WITNESSES:

PURCHASER

State of Michigan  
County of \_\_\_\_\_ } ss.

Christopher T. Deckrow

The foregoing instrument was executed before me this \_\_\_\_\_ day of June, 2013 by Christopher T. Deckrow.

Notary Public \_\_\_\_\_  
\_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_

Prepared by and Return To:  
Jerome E. Jelinek, Attorney at Law  
440 E. Front Street, Traverse City, MI 49686

Parcel Number: 69-010-028-200-010-00

Jurisdiction: BAGLEY TOWNSHIP

County: OTSEGO

Printed on

07/17/2015

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
ROBINSON, JAMES L & LINDA	DECKROW, CHRISTOPHER T	269,000	06/28/2013	LC	Good	1325/110	Deed	100.0
Property Address		Class: 202 Commercial Str		Zoning: B-3	Building Permit(s)	Date	Number	Status
625 ALPINE RD		School: Gaylord Community						
Owner's Name/Address		P.R.E. 0%						
DECKROW, CHRISTOPHER T 5575 TWIN PEAKS RD FREDERIC MI 49733		: 0.00		2015 Est TCV 38,400 (Value Overridden)				
Taxpayer's Name/Address		Improved X Vacant		Land Value Estimates for Land Table .				
ROBINSON, JAMES L & LINDA 2010 PORTS OF CALL CT GRANBURY TX 76048-6176		Public Improvements		* Factors *				
Tax Description		Electric		Description Frontage Depth Front Depth Rate %Adj. Reason Value				
W 130' OF E 621' OF N 330' OF NW1/4. SEC 28 T30N R3W.		Gas		0.970 Acres 0 100 0				
Comments/Influences		Curb		0.97 Total Acres Total Est. Land Value = 0				
		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	19,200	0	19,200	18,897C
				2014	18,600	0	18,600	18,600S
				2013	20,700	0	20,700	20,700S
				2012	20,500	0	20,500	20,500S

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Licensed To: County of Otsego, Michigan

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

Parcel Number: 69-010-028-200-020-00

Jurisdiction: BAGLEY TOWNSHIP

County: OTSEGO

Printed on

07/17/2015

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
ROBINSON, JAMES L & LINDA	DECKROW, CHRISTOPHER T	269,000	06/28/2013	LC	Good	1325/110	Deed	100.0		
Property Address		Class: 202 Commercial Str		Zoning: B-3	Building Permit(s)	Date	Number	Status		
4029 OLD 27 S		School: Gaylord Community								
Owner's Name/Address		P.R.E. 0%								
DECKROW, CHRISTOPHER T 5575 TWIN PEAKS RD FREDERIC MI 49733		: 0.00		2015 Est TCV 245,600 (Value Overridden)						
Taxpayer's Name/Address		Improved X Vacant		Land Value Estimates for Land Table .						
ROBINSON, JAMES L & LINDA 2010 PORTS OF CALL CT GRANBURY TX 76048-6176		Public Improvements		* Factors *						
Tax Description		Dirt Road		Description	Frontage	Depth	Front	Depth	Rate %Adj. Reason	Value
COMM @ N1/4 COR, TH N89°40'30"W 761', TH S2°26'30"E 6.77' FOR POB, TH S2°26'30"E 193.23', TH N89°40'18"W 501.81', TH N3°15'30"E 200', TH S89°40'30"E 425.67', TH S82°51'43"E 56.98' TO POB. SEC 28 T30N R3W.		Gravel Road				2.260 Acres		0 100		0
Comments/Influences		Paved Road				2.26 Total Acres		Total Est. Land Value =		0
		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	122,800	0	122,800		122,800S	
				2014	121,300	0	121,300		121,300S	
				2013	183,600	0	183,600		183,600S	
				2012	182,600	0	182,600		182,600S	

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

Parcel Number: 69-010-028-200-025-00

Jurisdiction: BAGLEY TOWNSHIP

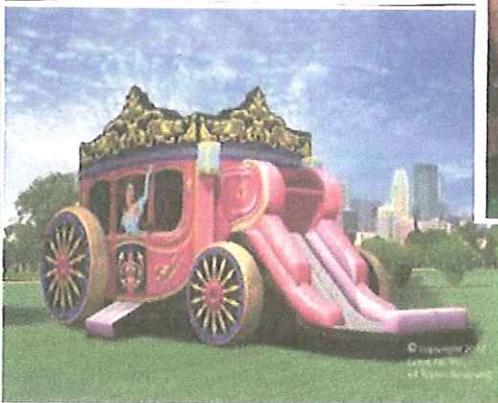
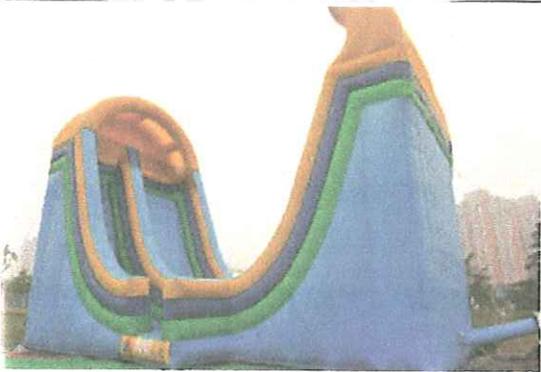
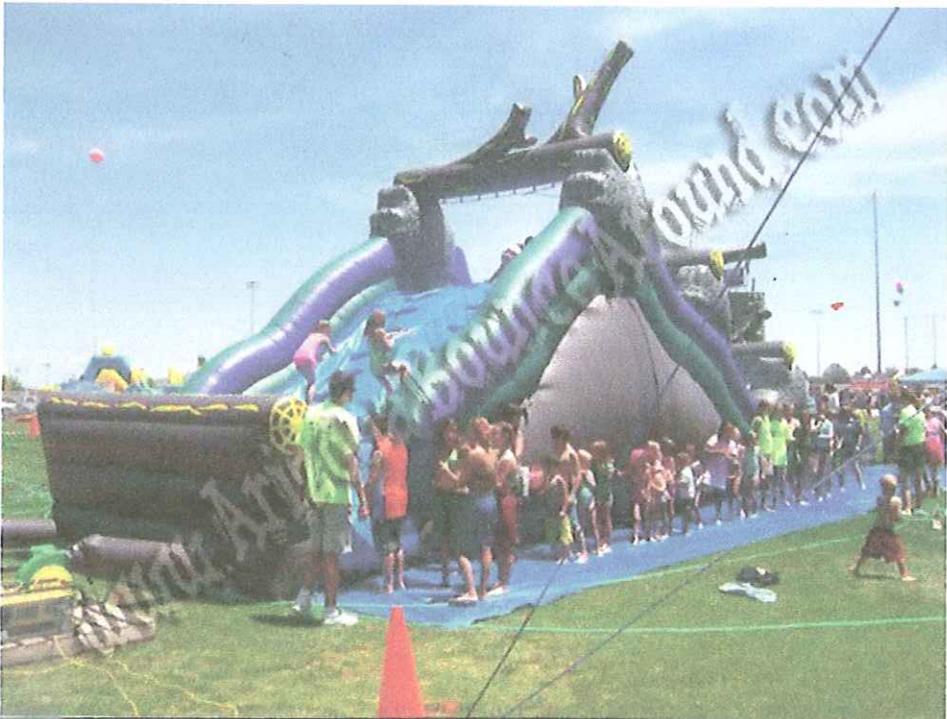
County: OTSEGO

Printed on

07/17/2015

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.	
ROBINSON, JAMES L & LINDA	DECKROW, CHRISTOPHER T	269,000	06/28/2013	LC	Good	1325/110	Deed	100.0	
Property Address		Class: 202 Commercial StrZoning: B-3		Building Permit(s)		Date	Number	Status	
4049 OLD 27 S		School: Gaylord Community		DEMOLITION		05/18/2015	PB15-0215		
Owner's Name/Address		P.R.E. 0%							
DECKROW, CHRISTOPHER T 5575 TWIN PEAKS RD FREDERIC MI 49733		: 0.00		2015 Est TCV 40,400 (Value Overridden)					
Taxpayer's Name/Address		Improved X Vacant		Land Value Estimates for Land Table .					
ROBINSON, JAMES L & LINDA 2010 PORTS OF CALL CT GRANBURY TX 76048-6176		Public Improvements		* Factors *					
Tax Description		Dirt Road		Description	Frontage	Depth	Front Depth	Rate %Adj. Reason	Value
COMM @ N1/4 COR, TH N89°40'30"W 1242.92', TH S3°15'30"W 200' FOR POB, TH S89°40'18"E 501.81', TH S2°26'30"E 30', TH S89°40'30"E 140', TH S2°26'30"E 100.34', TH N89°40'30"W 654.78', TH N3°15'30"E 130.39' TO POB. SEC 28 T30N R3W.		Gravel Road					1.840 Acres	0 100	0
		Paved Road		1.84 Total Acres Total Est. Land Value =					0
		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	20,200	0	20,200	19,019C
					2014	13,700	0	13,700	13,700S
					2013	15,000	0	15,000	15,000S
					2012	15,000	0	15,000	15,000S
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\*\*\* Information herein deemed reliable but not guaranteed\*\*\*



**OTSEGO COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING NOTICE**

October 19, 2015

The Otsego County Planning Commission will hold four (4) public hearings on Monday, October 19, 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)** Telecad Wireless is requesting a Special Use Permit/Site Plan Review for the installation of a wireless communications tower one hundred ninety feet (190') or less. The property is located in a B1/Local Business Zoning District. A wireless communications tower one hundred ninety feet (190') or less is a permitted use subject to special conditions in a B1 Zoning District.

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

**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

**2)** Telecad Wireless is requesting a Site Plan Review for the installation of a wireless communications tower one hundred ninety feet (190') or less. The property is located in an AR/Agricultural Resource Zoning District. A wireless communications tower one hundred ninety feet (190') or less is a permitted use in an AR Zoning District.

Parcel identification number: **080-020-200-025-01**  
**2617 Murner Rd**  
**Gaylord, MI 49735**  
**Livingston Township**

**Legal Description:**

2012 SPLIT FROM 080-020-200-025-00 PARCEL A-BEG AT THE W 1/4 COR OF SEC 20, TH N 00DEG 03MIN 43SEC W ALG THE W LN OF SEC 990.00FT, TH S 89DEG 05MIN 59SEC E PARALLEL W/ THE E-W 1/4 LN OF SEC 660.00FT, TH S 00DEG 03MIN 43SEC E PARALLEL W/ THE W LN OF SEC 990.00FT TO THE E-W 1/4 LN OF SEC, TH N 89DEG 05MIN 29SEC W ALG THE E-W 1/4 LN OF SEC 660.00FT TO POB. SEC 20 T31N R3W CONT 15.00 ACRES M/L

**3)** Christopher T Deckrow is requesting a Special Use Permit/Site Plan Review for property located in Bagley Township at 4049 Old 27 South, 4029 Old 27 South and 625 Alpine Rd Gaylord, MI 49735. The proposed use of the property is to conduct a seasonal business as an inflatable amusement park. The property is located in a B3/Business, Light Manufacturing Zoning District. Commercial outdoor sport and recreational facilities are a permitted use subject to special conditions in a B3 Zoning District.

Parcel identification numbers: **010-028-200-025-00**  
**4049 Old 27 S**  
**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

**010-028-200-020-00**

**4029 Old 27 S**

**Gaylord, MI 49735**

**Legal Description:**

COMM @ N1/4 COR, TH N89°40'30"W 761', TH S2°26'30"E 6.77' FOR POB, TH S2°26'30"E 193.23', TH N89°40'18"W 501.81', TH N3°15'30"E 200', TH S89°40'30"E 425.67', TH S82°51'43"E 56.98' TO POB. SEC 28 T30N R3W

**010-028-200-010-00**

**625 Alpine Rd**

**Gaylord, MI 49735**

**Legal Description:**

W 130' OF E 621' OF N 330' OF NW1/4 SEC 28 T30N R3W.

**4) 2016-2021 Otsego County Capital Improvement Plan**

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

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



*Otsego*  
**COUNTY**  
M I C H I G A N

**Department of  
Land Use Services**

1322 Hayes Rd • Gaylord, MI 49735  
Phone (989)731-7400 • Fax (989)731-7419  
[www.otsego-county-mi.gov](http://www.otsego-county-mi.gov)

August 14, 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 Special Use Permit.

If you require the applicant, Christopher Deckrow, owner, to be present at your meeting, he can be notified at the following:

Christopher Deckrow  
5575 Twin Peaks Rd  
Frederic, MI 49733  
989.350.0826

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

PSUP15-006/Deckrow  
 010-028-200-025-00/4049 Old 27 S  
 010-028-200-020-00/4029 Old 27 S  
 010-028-200-010-00/625 Alpine Rd



010-021-300-150-01	010-028-200-005-00	011-700-008-008-01
010-021-300-150-02	010-028-200-015-00	011-700-008-010-00
010-021-300-155-00	010-028-200-030-00	011-700-011-005-00
010-021-300-160-00	010-028-200-035-00	011-700-011-008-01
010-021-300-165-01		011-700-012-005-00
010-021-300-170-00		011-700-012-008-00

OWNERS WITHIN THREE HUNDRED FEET (300')						
PARCEL NUMBER	PROPERTY ADDRESS	OWNER NAME	OWNER ADDRESS			
010-021-300-150-01	3967 OLD 27 S	K & G STORAGE LLC	547 E PETOSKEY ST	GAYLORD	MI	49735
010-021-300-150-02	3975 OLD 27 S	HOOGERHYDE, JEREMY D	PO BOX 70	GAYLORD	MI	49735-0070
010-021-300-155-00	696 ALPINE RD	LAKEVIEW QUALITY TOOL INC	696 ALPINE RD	GAYLORD	MI	49735-9531
010-021-300-160-00	640 ALPINE RD	MICHCON GAS CO	PO BOX 33017	DETROIT	MI	48232
010-021-300-165-01	648 ALPINE RD	KUJAWA, ANDREW S & COLLEEN A	2534 MURNER RD	GAYLORD	MI	49735
010-021-300-165-02	680 ALPINE RD	NICHOLS, ROBERT A & PAULETTE M	680 ALPINE RD	GAYLORD	MI	49735
010-021-300-170-00	594 ALPINE RD	COOPER-STANDARD AUTOMOTIVE INC	39550 ORCHARD HILL PL	NOVI	MI	48375-5329
010-028-200-005-00	517 ALPINE RD	MARK ONE PROPERTIES	517 ALPINE RD	GAYLORD	MI	49735-9531
010-028-200-015-00	647 ALPINE RD	NEEB-GETTEL	336 E BUTLER ST	Bad Axe	MI	48413-1267
010-028-200-030-00	4085 OLD 27 S	LAPPAN, JAMES A & BARBARA J	4085 OLD 27 S	GAYLORD	MI	49735-9596
010-028-200-035-00		DUCHESS REAL ESTATE HOLDINGS L	718 NOTRE DAME ST STE 100	GROSSE POINTE	MI	48230-1240
011-700-008-008-01	740 IDAHO AVE	DAVIS, THOMAS W SR & SALLEY A	30321 W JEFFERSON AVE	ROCKWOOD	MI	48173
011-700-008-010-00	757 DAKOTA AVE	BIGELOW, GERALD L & JOAN C	757 DAKOTA AVE	GAYLORD	MI	49735
011-700-011-005-00	4038 TWIN OAK RD	HERST, ERNEST J	4038 TWIN OAK RD	GAYLORD	MI	49735
011-700-011-008-01	743 IDAHO AVE	GLASER, JENNIFER	6499 WESTLAKE DR	ELMIRA	MI	49730-9731
011-700-012-005-00		SAMALIK-SAMALIK-SAMALIK	4102 BUCK RD	GAYLORD	MI	49735
011-700-012-008-00	759 SIMPSON RD	SAMALIK, DAVID P & CARI A	2175 DEEPWOODS DR	GAYLORD	MI	49735

Exhibit 9

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PSUP15-007  
Special Use Permit/Site Plan Review  
010-028-200-025-00/010-028-200-020-00/010-028-200-010-00**

**GENERAL FINDINGS OF FACT**

1. This is a proposal for an inflatable amusement park. *Exhibit #1, Exhibit #5*
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 land contract between Christopher T Deckrow and James L & Linda Robinson. *Exhibit #4*
5. The properties total 5.07 acres M/L. *Exhibit #4*
6. The Public Hearing Notice was published in the Herald Times on October 2, 2015 *Exhibit #6*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #7, Exhibit #8*
8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #9*
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 #10*
11. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and requirements pertaining to the proposed development have been submitted by the Applicant. *Exhibit #4, Exhibit #5, Exhibit #11, Exhibit #12*
12. Approval from the Health Department of Northwest Michigan is needed before issuance of a special use permit. *Exhibit #3*
- 13.

**OTSEGO COUNTY  
PLANNING COMMISSION**

PSUP15-007  
Special Use Permit/Site Plan Review  
010-028-200-025-00/010-028-200-020-00/010-028-200-010-00

**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...

**FINDINGS UNDER ARTICLE 11**

**ARTICLE 11 B2 GENERAL BUSINESS DISTRICT**

**INTENT**

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

**SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS**

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

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

11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage

11.2.3 Rifle or pistol ranges when within a completely enclosed building

11.2.4 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view.

11.2.5 Car wash

- 11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:
  - 11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets.
  - 11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
  - 11.2.6.3 No sales or display shall occupy any public street or road right-of-way; and further, must be set back at least twenty (20) feet from the front property line.
  - 11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department.
- 11.2.7 Hospitals
- 11.2.8 Commercial outdoor sport and recreational facilities
- 11.2.9 Flea markets...

**FINDINGS UNDER ARTICLE 21/SECTION 21.7**

**SECTION 21.7 DISCRETIONARY APPROVAL CONDITIONS**

Whenever the Planning Commission, Zoning Board of Appeals, Zoning Administrator, or other official or body with authority to make a discretionary decision as provided for in the Michigan Zoning Enabling Act (PA 110 of 2006 as amended) determines that a fence, greenbelt, berm, landscaping or other buffering or screening device or land use arrangement shall be necessary, said body or official may require such condition per the requirements of the applicable section of this Ordinance. This includes the lighting requirements of [Section 21.19](#), the outdoor speaker requirements of [Section 21.41](#), and the fencing requirements of [Section 21.10](#)

**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 ARTICLE 21/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 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.

## **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 ARTICLE 21/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> <u>(In square feet)</u>	<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 ARTICLE 21/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:

**Public and Quasi Public**

Church or Temple	1 per 3 seats
Hospital	1 ½ per bed
Nursing Home	1 per 4 beds
Elementary, for Middle School or Junior High	1 per teacher, employee, and administrator, plus the requirements auditoriums or gyms
Senior High School	1 per teacher, employee, and administrator, plus 1 for each 10 pupils or the requirements for any auditorium or stadium, whichever is greater
Colleges, University Centers or Tech Schools	1 per teacher, employee and administrator on the largest shift, plus 1 per each 2 students not residing on campus
Membership Clubs	1 per 4 members, or 1 per 150 sq. ft. of usable floor area, whichever is greater
Golf, or Swim Club	1 per 4 member families, plus 1 per employee, plus restaurant or bar parking requirements
Public Golf Course	4 per green or golf hole plus one (1) per employee
Par 3 and/or Mini Golf	3 per hole or green
Racquet Club or Tennis House	4 spaces per court, plus 1 per employee
Sport Arena, Gym, or Stadium	1 per 3 seats
Theater or Auditorium	1 per 4 seats

**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 ARTICLE 21/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.

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 ARTICLE 21/SECTION 21.42**

### **SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS**

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

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

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

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

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

## **FINDINGS UNDER ARTICLE 21/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

### SECTION 19.7 STANDARDS FOR SPECIAL LAND USE APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for a special land use permit only upon a finding that the proposed special land use complies with all of the following standards:

- 19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.
- 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.
- 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.
- 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.
- 19.7.5 The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- 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.
- 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 twenty-five (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.
- 19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.

### 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.

Otsego County Six Year Capital Improvement Plan - Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P.C. Priority	2015 Cost	2016 Cost	2017 Cost	2018 Cost	2019 Cost	2020 Cost
<del>Gaylord Regional Airport Taxilane Reconstruction</del>	<del>Otsego County</del>	<del>Major Renovation</del>	<del>90% Federal; 5% State; 5% Local</del>	<del>\$382,854</del>	<del>Urgent</del>	<del>\$382,854</del>					
Gaylord Regional Airport Taxilane Extension	Otsego County	New Construction	90% Federal; 5% State; 5% Local	\$335,000	Important		\$335,000				
Gaylord Regional Airport Box Hangar	Otsego County	New Construction	90% Federal; 5% State; 5% Local	\$520,000	Important					\$520,000	
<del>Otsego County Courthouse Plaza</del>	<del>Otsego County</del>	<del>New Construction</del>	<del>Projects Fund</del>	<del>\$470,000</del>	<del></del>	<del>\$470,000</del>					
<del>OC EMS Building Building Renovation</del>	<del>Otsego County EMS</del>	<del>Facility Expansion</del>	<del>Millage</del>	<del>\$700,000</del>	<del>Desirable</del>	<del>\$700,000</del>					
Otsego County Jail	Otsego County	New Construction	Various	\$7,800,000	Urgent						\$7,800,000
Otsego County Library Expansion	Otsego County Library	Facility Expansion	Various	\$5,000,000	Important	\$2,500,000	\$2,500,000				
Otsego County Road Commission Road Projects	OC Road Commission										
<del>Dickerson Road Safety Project</del>	<del>OC Road Commission</del>	<del>Major Renovation</del>	<del>Federal STP 80%; Local 20%</del>	<del>\$405,000</del>	<del>Important</del>	<del>\$405,000</del>					
<del>Fairview Small Urban Project</del>	<del>OC Road Commission</del>	<del>Major Renovation</del>	<del>Federal STP 80%; Local 20%</del>	<del>\$260,000</del>	<del>Important</del>	<del>\$260,000</del>					
<del>Gingell Road Project</del>	<del>OC Road Commission</del>	<del>Major Renovation</del>	<del>Federal STP 80%; Local 20%</del>	<del>\$512,000</del>	<del>Important</del>	<del>\$512,000</del>					
<del>Mt. Jack Road Project</del>	<del>OC Road Commission</del>	<del>Major Renovation</del>	<del>Federal STP 80%; Local 20%</del>	<del>\$707,365</del>	<del>Important</del>	<del>\$707,365</del>					
<del>Van Tyle Road Project</del>	<del>OC Road Commission</del>	<del>Major Renovation</del>	<del>Federal STP 80%; Local 20%</del>	<del>\$995,000</del>	<del>Desirable</del>	<del>\$995,000</del>					
Sparr Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$522,000	Important		\$522,000				
Meridian Line Road Project 1	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$532,500	Urgent			\$532,500			
Seymore Road and Kujawa Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$935,000	Important				\$935,000		
Meridian Line Road Project 2	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$941,250	Important					\$941,250	
Otsego County Sportsplex Entranceway Renovation	Otsego County Sportsplex	Major Renovation	Millage	\$250,000	Important					\$250,000	
University Center Closed In Pavilion	University Center of Gaylord	Major Renovation	UC Fund Balance	\$200,000	Important	\$200,000					
Total Costs by Year:				\$21,467,969		\$7,132,219	\$3,357,000	\$532,500	\$935,000	\$1,711,250	\$7,800,000

Otsego County Six Year Capital Improvement Plan - Appendix A

Project Name	Agency	Project Type	Funding Source(s)	Estimated Cost	P.C. Priority	2016	2017	2018	2019	2020	2021
Gaylord Regional Airport Taxi Lane Extension	Otsego County	New Construction	90% Federal; 5% State; 5% Local	\$350,000	Important Important	\$360,000					
Gaylord Regional Airport Box Hangar	Otsego County	New Construction	90% Federal; 5% State; 5% Local	\$520,000				\$570,000			
Otsego County Jail	Otsego County	New Construction	Various	\$7,800,000	Important						\$7,800,000
Otsego County Library Expansion	Otsego County Library	Facility Expansion	Various	\$4,500,000	Important		\$2,500,000				
Otsego County Road Commission Road Projects	OC Road Commission										
Meridian Line Road Safety Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$380,000	Important	\$380,000					
Sparr Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$522,000	Important	\$522,000					
Meridian Line Road Project 1	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$532,500	Urgent		\$532,500				
Seymore Road and Kujawa Road Project	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$935,000	Important			\$935,000			
Meridian Line Road Project 2	OC Road Commission	Major Renovation	Federal STP 80%; Local 20%	\$941,250	Important				\$941,250		
Total Costs by Year:				\$16,480,750		\$1,262,000	\$3,032,500	\$935,000	\$1,511,250	\$0	\$7,800,000

C&W CONSULTANTS, INC.  
1126 N. MAIN ST.  
ROCHESTER, MI 48307

JONATHAN R. CRANE P.E.

TELEPHONE: (248) 650-8000  
FACSIMILE: (248) 650-9239  
EMAIL: CRANEJON@HOTMAIL.COM

September 25, 2015

**VIA FEDERAL EXPRESS**

Mr. Vern Schlaud  
Land Services Director  
Otsego County  
1322 Hayes Rd.  
Gaylord, MI 49735

Re: PSUP14-003/BA PB14-0911  
Verizon Wireless # 8015 Gaylord South  
Our File No. JC3594-13

Dear Mr. Schlaud:

Thank you for your reminder regarding the Special Use Approval one year term. Please consider an extension of this approval pursuant to Section 23.9.2. Due to Verizon Wireless project scheduling, the Road Commission Board, at their October 22, 2015 meeting, will review a request for an extension of the lease commencement date to November 1, 2015.

We have also requested an extension/reissuance of Building Permit PB14-0911.

Please advise if any fees are necessary relative to these extensions.

Very truly yours,

C&W CONSULTANTS, INC.



Jonathan R. Crane P.E.

enclosure

JRC/lc

cc: Douglas Weber (via electronic mail only)



*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.otsegoctymtmi.gov](http://www.otsegoctymtmi.gov)

September 14, 2015

C&W Consultants  
c/o Jonathan R Crane  
1126 N Main St  
Rochester, MI 48307

**RE: Special Use Permit/PSUP14-003**

Enclosed please find a copy of the Special Use Permit approved by the Otsego County Planning Commission October 20, 2014 along with minutes from that meeting. As per our zoning ordinance, there is a one year expiration date from the date of approval to begin construction; the section of that ordinance pertaining to the expiration follows this letter.

Please contact our office at your earliest convenience to rectify this matter.

Sincerely,

Vern Schlaud, Director  
Otsego County Land Use Services

## 2015 OBJECTIVE LIST

APPROVED DECEMBER 16, 2014

OBJECTIVE	INTENT	COMMENTS	COMPLETED
1. Agricultural Equipment Auctions	Staff- Add specific language to Article 21 concerning AG equipment auctions as 'A Use Subject to Special Conditions' using language from ZBA meeting.	Present at March's meeting/Recommended to BOC/Adopted	✓
<del>2. Site Plan and Development/Well-Defined Process</del>	<del>Staff- Language from mining section/add to Special Use and Site Plan requirements. Communicate w/Patricia-Osburn</del>	Present at March's meeting/Removed from list	
3. Non-Conforming Structures/Revise Section 21.26	Act of God language developed to insure property owners the ability to reconstruct their residence in the event of a natural disaster/Setbacks/Time limit	Committee formed/Volunteers	
4. Multi-Use Zoning District	Paul Hartmann working with Elmira Township seeking action for the County Planning Commission/Recommended in the 2009 Otsego County Master Plan	Present at November's meeting	
5. Sign Ordinance/Section 21.38	Review of current sign language, temporary placement of banners and other types of signage/Specific definition of sign w/graphics.../Compliance	Ken Arndt to provide file from previous work	
6. Private Roads/Emergency Vehicle Access	Develop very basic requirements for private roads within Otsego County to insure access is available to all emergency vehicles	Ken Arndt to provide file from previous work	
7. Lots Near Water	Research other county ordinance to more clearly define set-backs on properties that border water within Otsego County/Protecting our waters while still allowing property owners the use of their property	Judy Jarecki to look into surrounding counties	

8. Upgrade Wireless Communication Equipment	A necessity to bring the Zoning Ordinance into compliance with a revision made to the Zoning Enabling Act/Add exception for Township's allowable extension	Present at August's meeting/Recommended to BOC/Adopted	√
9. Large Tract Forestry Zoning District	The developing of Ordinance language to protect large parcels from being split up into small parcels, protecting the "up north nature" of Otsego County.	Paul Hartmann to discuss w/Gloria Torello issues/To be discussed possibly in November	
10. Outdoor Wood-Fired Boilers	Review other community's and EPA sample ordinance to see if language can be developed to work within Otsego County/ Approach Township Planning Commissions for feedback on issue	Staff- Check into EPA new requirements for lot size, setbacks...	
11. Overlay District Pigeon River	A recommended action in the 2009 Otsego County Master Plan/Developing special conditions to ensure the protection of the unique characteristics of the Pigeon River Country Area.	Zoning Administrator to discuss w/legal counsel for language	
12. Purchase and Transfer of Development Rights	A recommended action in the 2009 Otsego County Master Plan, designed for the protection of forestlands and open space.	Zoning Administrator to discuss w/legal counsel for language	
<b>On-Going Items:</b>			
Enforcement Procedures	Land Use will be seeking guidance as necessary throughout 2015.		
Add Graphics to Zoning Ordinance	The addition of graphics to the hyperlinked Ordinance so an individual can visually "see" what the Ordinance intends (ie... yard setbacks)	Staff to work on	
Information to Become Proactive on New Jail Issue	Alter communication methods on the Capital Improvement Plan to insure important issues are more proactively accomplished	Schedule Capital Improvement Plan meeting w/John Burt	√

## Sample Checklist to Guide Decisions on Zoning Amendments

In order for planning commissions/zoning boards/commissions and legislative bodies to objectively determine whether a proposed zoning amendment is appropriate, the following questions are often considered.

1. For proposed text amendments to add additional land uses to a zone (zoning district classification), it is appropriate to determine the following:
  - (a) Is the proposed land use already provided for elsewhere in the ordinance?
  - (b) Is the proposed land use compatible with uses already permitted by right and by special land use permit in that district?
  - (c) Does the proposed land use relate well with the master plan? Assuming that the zoning district is in harmony with the master plan, does the proposed use contribute to the character of development envisioned in the plan?
  - (d) Does the proposed use relate well with the spirit and intent of the ordinance, and with the objectives of the zoning district?
  - (e) Would the proposed use be appropriate anywhere in the district?
  - (f) Is the proposed use more appropriate in the district if permitted by special land use permit?
  - (g) Is there a need to add the proposed use at all?
2. For text amendment applications to change or to add additional regulations or standards, it is appropriate to determine:
  - (a) Does the proposed rule, change or addition help reinforce the master plan?
  - (b) Is the proposed rule, change, or addition in keeping with the spirit and intent of the ordinance, and with the objectives of valid public purposes?
  - (c) What is the problem or issue which the change is intended to address? Can this be accomplished in another, more appropriate fashion? Is it a new response to new problems not addressed in the zoning ordinance?
  - (d) Is the proposed text change easily administered and enforced?
3. For rezoning requests to change, create, extend or reduce a mapped zoning district, it is appropriate to determine:
  - (a) Are there substantial reasons why the property cannot be reasonably used as currently zoned? .
  - (b) Is the use more appropriately handled as a special land use in the existing district or another district?
  - (c) If a zone change is proposed, is it supported by the adopted master plan?
  - (d) Would a change of present district boundaries be compatible with existing land uses in the area? Would it adversely affect property values?
  - (e) Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?

## Sample Checklist to Guide Decisions on Zoning Amendments

- (f) Would the rezoning constitute a spot zone granting a special privilege to one landowner not available to others?
- (g) Was there a mistake in the original zoning classification?
- (h) Has there been a change of conditions in the area supporting the proposed rezoning?
- (i) Would the change severely impact traffic, public facilities, and the natural characteristics of the area or significantly change population density? Is the change consistent with the purposes for which zoning is adopted?
- (j) Is the proposed change out of scale with the needs of the community?
- (k) If the change is approved, what will be the probable effect on stimulation of similar zoning requests in the vicinity? Would this secondary effect negatively impact community plans and public services?
- (l) Is the proposed change precedent setting?
- (m) Is the proposed boundary appropriate?

As a general rule, many of the most important concerns regarding a rezoning are embodied in the following question: *"Is the proposed location an appropriate location for all the uses which would be permitted under the requested district or zone?"*

When faced with a rezoning request, ask yourself: *"Is the proposed location an appropriate location for all the uses which would be permitted under the requested district or zone?"*

Answering this question requires looking beyond the use the applicant wants to establish on the property, to all the possible uses that could be built there if it is rezoned. The proposed use may be appropriate, but many others permitted in the new district may not be appropriate. In answering this question, consider the following factors:

- Would rezoning be consistent with other zones and land uses in the area?
- Would the new district be consistent with the development trend in the area?  
Would other uses in the proposed zone be equally or better suited to the area than current uses?
- Would the proposed rezoning be consistent with the policies and uses proposed for that area in the master plan?