

**OTSEGO COUNTY  
PLANNING COMMISSION**

**March 21, 2016**

**6:00 PM**

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

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From January 18, 2016 meeting
5. CONSENT AGENDA
6. OTHER
7. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:  
(Please identify yourself for the record. All comments will be limited to two (2) minutes)
8. PUBLIC HEARINGS:
  1. *John & Mary Brink, owners have requested a Special Use Permit/Site Plan Review for property located in Corwith Township:*

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

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

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

*Property located in a B2/General Business Zoning District*  
*PZSU15-010-proposed use of the property is the construction of a 20'x200' storage building containing 20 storage units as a permitted use subject to special conditions.*
10. NEW BUSINESS
11. UNFINISHED COMMISSION BUSINESS
  1. Proposed language *Personal Wireless Communications*
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
  1. Otsego County Parks & Recreation report/Judy Jarecki
  2. Timing for Submission of an Application.../Zoning Training
13. ADJOURNMENT

# Otsego County Planning Commission

Proposed Minutes for January 18, 2016

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

Pledge of Allegiance

**Roll Call:**

Present: Chairperson Hartmann, Vice-Chairperson Jarecki, Secretary Arndt, Mr. Borton, Mr. Brown, Ms. Nowak, Mr. Klee, Mr. Hendershot, Mrs. Tholl

Absent: Mr. Hilgendorf, Ms. Corfis

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

Public Present: Ben Varney, Telecad Wireless, Lukas Varney, Telecad Wireless, Rob LaBelle, attorney, Andy Noeske, Hugh Noeske, Randy Stults

Chairperson Hartmann welcomed Mrs. Tholl to her first meeting and stated this was Mr. Hendershot's last meeting. He had tendered his resignation from the Otsego County Planning Commission and was moving to Tennessee. He wished him the best.

**Approval of minutes from:** December 21, 2015

Corrections made to attendance for Mr. Brown, Mr. Hendershot and Mr. Borton.

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

Motion approved unanimously.

**Consent Agenda:** None

**Other:** None

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

**Public Hearings:**

**1. CASE WITHDRAWN BY APPLICANT**

*John & Mary Brink, owners represented by Blumberg & Blumberg PLC have requested a Special Use Permit/Site Plan Review for property located in Corwith Township*

**2. Telecad Wireless, representative of Telecom Infrastructure V LLC and Pyramid Network Services, has requested a Special Use Permit/Site Plan Review for property located in Chester Township:**

*7780 Allen Rd  
Gaylord, MI 49735  
030-009-300-040-00*

*Property located in a FR/Forestry Recreation Zoning District  
PZSU15-011- proposed use of the property is the installation of a wireless telecommunications tower over one hundred ninety feet (190') in height, or with lights as a permitted use subject to special conditions*

# Otsego County Planning Commission

Proposed Minutes for January 18, 2016

Chairperson Hartmann opened the public hearing for case PZSU15-011.

*Public Hearing open: 6:02pm*

Chairperson Hartmann invited the applicants to speak.

Ben Varney, representative of Parallel Infrastructure, stated they were proposing a three hundred foot (300') wireless tower located on Allen Rd off Old State Rd. Parallel had been contracted through Verizon Wireless to construct the three hundred foot (300') self-supporting lattice type tower to help fill in the coverage gaps they presently have. He stated the two (2) previous towers proposed by Parallel Infrastructure had been approved and were part of the plan to improve coverage overall. Verizon is licensed by the Federal Communications Commission (FCC) to provide coverage in an area and is then mandated to provide coverage within that area. They research calls with signal measurements to determine where coverage is needed and tower height is confirmed by engineers depending on the topography of the location. He stated land lines were becoming obsolete and cell phones were becoming the dominant form of communication; most 911 calls were placed with cell phones.

Chairperson Hartmann questioned the lattice type design of the tower opposed to a monopole design.

Mr. LaBelle stated a monopole over two hundred twenty feet (220') was impractical and an engineered lattice type design was much more stable due to the geological and atmospheric conditions of the area.

Mr. Hendershot questioned the construction time frame.

Mr. Varney stated they would build in 2016 and would begin using the tower in 2017 unless another company requested to collocate. The tower would then be built and made operational as soon as possible regardless of the contract with Verizon.

Mr. Brown questioned the placement of the tower in conjunction to property lines stating if the tower were to fall, it could possibly fall on the adjoining property.

Mr. Varney stated the same owner owned both parcels but if they were to sell it in the future, then the possibility was there.

Ms. Nowak stated Old State was a possible violent weather corridor.

Mr. Varney stated towers were built with county by county specifications to take issues such as that into consideration.

Documentation of the date the application was complete, approval from the Otsego County Airport Manager, the one mile collocation radius and the posting of a security bond was questioned.

Mr. Varney stated a tall structure permit was filed with the Federal Aviation Administration (FAA) for all towers.

Vice Chairperson Jarecki questioned the longevity of the tower and costs of removal at that time.

Mr. Varney stated the typical lease time frame was twenty five years.

# Otsego County Planning Commission

Proposed Minutes for January 18, 2016

Mr. LaBelle stated a tower had never been removed because of failure but they will produce documentation based on the engineered cost and the County had the privilege of increasing the amount if need be. They were familiar with posting bonds and believed the estimate was \$50,000. Upon removal, the tower would be disassembled and the concrete removed three feet (3') below grade.

Chairperson Hartmann closed the public hearing.

*Public Hearing closed: 6:50pm*

## Advertised Case:

### 1. *CASE WITHDRAWN BY APPLICANT*

2. *Telecad Wireless, representative of Telecom Infrastructure V LLC and Pyramid Network Services, has requested a Special Use Permit/Site Plan Review for property located in Chester Township:*

*7780 Allen Rd  
Gaylord, MI 49735  
030-009-300-040-00*

*Property located in a FR/Forestry Recreation Zoning District  
PZSU15-011- proposed use of the property is the installation of a wireless telecommunications tower over one hundred ninety feet (190') in height, or with lights as a permitted use subject to special conditions*

Mr. Schlaud requested documentation from the airport manager and also the submittal of a demolition document from their engineers to base an amount for the security bond with the County's ability to review those costs in the future.

Chairperson Hartmann read the Finding of Fact with the additional facts being the structure was a self-supporting lattice type design, the date the application was deemed complete by Land Use and the collocation of a one (1) mile radius had been met.

Motion made by Mr. Arndt to accept the twelve (12) Finding of Fact presented; Seconded by Mr. Klee.

Motion approved unanimously. *(SEE ATTACHMENT 1)*

Motion made by Mr. Hartmann to approve Special Use Permit PZU15-011 with the conditions of providing approval from the Otsego County Airport manager and also documentation of demolition for the security bond prior to issuing a building permit; Seconded by Mr. Borton.

Motion approved unanimously.

**New Business:** None

## Unfinished Commission Business:

1. Proposed language *Personal Wireless Communications*

Chairperson Hartmann stated the proposed language had been revised per December's Planning Commission meeting.

# Otsego County Planning Commission

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Proposed Minutes for January 18, 2016

Discussion ensued again concerning the size of the leased property involved based on a formula, the different zoning districts, the addition of a definition for '*Climbing Barrier*' and a future review of the security bond.

Mr. Hartmann will review and revise the language further for presentation at March's meeting.

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

### 1. Otsego County Parks & Recreation report

Vice-Chairperson Jarecki stated interviews were held for the Parks & Recreation Director but a decision had not been made. John Burt had amended the Otsego County Community Recreation Plan to include the tennis courts, an indoor facility at the Sportsplex and the expansion of the Gaylord and Vanderbilt Trailheads. They were adopted by the Board of Commissioners.

Mr. Hendershot thanked the Planning Commission.

Mrs. Jarecki stated Corwith Township was still working on the Trailhead.

Mr. Borton stated a Parks and Recreation Director had been selected. He also commented Mr. Tarbutton had been released.

Land Use Services distributed forms for upcoming training sessions for any member interested.

### 2. Guidelines for Planning Commission, ZBA and Elected officials/Zoning Training

**Adjournment:** 7:50pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

# Otsego County Planning Commission

Proposed Minutes for January 18, 2016

## ATTACHMENT 1

### OTSEGO COUNTY PLANNING COMMISSION

PZSU15-011  
Special Use Permit/Site Plan Review  
030-009-300-040-00

#### GENERAL FINDING OF FACTS

1. This is a proposal for the installation of a three hundred foot (300') wireless communication tower of self-supporting lattice type design being it is structurally better for this site. *Exhibit #1, Exhibit #16*
2. The property is located in a FR/Forest Recreation Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in an FR/Forest Recreation Zoning District. *Exhibit #2, Exhibit #3*
4. The property is currently under the ownership of Edward L & Donna M Chandler, being represented by PI Telecom Infrastructure V LLC and Pyramid Network Services LLC. *Exhibit #4, Exhibit #5, Exhibit #6*
5. The Public Hearing Notice was published in the Herald Times on January 1, 2016. *Exhibit #7*
6. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8*
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 #16*
10. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
11. Land Use Services deemed application administratively complete November 16, 2015 in compliance with the MCL 125.3514. *Exhibit #8, Exhibit #11*
12. No other wireless towers exist within the one (1) mile collocation radius of the proposed property. *Exhibit #1*

Exhibit 12

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

PERMIT NO: PZSU15-010

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

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**APPLICATION FOR SPECIAL USE PERMIT**

Date: 9-21-15

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

**Property location: (REQUIRED)**

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

**Applicant:**

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

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

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

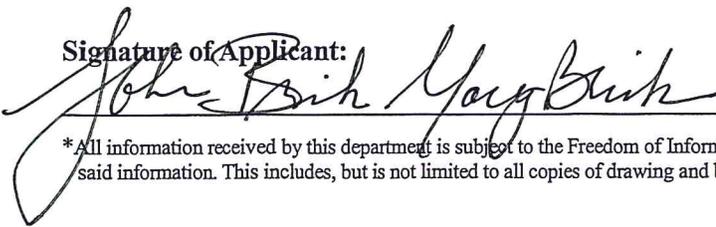
Name: \_\_\_\_\_ Phone No. (\_\_\_\_) - \_\_\_\_ - \_\_\_\_

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

**Description of project and proposed use:**

Construction of 20 Storage Units - 20' x 200'

Signature of Applicant:



Date: 9-21-2015

\*All information received by this department is subject to the Freedom of Information Act. Under this Act, persons are allowed to request copies of said information. This includes, but is not limited to all copies of drawing and blueprints.

**Office Use Only**

File No. \_\_\_\_\_

Fee amount: \_\_\_\_\_

Date Application Received 10-06-15

Received By: JBW

**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: John & Mary BRINK Owner/Agent/Other interest (circle one)

Address: 617 Thumb Lake Road Vanderbilt, Mi.

Phone: (989) 370-2484 Fax: (989) 732-0896

Property Owner: (if different from applicant)

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

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

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

**Property Location:**

Township: Corwith Section: 27 Town 32N Range 3W Zoning District B-3.

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

Parcel Code: 69 - 042 - 027 - 400 035-00

Description of Project and Proposed Use:  
CONSTRUCTION OF Storage Units - 20 UNITS

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

Signature of Applicant: Mary Brink  
John Brink Ernest J. Blumberg, Esq. Date: 9-21-15.

\*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: 7297 Old 27 North Vanderbilt, Mi.
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: Ron Brandt 533 Greenfield Dr. Gaylord, Mi.
8. Project title.  
Yes  No \_\_\_ NA \_\_\_ if "NA" explain: OLD 27 Storage
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: 20 Storage Units - 1 structure 20x200
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: 1.67 Gross Acres
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: June 2016
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: THERE IS NONE
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: NO SIGNAGE AT THIS TIME

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: Solar Lights on Building

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: Landscaping if needed

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

Yes \_\_\_ No \_\_\_ NA \_\_\_ if "NA" explain: To be determined.

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: \_\_\_\_\_

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

Conditions:

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**OTSEGO COUNTY  
PLANNING COMMISSION**

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

***Exhibit List***

- Exhibit #1:* Application for case PZSU15-010 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 25, 2014
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended April 28, 2015
- Exhibit #4:* Copy of Otsego County Equalization Department record cards/Warranty Deeds-0306/171, 0565/3
- Exhibit #5:* Site Plan/PZSU15-010 submitted by Applicant
- ~~*Exhibit #6:* Letter of representation from property owners~~
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Corwith Township dated October 30, 2015
- Exhibit #9:* Letter dated November 6, 2015 from Corwith Township
- Exhibit #10:* Map and list of parties notified
- Exhibit #11:* Receipt #01307951
- Exhibit #12:* General Finding of Fact/PZSU15-010
- Exhibit #13:* Specific Finding of Fact/PZSU15-010
- Exhibit #14:* Survey combining parcels
- Exhibit #15:* Letter from Otsego County Road Commission dated December 16, 2015

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



**OTSEGO COUNTY ZONING MAP**

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

Lawyers Title Insurance Corporation

LIBER 306 PAGE 171

Form 561 6-75  
WARRANTY DEED—Statutory Form  
CL. 1948, 565.151 M.S.A. 26.571

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

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

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

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

STATE OF MICHIGAN } RECORDED 8th DAY OF  
COUNTY OF OTSEGO } Feb A.D. 19 82 AT 3:48  
O'CLOCK P. M.  
Arlis J. Hascok  
REGISTER OF DEEDS

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

Dated this 5th day of February 19 82

Witnesses:

Signed and Sealed:

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

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

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

My commission expires April 21, 1984

E. J. Kitchen  
Notary Public Otsego County, Michigan

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

County Treasurer's Certificate

OTSEGO COUNTY } Code No. \_\_\_\_\_  
TREASURER'S OFFICE } Feb. 8, 1982  
Gaylord, Mich. }  
I hereby certify that according to our records all taxes returned to this  
office are paid for five years preceding the date of this instrument.  
This does not include taxes in the process of collection.  
J. Matlock Deputy COUNTY TREASURER

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX  
1982  
Dept. of Taxation FEB-82 19.80  
RB.10504

Recording Fee \_\_\_\_\_

When recorded return to \_\_\_\_\_

State Transfer Tax 19.80

Send subsequent tax bills

Tax Parcel # \_\_\_\_\_

to \_\_\_\_\_

Warranty Deed

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

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

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

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

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

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

Dated this 16th day of July, 1994.

Signed in the presence of:

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

Signed by:

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

OTSEGO COUNTY  
MICHIGAN  
RECEIVED FOR RECORD  
94 JUL 21 AM 3:59  
EVELYN M. PRATT  
CLERK / REGISTER OF DEEDS

STATE OF MICHIGAN } SS  
COUNTY OF OTSEGO

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

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

County Treasurer's Certificate

OTSEGO COUNTY  
TREASURER'S OFFICE } July 22, 1994  
Gaylord, Mich.,  
I hereby certify that according to our records all taxes returned to this  
office are paid for five years preceding the date of this instrument.  
This does not include taxes in the process of collection.  
*Erma Backstrom* COUNTY TREASURER

STATE OF MICHIGAN REAL ESTATE ★  
MICHIGAN TRANSFER ★  
Dept. of Justice E.O.D. 25 ★  
Taxation  
KB 7-21-94

When recorded return to: Send subsequent tax bills to:

GRANTEE

GRANTEE

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

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

Recording Fee: \$9 + \$1

Transfer Tax: \$8.25

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prct. Trans.
HARTZ, RONALD A & PATRICIA	BRINK, JOHN R & MARY A	7,500	07/16/1994	WD	Good	0565/3	DEED	0.0
Property Address 7297 OLD 27 N Owner's Name/Address BRINK, JOHN R & MARY A 617 THUMB LAKE RD VANDERBILT MI 49795								
Class: 402 Residential St Zoning: B-2 School: Vanderbilt Area School P.R.E. 0% : 0.00 2015 Est TCV 4,400 (Value Overridden) Improved X Vacant Public Land Value Estimates for Land Table .								
* Factors * Description Frontage Depth Front Depth Rate %Adj. Reason Value 0.420 Acres 0 100 0 0.42 Total Acres Total Est. Land Value = 0								
Tax Description N 60 FT OF S 285 FT OF NW 1/4 OF SE 1/4 W OF RR R/W SEC 27 T32N R3W. Comments/Influences								
Topography of Site Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain								
Who When What 2015 2,200 0 2,200 2014 2,100 0 2,100 2013 2,100 0 2,100 2012 2,200 0 2,200								
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan								

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

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prct. Trans.	
BRINK, DOUGLAS E & SHARON S	BRINK, JOHN R	17,900	02/05/1982	WD	Good	0306/171	DEED	0.0	
Property Address	Class: 402 Residential St Zoning: B-2								
7313 OLD 27 N	School: Vanderbilt Area School								
Owner's Name/Address	P.R.E. 0%								
BRINK, JOHN R	: 0.00								
617 THUMB LAKE RD	2015 Est TCV 28,400 (Value Overridden)								
VANDERBILT MI 49795	Improved <input checked="" type="checkbox"/> Vacant								
Tax Description	* Factors *								
N 115 FT OF S 400 FT OF NW 1/4 OF SE 1/4 LYING W OF RR R/W SEC 27 T32N R3W.	Description Frontage Depth Front Depth Rate %Adj. Reason Value								
Comments/Influences	0.81 Total Acres Total Est. Land Value = 0								
	Public Improvements								
	Dirt Road								
	Gravel Road								
	Paved Road								
	Storm Sewer								
	Sidewalk								
	Water								
	Sewer								
	Electric								
	Gas								
	Curb								
	Street Lights								
	Standard Utilities								
	Underground Utils.								
	Topography of Site								
	Level								
	Rolling								
	Low								
	High								
	Landscaped								
	Swamp								
	Wooded								
	Pond								
	Waterfront								
	Ravine								
	Wetland								
	Flood Plain								
	Who	When	What	Year	Land Value	Building Value	Assessed Value	Tribunal/Other	Taxable Value
				2015	14,200	0	14,200		10,735C
				2014	10,600	0	10,600		10,566C
				2013	10,400	0	10,400		10,400S
				2012	10,200	0	10,200		10,200S
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan									

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

**OTSEGO COUNTY  
PLANNING COMMISSION**

**PUBLIC HEARING NOTICE  
March 21, 2016**

The Otsego County Planning Commission will hold a public hearing on Monday, March 21, 2016 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

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

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

**Legal Description:**

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

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

**Legal Description:**

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

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

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



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

**Department of  
Land Use Services**

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

October 30, 2015

Corwith Township  
PO Box 100  
Vanderbilt, MI 49795

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

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

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

If you have any questions, please contact us and we will be glad to assist you. We look forward to your input concerning this matter. Thank you for your participation in County Zoning.

Sincerely,

Vern Schlaud  
Otsego County Land Use Director

cbw

encl

*Township of Corwith*

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

November 6, 2015

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

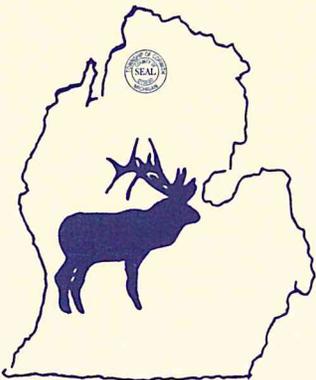
**RE: Application for Special Use Permit – Brink Parcel #69-042-027-400-030-00**

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

Sincerely,



Debbie Whitman  
Corwith Township Clerk



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



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

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

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

**OTSEGO COUNTY  
PLANNING COMMISSION**

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

**GENERAL FINDINGS OF FACT**

1. This is a proposal for construction of a 20'x200' storage building containing twenty (20) units. *Exhibit #1, Exhibit #5*
2. The property is located in a B2/General Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
4. The property is currently under the ownership of John & Mary Brink. *Exhibit #4*
5. The property is 1.29 acres and parcels will be combined in 2016. *Exhibit #4, Exhibit #14*
6. The Public Hearing Notice was published in the Herald Times on March 4, 2016 *Exhibit #7*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #10*
9. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #11*
11. The Otsego County Road Commission has given approval for the existing driveway. *Exhibit #15*
12. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #4, Exhibit #5, Exhibit #11, Exhibit #12, Exhibit #13*
- 13.

**OTSEGO COUNTY  
PLANNING COMMISSION**

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

**SPECIFIC FINDINGS OF FACT**

**FINDINGS UNDER ARTICLE 11/SECTION 11.2**

**ARTICLE 11 B2 GENERAL BUSINESS DISTRICT**

**INTENT**

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

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

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

- 11.2.1 All uses subject to special conditions in the [B1](#) Local Business District
- 11.2.2 Lumber yards, building material suppliers, and home improvement centers, with outdoor storage
- 11.2.3 Rifle or pistol ranges when within a completely enclosed building
- 11.2.4 Auto repair garages or auto body shop, including wrecker service, provided that outdoor storage of vehicles under repair be confined to the rear yard and screened from view.
- 11.2.5 Car wash
- 11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:
  - 11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets.
  - 11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots.
  - 11.2.6.3 No sales or display shall occupy any public street or road right-of-way; and further, must be set back at least twenty (20) feet from the front property line.
  - 11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department.
- 11.2.7 Hospitals
- 11.2.8 Commercial outdoor sport and recreational facilities
- 11.2.9 Flea markets
- 11.2.10 Mini-storage buildings consisting of separate storage rooms rented or leased by the month...

**FINDINGS UNDER ARTICLE 21 /SECTION 21.10**

**SECTION 21.10 FENCES**

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

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

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

21.10.2

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

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

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

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

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

**\*\*\*** Property is surrounded on all four (4) sides by parcels in the B2/General Business Zoning District

**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 to exceed one to three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

#### 21.18.3 Buffer Yards:

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

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

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

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

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

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

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

#### 21.18.4 Roadside Greenbelt Buffers:

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

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

#### 21.18.5 Screening of Unsightly Areas:

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

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

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

#### 21.18.6 Parking Lot Screening:

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

Landscaping design standards:

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

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

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

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

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

\*\*\*

Property is surrounded on all four (4) sides by parcels in the B2/General Business Zoning District

Applicant wishes any landscaping be at the Planning Commission's discretion; No buffer yard is required



**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.

**\*\*\* Three (3) solar lights will be placed as indicated on site plan; electricity will not be installed**

**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:

**MINIMUM PARKING SPACES REQUIRED**

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

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

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	20ft	
54-74°	15ft	20ft	
75-90°	20ft	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.

**\*\*\*** Two (2) parking spaces are required, one (1) handicapped sign will be installed on west end of building  
Entire area to be graveled  
Snow storage area as indicated on site plan

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

#### 21.38.1.4 Non Accessory Signs and Billboards

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

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

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

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

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

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

#### 21.38.2 Signs Prohibited

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

21.38.2.2 Signs with moving or revolving parts.

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

21.38.2.4 Signs insecurely fixed, unclear, in need of repair, or signs which imitate official traffic signals or traffic control signs or devices.

21.38.2.5 Signs utilizing vehicles, trucks, vans, or other wheeled devices, unless such signs are used for periods of less than seven (7) consecutive days in any ninety (90) day period, or unless such signs have been approved by the Planning Commission as meeting a special purpose, need and/or as being appropriate for the particular use.

21.38.2.6 Advertising devices such as banners, balloons, flags, pennants, pinwheels, searchlights or other devices with similar characteristics, except when used temporarily for periods not to exceed seven (7) days within any ninety (90) day period.

21.38.2.7 Signs which overhang or extend into a dedicated public right-of-way, without the written consent of the government unit having jurisdiction.

#### 21.38.3 Signs Not Requiring a Zoning Permit

21.38.3.1 Name Plates not to exceed two (2) square feet.

21.38.3.2 Existing signs may be changed or altered so long as none of the provisions of the Zoning Ordinance are violated.

21.38.3.3 Bulletin Boards that do not exceed fifteen (15) square feet for churches, public and semi-public institutions, and/or schools.

21.38.3.4 Signs that have been approved in conjunction with a valid zoning permit for any principal use of use as detailed in a plot plan or site plan.

21.38.3.5 Street name signs and other signs established by state, county, or township units of government when necessary for giving proper directions or otherwise safeguarding the public in any district.

21.38.3.6 Non-advertising signs erected by any organization, person, firm, or corporation that are needed to warn the public of dangerous conditions and unusual hazards including: caving ground, drop-offs, high voltage, fire danger, explosives, severe visibility limits, etc., in any district.

21.38.3.7 Temporary signs not exceeding ten (10) square feet advertising a premises being for rent, for lease, and/or for sale in any district. All such signs shall be removed within fourteen (14) days of the consummated lease or sale of the premises.

21.38.3.8 Accessory signs on farms advertising stock, produce, and other farm products produced on the premises, provided the area of sign does not exceed thirty-two (32) square feet.

21.38.3.9 Accessory directional signs each not to exceed two (2) square feet in area on buildings, such as but not necessarily limited to: entrance, exit, loading dock, low clearance, garage, office, warehouse, boiler room, service, and the like.

21.38.3.10 Up to two (2) accessory property directional signs each not to exceed two (2) square feet in area, identifying or directing to the following: entrance, exit, visitors parking, no parking, other traffic flow directions, and similar functional signs.

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

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

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

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

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

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

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

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

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

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

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

**\*\*\* Possible signage installed on west end of building**

## **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](#).

**\*\*\* Dumpster placed as indicated on site plan**

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

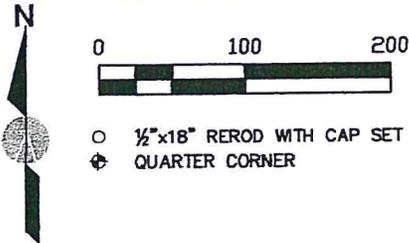
- 19.7.1** The property subject to the application is located in a zoning district in which the proposed special land use is allowed.  
**HAS – HAS NOT BEEN MET**
- 19.7.2** The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially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

## **SECTION 19.8 - CONDITIONS**

The Planning Commission may attach reasonable conditions to the approval of a special use permit. These conditions may include those necessary to insure that public services and facilities affected by a proposed special land use will be capable of accommodating increased service and facility loads caused by the special land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all the following requirements.

- 19.8.1 Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use, and the community as a whole.
- 19.8.2 Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use.
- 19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration, and be necessary to insure compliance with those standards.

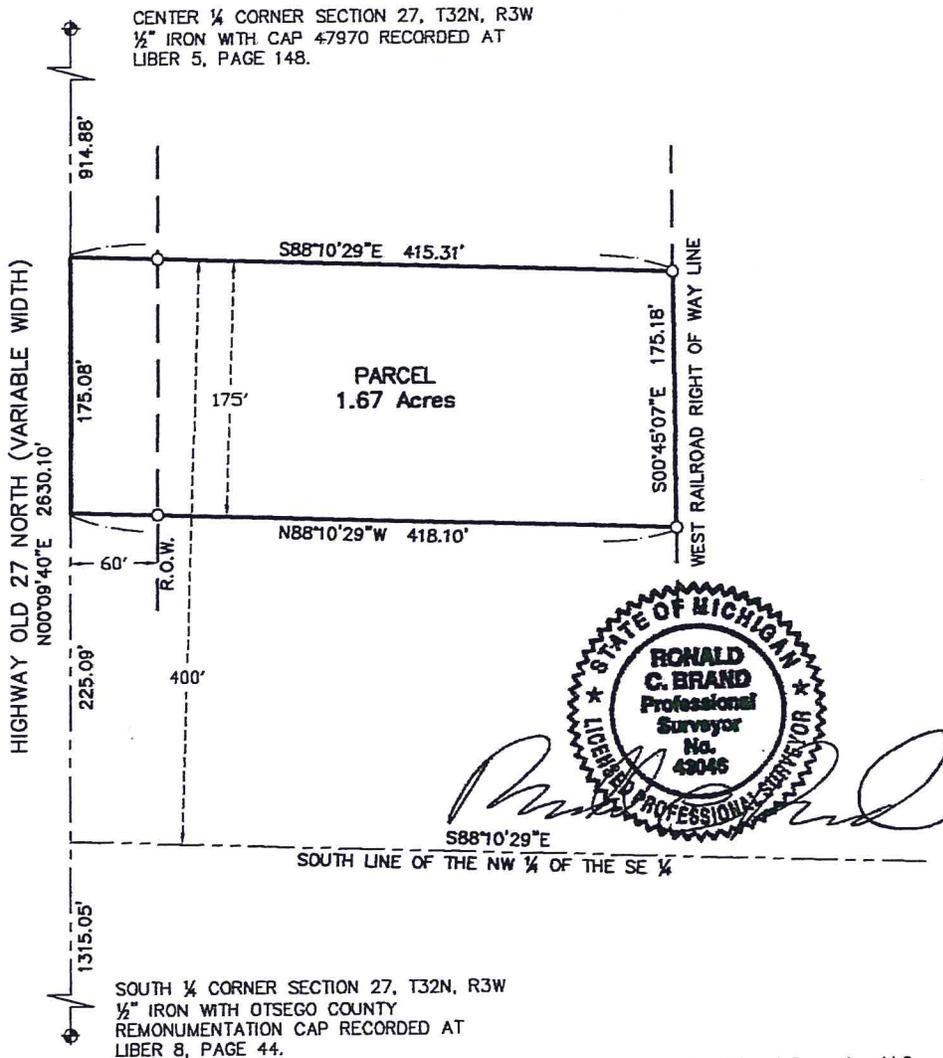
# CERTIFICATE OF SURVEY



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

The North 175 feet of the South 400 feet of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , lying West of the Railroad right of way, Section 27, Town 32 North, Range 3 West.

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



ERROR OF CLOSURE IS  $< 1 / 5000$

BASIS OF BEARING: NAD83 MICHIGAN CENTRAL STATE PLANE GRID

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



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

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

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

CLIENT: Brink  
 LOCATION: Section 27  
 Town 32 North, Range 3  
 West, Corwith Township,  
 Otsego County  
 F.L.D. BK. 5114 PG. 0  
 DATE: \_\_\_\_\_  
 SHEET

December 16, 2015

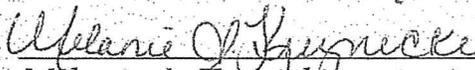
John & Mary Brink  
617 Thumb Lake Rd  
Vanderbilt, MI 49795

To Whom It May Concern:

This letter is in regard to a driveway permit request for 7297 Old 27 North (property id# 042-027-400-030-00). Due to this driveway being an existing driveway and there are no changes being made in any way to this existing driveway in the Otsego County Road Commission right-of-way, the Otsego County Road Commission is not requiring a driveway permit for the location at 7297 Old 27 North. Please be aware if any changes are being made to the existing driveway in the future, a driveway permit will be required.

If you have any questions or concerns in regard to this issue, please feel free to contact me at (989)732-5202.

Sincerely,

  
Melanie A. Kuznicki  
Permit Agent

File: drwyltrs.kmm

The Otsego County Road Commission is an Equal Opportunity Provider and Employer

Exhibit 15

OTSEGO COUNTY ROAD COMMISSION

# From Land Use:

## Proposed Language for Personal Wireless Services

- **BLUE:** All text in **blue** is new or revised language.
- **BLACK:** All text in **black** is current language.
- **ORANGE:** New subsections

### Section 2.2 DEFINITIONS

PERSONAL WIRELESS SERVICES TELECOMMUNICATIONS TOWERS AND FACILITIES: Self-supporting or guyed towers of one hundred fifty feet (150') or less that provide data and internet access within a three to five (3-5) mile radius. These low wattage towers are a Permitted Use Subject to Special Conditions. (Section 21.46)

**Section 322(c)(7) of the Federal Communications Act** uses the following definitions:

(i) the term “personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term “personal wireless service facilities” means facilities for the provision of personal wireless services; and

(iii) the term “unlicensed wireless service” means the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

CLIMBING BARRIER: Material attached to the lowest eight feet (8') of a lattice tower for the prevention of using structural cross members as a ladder; a safety feature to discourage climbing by unauthorized individuals

21.46.2.6 The tower itself must be of monopole design. Guyed and self-supporting towers may be considered by the Planning Commission and require a special use permit. (Section 19.7)

**21.46.2.6.1** Maximum height of guyed towers to be one hundred fifty feet (150').

**21.46.2.6.2** Guyed towers must have a clear area radius of one hundred twenty percent (120%) of their height to protect surrounding properties/structures should a tower collapse.

**21.46.2.6.3** Eight (8) foot climbing barriers are required on guyed towers.

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. For towers with guy wires, anchor points must have individual six foot (6') fencing or yellow guy protection “sleeves” for high visibility. The Otsego County Planning

Commission will determine which of the two (2) will be required based upon the site chosen for the tower. Signage must be installed on the six foot (6') fence with locked gate stating the owner's name and contact information, including an emergency telephone number.

21.46.2.10 The application shall include a description of security. Security shall be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned for more than twelve (12) months 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 attorney's fees incurred by the County in securing removal. The amount of the security bond or letter of credit is to be determined by the Planning Commission. ([Section 25.6](#))

21.46.2.11 Professional sealed documents are required for all Wireless Communications Towers ([Section 23.2.2](#)).

21.46.2.12 For projects involving less than twenty (20) square feet of soil disruption, soil samples and water flow analysis will not be required.

## **ZONING DISTRICTS**

### **[R1 Residential District]**

#### **Section 4.2 Permitted Uses Subject to Special Conditions**

4.2.8 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

### **[R2 Residential District]**

#### **Section 5.2 Permitted Uses Subject to Special Conditions**

5.2.7 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

### **[R3 Residential Estates]**

#### **Section 6.2 Permitted Uses Subject to Special Conditions**

6.2.6 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

### **[RR Recreation Residential]**

#### **Section 7.2 Permitted Uses Subject to Special Conditions**

7.2.9 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

### **[FR Forestry Recreation]**

#### **Section 8.2 Permitted Uses Subject to Special Conditions**

8.2.22 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria include [Article 21.46](#)]

**[AR Agricultural Resource]**

**Section 9.2 Permitted Uses Subject to Special Conditions**

9.2.25 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed Permit criteria include [Article 21.46](#)

**[B1 General Business]**

**Section 10.2 Permitted Uses Subject to Special Conditions**

10.2.11 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed Permit criteria include [Article 21.46](#)

**[B2 General Business]**

**Section 11.2 Permitted Uses Subject to Special Conditions**

11.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed Permit criteria include [Article 21.46](#)

**[B3 Business, Light Manufacturing]**

**Section 12.2 Permitted Uses Subject to Special Conditions**

12.2.15 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed Permit criteria include [Article 21.46](#)

**[I Industrial]**

**Section 13.2 Permitted Uses Subject to Special Conditions**

13.2.20 Personal Wireless Services Telecommunications Towers and Facilities one hundred fifty (150) feet or less in height, self-supporting (lattice) or guyed Permit criteria include [Article 21.46](#)

## **Timing from Submission of an Application to a Decision for Zoning Issues**

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1. Submit a completed Application with all necessary items and payment of the required (non refundable) fee to the Otsego County Land Use Services.
2. The Zoning Administrator reviews the application and determines if the application and attached information is complete and if it is within his/her authority. This may take up to 10 business days.
  - a. If the application is not complete the applicant is advised of the items missing.
  - b. If the application is complete and within the Zoning Administrator's authority he/she completes a detailed review of the application following the requirements of the Zoning Ordinance making a decision to approve, approve with conditions or denying the application.
  - c. If the application is complete but is not within the Zoning Administrator's authority steps 3 thru 6 are follow:
3. The township clerk where the property is located is given a copy of the Application and asked to provide a written recommendation to the Zoning Administrator and the applicant within 40 days. The township may take an additional 30 days to take action by filing written notice with the Zoning Administrator within the original 40 days. This is a requirement of Article 24 of the Zoning Ordinance.
4. Once a written recommendation is received from the township board or the required time for input has passed, a Public Hearing is scheduled for the next scheduled Planning Commission or ZBA meeting that will allow item 5 to be completed.
5. Fifteen days prior to the Public Hearing, a public notice is published in the local newspaper. Written notices are provided to property owners and occupants near the requested property the application is for.
6. The Planning Commission/ZBA conducts a Public Hearing and will either approve, approve with conditions or deny the request.

In all cases other state and county agencies will be contacted for review and comments where appropriate. This can take 30 days for review and written responses. Some of the agencies contacted may include Otsego County Road Commission, Michigan Department of Transportation, Michigan State Police, Otsego County Sheriff, Otsego County Conservation District, District Health Department, Otsego County EMS, Local Fire Department, Michigan DNR, Michigan DEQ, and or Otsego County Airport manager.

**Zoning matters may take 90 days or more to resolve**