OTSEGO COUNTY
PLANNING COMMISSION
September 17, 2018
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 July 16, 2018 meeting
5. CONSENT AGENDA
6. PUBLIC PARTICIPATION FOR ITEMS NOT ON THE AGENDA:
   (Please identify yourself for the record. All comments will be limited to two (2) minutes)
7. OTHER:

   2190 Perch Lake complainant – EN18-0275

   Mike Bieniek, Telecom Services - Text amendment concerning Wireless Tower height
8. PUBLIC HEARINGS:

   1. *Dale J Smith Broker Inc, Daniel A & Julie Fults, property owners, represented by Northern Michigan Engineering Inc, applicant, request a Special Use Permit/Site Plan Review for property located in Bagley Township:*
      N Otsego Lake Dr
      Gaylord, MI 49735
      011-225-000-009-00, 011-225-000-008-00
      Property is located in a B2/General Business Zoning District.
      PZSU18-006, PZSU18-007-proposed use of the property is to construct storage units for lease or rent.
9. ADVERTISED CASES:

   1. *Dale J Smith Broker Inc, Daniel A & Julie Fults, property owners, represented by Northern Michigan Engineering Inc, applicant, request a Special Use Permit/Site Plan Review for property located in Bagley Township:*
      N Otsego Lake Dr
      Gaylord, MI 49735
      011-225-000-009-00, 011-225-000-008-00
      Property is located in a B2/General Business Zoning District.
      PZSU18-006, PZSU18-007-proposed use of the property is to construct storage units for lease or rent.
10. UNFINISHED COMMISSION BUSINESS:

    1. *Otsego County Zoning Ordinance – Planning Commission Committee recommends sending to townships for review and opinion the Rezone from a R2 Zoning District to a R3 Zoning District for Mobile Home Subdivisions located in Bagley Township and Otsego Lake Township:*

       a. ***Bagley Township**: Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates I, Maple Grove Estates II and Parkwood Subdivision*

       b. ***Otsego Lake Township:** Arbutus Beach Highlands*
11. NEW BUSINESS
12. REPORTS AND COMMISSION MEMBER'S COMMENTS:

    1. Otsego County Parks & Recreation report / Judy Jarecki
    2. Land Use Services / Jim Mouch – *Sent via email*
13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for July 16, 2018

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Chairperson Hartmann, Vice Chairperson Jarecki, Secretary Arndt, Mr. Hilgendorf, Mr. Brown, Mrs. Norton, Mr. Klee, Mr. Caverson, Mr. Bauman, Ms. Corfis

Absent: Mr. Borton

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

Public Present: Dan Lubelan, Dan Lubelan Sr, Keith Huff, Charlton Township Trustee, Michelle Noirot, Bagley Township Supervisor

Approval of minutes from: June 18, 2018

Motion made by Mr. Brown to approve minutes as presented; Seconded by Mr. Arndt.

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearing:

1. *Daniel G. Lubelan, property owner, has requested a Rezone for property located in Charlton Township:*

10508 Sparr Rd
Johannesburg, MI 49751
022-029-400-005-00

PZRZ18-001 - Property zoned FR/Forestry Recreation Zoning District with a request to be rezoned to AR/Agricultural Resources for farming purposes

Chairperson Hartmann stated the case before them and opened the public hearing.

Public Hearing Open: 6:02pm

Daniel Lubelan, owner, stated he and his family have been living on the property for five (5) years. He was recently transferred full time so he no longer had to commute to work. They were currently farming rotational crops and would like to add a small number of livestock as well. It would be run as a family farm.

Chairperson Hartmann requested comment from Mr. Brown, Charlton Township representative.

Mr. Brown stated the property to the south of Sparr Rd was currently zoned Agricultural so Charlton Township did not feel this was spot zoning. They were recommending approval of the rezone.

Chairperson Hartmann closed the public hearing

Public Hearing Closed: 6:05pm

Advertised Case:

1. *Daniel G. Lubelan, property owner, has requested a Rezone for property located in Charlton Township:*

   10508 Sparr Rd
   Johannesburg, MI 49751
   022-029-400-005-00

PZRZ18-001 - Property zoned FR/Forestry Recreation Zoning District with a request to be rezoned to AR/Agricultural Resources for farming purposes

With no further comments, Chairperson Hartmann requested a motion.

Motion made by Mr. Brown to recommend case PZRZ18-001 be rezoned from FR/Forestry Recreation to AR/Agricultural Resource to the Otsego County Board of Commissioners; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

Chairperson Hartmann thanked them for coming.

Public Hearing:

2. *Otsego County Zoning Ordinance -- Zoning District Addition, Article 5b R2b Residential District:*

   District created for Mobile Home Zoning located in Bagley Township and Otsego Lake Township:

   a. ***Bagley Township**: Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates I, Maple Grove Estates II and Parkwood Subdivision*

   b. ***Otsego Lake Township:** Arbutus Beach Highlands*

Chairperson Hartmann stated the case before them and opened the public hearing.

Public Hearing Open: 6:12pm

Chairperson Hartmann stated a response from the two townships involved and also comments from a third township had been received. He requested a summary of the proposed zoning from Mr. Mouch.

Mr. Mouch stated these platted subdivisions were previously zoned for single wide mobile homes but had been zoned out. This is an amendment to the R2 Zoning District to allow them in the listed subdivisions again. Land Use staff has driven through the subdivisions and collected statistics of all existing uses of property; Mr. Mouch read those statistics aloud stating the majority of occupied lots in both townships had single wide mobiles that could not be replaced or updated. He requested Chairperson Hartmann read aloud the ten (10) criteria items for rezoning, including the first paragraph as presented by the County attorney.

Chairperson Hartmann read aloud the first paragraph as follows:

Criteria for Rezoning:

While the MZEA does not contain any required standards for the Planning Commission and the County Board of Commissioners to follow when considering a rezoning request, the following factors are among those that should be considered in evaluating a rezoning request. While all these factors are important, there is no general formula that has been articulated by the courts regarding how much weight should be afforded to any one of these factors. Each rezoning request should be decided on its own facts.

He continued reading the remaining criteria of rezoning items one by one for discussion. *(SEE ATTACHMENT 1)*

Chairperson Hartmann requested comment from Ms. Corfis, representing Otsego Lake Township.

Ms. Corfis stated Otsego Lake Township did not feel this was addressed in either Otsego Lake Township's Master Plan or the County's Master Plan. They felt this should be done before moving forward; having this foundation in place would allow a sound basis for a decision.

Chairperson Hartmann stated that maybe this should be looked at as a subset of the R2 Zoning District not necessarily a rezone; it would still be R2.

Chairperson Hartmann requested comment from Mr. Arndt, representing Bagley Township.

Secretary Arndt stated Bagley Township had a number of these subdivisions within Bagley and agreed the Master Plan needed to reflect the zoning. Bagley was recommending approval for the subdivisions in Bagley.

Mr. Brown stated Charlton Township viewed this as spot zoning for Bagley and Otsego Lake Townships only; they felt it should cover other areas throughout the County.

Secretary Arndt agreed it should be applied County wide; it was being considered for these two townships because these were problem areas.

Mr. Caverson stated he was under the impression this was for replacement purposes.

Mr. Brown stated it should be for replacement purposes only or a single wide could be placed on any of the empty lots available.

Ms. Corfis stated they had also discussed applying this to other zoning districts and brought up the fact the minimum structure width was being changed in the R3, AR and FR Districts as well.

Vice Chairperson Jarecki stated they did not make single wide mobiles that small anymore; fourteen foot (14') is the minimum.

Secretary Arndt stated construction standards are higher and the thought was a more modern structure would be brought in meeting those standards.

Chairperson Hartmann stated the more modern mobiles had smoke detectors and such that are now required.

Mr. Caverson stated there was more to this and didn't feel all the changes proposed were being discussed; other districts were being changed also.

Mr. Hilgendorf stated safety issues were discussed at committee meetings in the context of these trailer park areas, not the whole world.

Mr. Brown stated the whole county needed to be treated alike; these subdivisions of trailers could not be treated different.

Mr. Mouch stated these subdivisions were originally platted for mobile homes and then zoned out. The intent was to review these subdivisions for a resolution.

Chairperson Hartmann suggested looking at the issue differently, losing the term 'rezone' and incorporating what's needed into the R2 Zoning District.

Mr. Mouch suggested bringing it back to committee.

Chairperson Hartmann agreed.

Secretary Arndt stated it essentially was a part of the R2 District the way the narrative was arranged. The standards could possibly be applied to other R2 areas.

Mr. Caverson questioned why replacement rights were being considered for trailers alone; there were multiple lots around lakes with structures that could benefit from this as well.

Mr. Mouch stated that issue had not been looked into; there were enforcements on lots within these subdivisions and the intent was to alleviate this issue.

Vice Chairperson Jarecki questioned why replacing a trailer because of a fire, couldn't be considered an 'Act of God'.

Secretary Arndt stated they had previously been told by the County attorney 'Act of God' language needed to be included in the Zoning Ordinance.

Mr. Caverson stated there was a section in the ordinance pertaining to replacement. He thought that should be reworked instead of adding a new district.

Mr. Hilgendorf stated he did not believe the attorney's opinion stated they were doing anything wrong. He questioned if changing the year of a mobile being brought into the county would correct the problem.

The year electrical codes changed had been researched and fifteen (15) years was determined the age of a mobile home being brought into the County.

Mr. Mouch stated he was told fourteen feet (14') was the standard size width and the age would not change the current width allowed in the district.

Discussion ensued concerning low income housing issues.

Chairperson Hartmann closed the public hearing

Public Hearing Closed: 6:55pm

Advertised Case:

2. *Otsego County Zoning Ordinance -- Zoning District Addition, Article 5b R2b Residential District:*

District created for Mobile Home Zoning located in Bagley Township and Otsego Lake Township:

a. ***Bagley Township**: Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates I, Maple Grove Estates II and Parkwood Subdivision*

b. ***Otsego Lake Township:** Arbutus Beach Highlands*

Chairperson Hartmann stated this would be taken back to committee for further discussion, maybe look at it from another angle. A meeting was set for Friday, August 3, 9:00am. Committee members to include:

Mr. Hartmann
Mr. Arndt
Mr. Hilgendorf
Mr. Brown
Ms. Corfis

Michelle Noirot, Bagley Township Supervisor, stated the two points Bagley's Planning Commission and Township Board had based their decision on were, not penalizing a property owner for needing or wanting to replace a home that didn't meet zoning and not having that home replaced with something substandard.

Mr. Caverson stated he felt this was geared towards R2 only and was bias; he would like to see this expanded to cover other districts with smaller lots giving them replacement rights as well.

Unfinished Commission Business: None

New Business:

Chairperson Hartmann stated there were some new special use permits coming up; one was in Elmira Township for a cell tower located on M-32 across from Camp Sancta Maria;

Mr. Mouch stated there were two parcels in Livingston Township seeking special use permits for mining, two parcels in Bagley Township seeking special use permits for storage units and a fourth special use permit in Hayes Township for storage units as well.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated July's Parks & Recreation meeting was being held concurrent to the Planning Commission meeting so she could not report on that yet. She stated they had met out at the Groen Preserve and discussed a future plan of what the County would like to do and what the Groen's had wanted done. A new parking lot and new driveway entrance to the Groen property was underway; the house was being turned into a museum to the Groens but would take some work to make it handicap accessible.

Mr. Brown questioned the new beach installed at the County Park saying he did not consider it a beach.

Mrs. Jarecki stated the new beach was the best that could be done; they had multiple other problems at the Park that needed attention, campsites had been under water in the spring from the snow, the boat ramp was repaired from the ice pushing on it, moving the ranger station to the new parcels purchased had to be postponed until fall because of the snow and ice, a new septic had to be installed as well as the dumping station and the electrical needed upgrading.

2. Land Use Services report/Jim Mouch

Mr. Mouch stated construction had begun on the Belle Tire store behind Awakon Credit Union.

Chairperson Hartmann adjourned the meeting.

Adjournment: 7:12pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

ATTACHMENT 1:

Directors Report 07/16/18

Good Afternoon,

On Friday July, 13 2018 and Monday July 16, 2018 statistics were gathered in relationship to Article Sb R2b-Residential District {Attachment-Article Sb R2b -Residential District) the intent of this amendment and the county's attorney opinion on this matter {Attachment-Rezoning of Plats in Bagley and Otsego Lake Townships to permit dwelling units of less than 20 feet in width) the following:

Otsego Lake Township
Correspondence (Attachment-Otsego Lake Township Correspondence)

Otsego Lake Township Table A
Data Analysis
Arbutus Beach Highlands

Single Wide Width <= 20'			% of Total
	110		45%
Double Wide Width >= 20'			
	19		8%
Site Built Width >= 20'			
	12		5%
Accessory Structure			
	8		3%
Vacant Lot	93		38%
Total	242		100%

Bagley Township
Correspondence (Attachment-Bagley Township Correspondence)

(Continued)

Bagley Township Table B
Data Analysis
Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates 1&2, Parkwood Subdivision

Single Wide Width <= 20'			% of Total
	123		74%
Double Wide Width >= 20'			
	23		14%
Site Built Width >= 20'			
	2		1%
Accessory Structure			
	3		2%
Vacant Lot	15		9%
Total	166		100%

CMDA, Haider A. Kazim Attorney at Law
Opinion in "Quotes"

Criteria for Rezoning:

While the MZEA does not contain any required standards for the Planning Commission and the County Board of Commissioners to follow when considering a rezoning request, the following factors are among those that should be considered in evaluating a rezoning request. While all these factors are important, there is no general formula that has been articulated by the courts regarding how much weight should be afforded to anyone of these factors. Each rezoning request should be decided on its own facts.

1. Master Plan Designation
    a. "The MZEA requires that a zoning ordinance must be based on a plan and contain criteria and list of standard the plan must be designed to promote MCL 125.3203(1). Consistency with the County's master plan is the most important factor when considering the rezoning request."
    b. Directors Comments:
        i. Currently both Bagley Township and Otsego Lake Township Sites are zoned R2-General Residential.
        ii. Master Plan has no change in the residential usage of these sites.

2. Consistency with Zoning Classifications in the General Area
    a. "In determining the reasonableness of OCZO, the Planning Commission and the County Board of Commissioners should consider the purposes for which the property in the immediate vicinity is zoned."
    b. Directors Comments:
        i. Currently both Bagley Township and Otsego Lake Township Sites are zoned R2 General Residential.
        ii. Master Plan has no change in the residential usage of these sites.
3. Consistency and Compatibility with General land Use Patterns in the Area
    a. "Any amendment to the OCZO must be made with reasonable consideration of the general and appropriate trend and character of land, building, and population development. In reviewing the amendment, the county should consider whether the proposed new use is consistent and compatible with land uses in the surrounding area."
    b. Directors Comments:
        i. Reference Table A and Table B
4. Suitability of the Proposed Use in the Zoning District
    a. "In amending the OCZO, the County must take into consideration the character of each zoning district and it peculiar suitability for the designated purposes."
    b. Directors Comments:
        i. Reference Table A and Table B
5. Reasonable Use Under Current Zoning Classification
    a. "Whether property can be put to a reasonable use in the current zoning district is a factor to consider in evaluating a proposed rezoning to a new district. If a zoning classification renders property entirely without value, the zoning classification can be attached as confiscatory and unconstitutional and, additionally, the ordinance my affect a "taking" of property."
    b. Directors Comments:
        i. Reference Table A and Table B
6. Identifiable Public Need
    a. "Under the MZEA, a use may not be totally prohibited within a community in the presence of a demonstrated need for that land use, with certain exceptions. MCL125.3207. When considering a rezoning request, the County may consider whether there is a need for additional land to be rezoned to a proposed classification. However, even when an applicant demonstrates an identifiable and public need, the County should review whether there is adequate land already zoned to accommodate that need. Specifically, mobile home parks generated a substantial amount of litigation during the last half of the twentieth century. Many of the court decisions arising from that litigation reference the need for a range of housing types to accommodate residential demand."
    b. Directors Comments:
        i. Reference Table A and Table B

7. Spot Zoning

    a. "Courts frown upon "spot zoning". The Michigan Supreme Court has defined "spot zoning" as "a zoning ordinance or amendment creating a small zone of inconsistent use within a larger zone." In Trenton Dev Co v Trenton, 345 Mich 353 (1956), the Michigan Supreme Court invalidated rezoning of three (3) city blocks to a single-family classification, where it was surrounded by areas zoned for multiple dwellings and commercial establishments. The court indicated that the inconsistency between the new zoning and the surrounding area, in the absence of any purported health, safety, or welfare considerations, was invalid. The court also noted that the general character of the entire neighborhood had not changed."

    b. Directors Comments:

        i. Reference Table A and Table B

8. Effect on Surrounding Property

    a. "The County may also consider the effects of the uses that would be permitted by the rezoning request on surrounding property."

    b. Director Comments:

        i. Reference Table A and Table B

9. Diminution in Value

    a. "The County can rezone property even **if** such action reduces the value of the property, AS LONG AS the result does not result in a "taking". The County is not required to rezone property for its most profitable use."

    b. Directors Comments:

        i. Reference Table A and Table B

10. Citizens Opposition Public Hearing July 16, 2018

PROPERTY MAINTENANCE CODEEnforcement | EN18-0275

Property Information

011-670-000-039-03	2190 PERCH LAKE DR S	Subdivision:	
	GAYLORD MI, 49735	Lot:	Block:

Name Information

Owner:	FIRST KOYLTON CO	Phone:	
Occupant:		Phone:	
Filer:		Phone:	

Enforcement Information

Date Filed:	08/23/2018	Date Closed:		Status:	

Complaint:

PROPERTY IN DISREPAIR

Last Action Date:		Last Inspection:	09/10/2018

Last Action:

PROPERTY MAINTENANCE CODE Inspection | JAMES MOUCH

Status:	Completed	Result:	No Violation
Scheduled:	08/24/2018	Completed:	09/10/2018

ORDINANCE FOR ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE ORDINANCE NO. 2011-7

An ordinance of Otsego County, Michigan adopting the International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in Otsego County, Michigan providing for the issuance of permits and collection of fees therefore.

The County Board of Commissioners of Otsego County, Michigan does ordain as follows:

Section 1. That a certain document, One (1) copy of which is on file in the office of the Otsego County Clerk of Otsego County, Michigan being marked and designated as the International Property Maintenance Code, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of Otsego County, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things aid conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Otsego County Clerk are hereby referred to, adopted, and made apart hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: Otsego County, Michigan

Section 103.5. Insert: As approved by the Otsego County Board of Commissioners, $35.00 application fee and $50.00 per inspection.

Section 112.4. Insert: $50.00 & $500.00 in accordance with the Otsego

County Civil infraction ordinance.

Section 302.4. Insert: Eight Inches

Section 304.14. Insert: May 1st to October 31st

Section 602.3. Insert: January 1st to December 31st

Section 602.4. Insert: January 1st to December 31st

Section 3. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Otsego County Board of Commissioners hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the Otsego County Clerk's office is hereby ordered and directed to cause this ordinance to be published.

Section 7. This ordinance duly adopted on 4/26/11 at a regular meeting of the OTSEGO COUNTY BOARD OF COMMISSIONERS and will become effective 6/14/11.

Signed:

BY: Paul Beachnau

Paul Beachnau, County Board Chairman

BY: Susan I. DeFeyter

Susan I. DeFeyter, County Clerk

101.1 Title. These regulations shall be known as the *International Property Maintenance Code* of [NAME OF JURISDICTION], hereinafter referred to as "this code."

SECTION 103
DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION

103.1 General. The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the *code official*.

103.2 Appointment. The *code official* shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the *code official* shall have the authority to appoint a deputy(s). Such employees shall have powers as delegated by the *code official*.

103.4 Liability. The *code official*, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The *code official* or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule. *[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]*

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

302.4Weeds. All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited.Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

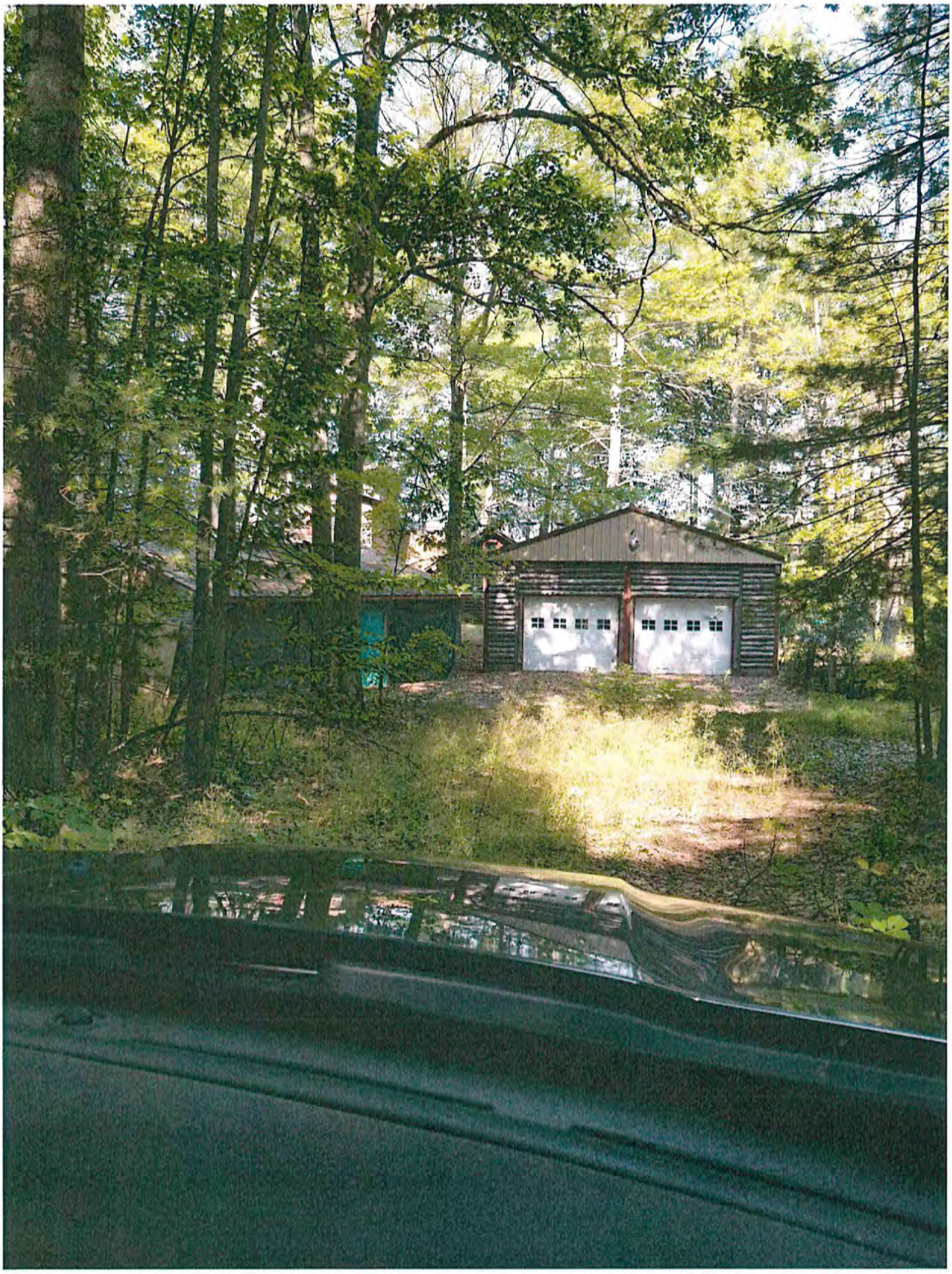
Exceptions:
1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained

602.4 Occupiable work spaces. Indoor occupiable work

spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.



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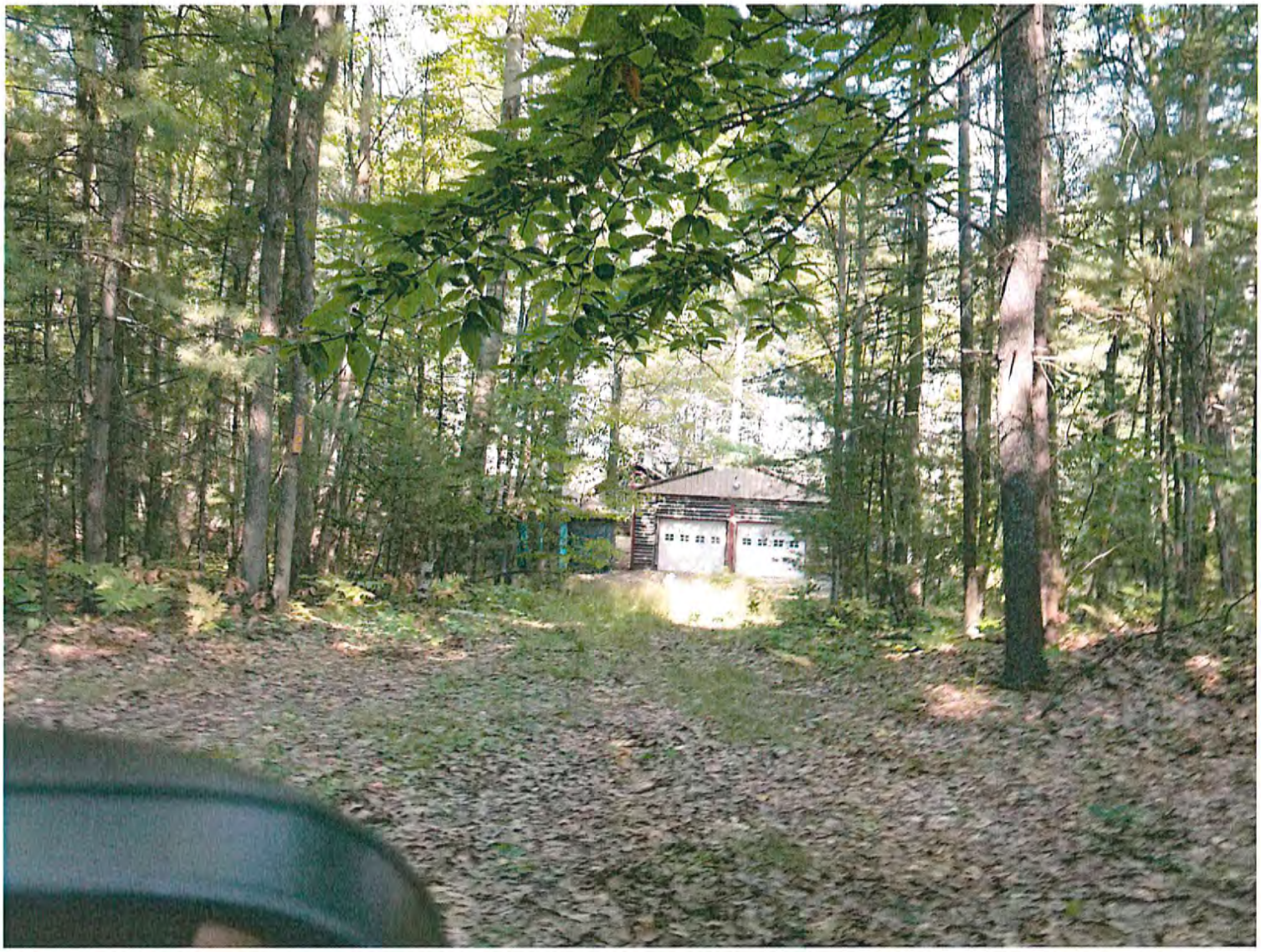

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ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

INTENT

The R3 Residential Estates District is established to provide for areas topographically and locationally well suited to meet an increasing market for ten (10) acre lots and larger, which can potentially be resubdivided into smaller lots. This district is to encourage the orderly transition of land to low density residential use.

SECTION 6.1 PRINCIPAL USES PERMITTED

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

6.1.1 All principal uses permitted in the R1 District [See Article 4.1]

6.1.2 Fraternal lodges

6.1.3 Wildlife, plant and habitat preservation areas

6.1.4 Group care facilities meeting applicable state licensing requirements

6.1.5 Retail specialty store as permitted in Article 5.1.4

6.1.6 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site, and that the parking requirements of Article 21.27 be observed

6.1.7 Temporary Recreation Housing/Travel trailers. Permit criteria include Article 21.33

6.1.8 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

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

SECTION 6.2 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 Site Plan Requirements.]

6.2.1 All principal uses permitted in the R2 District, and all permitted uses subject to special conditions in the R1 District [See Article 4.2] and R2 District [See Article 5.2]

6.2.2 Gasoline stations with store

6.2.3 Driving range

6.2.4 Campgrounds (Commercial or Non-commercial)

6.2.5 Manufactured Housing Parks

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 includes Article 21.46]

6.2.7 Unlisted property uses if authorized under Article 21.44

ARTICLE 22 GENERAL EXCEPTIONS FOR AREA, HEIGHT, AND USE

The regulations in this Ordinance shall be subject to the following interpretations and exceptions:

SECTION 22.1 ESSENTIAL SERVICES

Essential Services as defined in this Ordinance and as interpreted to be local scale services shall be permitted as authorized and regulated by law and other ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

SECTION 22.2 VOTING PLACES

This Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

SECTION 22.3 HEIGHT LIMIT

Height limitations shall not apply to farm silos, chimneys, church spires, flag poles, or public monuments; provided, however, that a height limit for any building or structure permitted as a conditional or special approval use may be set by the Planning Commission upon approval of a Site Plan.

22.3.1 This exemption shall not allow The Planning Commission and or Zoning Board of Appeals to allow a:

22.3.1.1 WTG height greater than allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS and/or Section 21.47 or

22.3.1.2 Wireless Telecommunication Towers and Facilities greater than the height allowed in the Zoning District PRINCIPAL USES PERMITTED or PERMITTED USES SUBJECT TO SPECIAL CONDITIONS.

22.3.2 This exemption shall not apply in those instances where the County Airport Zoning Ordinance governs height within airport hazard areas.

SECTION 22.4 PROJECTIONS INTO REQUIRED OPEN PLACES

22.4.1 Outside stairways, fire escapes, vestibules, balconies, and similar projections from the face of a building shall be considered part of the building and shall not extend into any required yard or open spaces.

22.4.2 Architectural features such as, but not limited to, window sills, cornices, eaves, and may extend or project into a required yard not more than four (4) inches for each one (1) foot of width of such side yard.

22.4.3 Unenclosed paved areas, such as driveways and sidewalks may occupy a required yard but shall not be nearer than two (2) feet from a paralleling lot line.

22.4.4 Accessory utility systems necessary to meet on site health standards may occupy a required yard.

SECTION 21.46 WIRELESS COMMUNICATIONS

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

(1) Protect residential zoning districts from potential adverse impacts of towers and antennas;

(2) Encourage the location of towers in non-residential areas;

(3) Minimize the total number of towers throughout the county;

(4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on aesthetics in this tourism based county is minimal;

(6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, sighting, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of providers of telecommunication services to provide such services to the county quickly, effectively, and efficiently;

(8) Consider the public health and safety of communication towers; and

(9) Avoid potential damage to adjacent properties from tower failure through engineering and careful sighting of tower structures. In furtherance of these goals, due consideration shall be given to the Otsego County master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

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

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

SECTION 21.46.1 DEFINITIONS:

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

1. Antenna means any exterior transmitting or receiving device mounted on a tower, building structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

2. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

3. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self supporting (lattice)
towers, guyed towers, or monopole towers (including telephone poles). The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular

telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

4. Co-location shall mean the location by two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the County.

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

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

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

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

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

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

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

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

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

21.46.2.6 The tower itself must be of monopole design. 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 and self-supporting 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.

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

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

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

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

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

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

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

21.46.2.8 Lighting shall be designed in accordance with Section 21.19 in addition to the following:

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

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

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6') safety fence with a locked gate. For towers with guy wires, anchor points must have individual six foot (6') fencing or yellow guy protection "sleeves" for high visibility. The 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 attorneys' 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 Soil samples and water flow analysis will not be required for projects involving less than twenty (20) square feet of soil disruption.

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

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

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

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

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

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

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

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

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

SECTION 21.46.4 REMOVAL OF WIRELESS COMMUNICATION TOWERS:

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

21.46.4.2 At such time that removal is required, the property owner or persons who had used the facility shall immediately apply or secure the application that require demolition or removal and immediately proceed with and complete the demolition/removal, restoring

the premises to an acceptable condition as reasonably determined by the Zoning Administrator.

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

SECTION 21.46.5

All towers in Section 21.46 must comply with FCC and FAA regulations

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-006
Special Use Permit/Site Plan Review
011-225-000-009-00

Exhibit List

Exhibit #1:	Applications for case PZSU18-006 submitted by Applicant
Exhibit #2:	Otsego County Zoning Map Effective Date March 20, 2010/Amended January 24, 2017
Exhibit #3:	Otsego County Zoning Ordinance Effective March 20, 2010/Amended June 12, 2018
Exhibit #4:	Copy of Otsego County Equalization Department record card/WD-763/584
Exhibit #5:	Site Plan/PZSU18-006 submitted by Applicant - Representative
Exhibit #6:	Narrative submitted by Applicant
Exhibit #7:	Letter of representation dated June 25, 2018
Exhibit #8:	Public Hearing Notice
Exhibit #9:	Letter to Bagley Township Planning Commission dated July 3, 2018
Exhibit #10:	Response from Bagley Township Planning Commission dated..., 2018
Exhibit #11:	Map and list of parties notified
Exhibit #12:	Receipt #01314405
Exhibit #13:	General Finding of Fact/PZSU18-006
Exhibit #14:	Specific Finding of Fact/PZSU18-006
Exhibit #15:	Driveway Permit Letter to the Otsego County Road Commission *(application pending)*
Exhibit #16:	Street Address *(application pending)*

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SPECIAL USE PERMIT

Date: 6/25/2018	Parcel Number: 011 - 225 - 000 - 008 - 00

PROPERTY LOCATION: *(REQUIRED)*

Address: West Otsego Lake Dr.		City:	Zip Code:
Township: Bagley	Zoning District: B-2	Section: 16	T30 N/R 3 W

APPLICANT:

Name: Dave Drews, Northern Michigan Eng. Inc.		Owner/Agent/Other Interest *(circle one)*	
Address: 114 N. Court Suite 203	City: Gaylord	State: MI	Zip Code: 49735
Phone: ( ) -	Fax: ( ) -		

PROPERTY OWNER: *(If different from Applicant)*

Name: Dale Smith Dan Fults Jule Fults		Phone: (989) 858-1292	
Address: 2196 Ramona Trail	City: Gaylord	State: MI	Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:
Develop a storage facility consisting of (5) buildings containing 133 units ±

SIGNATURE OF APPLICANT:	**DATE:** 6/25/18

***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******

Date Application Received: 6.29.18	Permit Number: PZSU18-006	
Date Application Complete:	Fee: $700	Receipt Number: 01315470

Exhibit 1

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: David Drews, Northern Michigan Eng.	Owner/Agent/Other Interest *(circle one)*
Address: 114 N. Court Suite 203 Gaylord MI 49735	
Phone: (989) 217-3177	Fax: (989) 893-9761

PROPERTY OWNER: *(If different from Applicant)*

Name: Dale Smith / Dan & Julie Fuhs	
Address: 2196 Ramona Trail Gaylord MI 49735	
Phone: (989) 858-1292	Fax: ( ) -

PROPERTY LOCATION:

Township: Bagley	Section: 16	T 30 N/R 3 W	Zoning District: B-2
Site Address: T. B. D.			
Parcel Number: 225-000-008-00			
Description of Project and Proposed Use: Develop a storage facility consisting of (5) buildings containing 133 units ±			

Signature of Applicant:	**Date:** 6/25/18

***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 copyrighted drawings and blueprints

Exhibit 1

Attention

*These items **must** be submitted in conjunction with this application.

- ✓ Proof of property ownership and whether there are any options on the property or any liens against it.
- ✓ A signed statement that the applicant is officially acting on the owner's behalf.
- ✓ Appropriate fees paid to Otsego County.

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

This checklist and 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 X No____ if "No" explain:_____

2. 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 X No____ if "No" explain:_____

3. The address and or parcel number of the property.
   Yes X No____ "No" explain:_____

4. Name and address of the developer (if different from the applicant).
   Yes X No____ if "No" explain:_____

5. Name and address of the engineer, architect and/or land surveyor.
   Yes X No____ if "No" explain:_____

6. Project title.
   Yes____ No____ if "No" explain: Not yet named - Storage Facility

7. 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____ if "No" explain:_____

8. A vicinity map drawn to scale with North point indicated.
   Yes X No____ if "No" explain:_____

9. The gross and net acreage of all parcels in the project.
   Yes X No____ if "No" explain:_____

10. Land uses, zoning classification(s) and existing structures on the subject parcel and within ten feet (10') of property lines of adjoining parcels.
    Yes X No____ if "No" explain:_____

11. Project completion schedule/development phases. (refer to Section 23.9)

Yes___ No X if "No" explain: T.B.D. – Possible Start July 2018

12. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less or 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.

Yes X No___ if "No" explain:

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. Each site plan shall depict the following:

13. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes X No ___ if "No" explain:

14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes X No ___ if "No" explain:

15. 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 X if "No" explain: No borings – sandy soils

16. Location and type of significant existing vegetation.

Yes X No ___ if "No" explain:

17. 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 X if "No" explain: None

18. 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 X if "No" explain: None

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

Yes ___ No X if "No" explain: None

20. 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 X No ___ if "No" explain:

21. 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 X if "No" explain: None

22. 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 X No ___ if "No" explain: Entrance paved only

23. Location, size, and characteristics of all loading and unloading areas.

Yes ____ No X if "No" explain: None

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

Yes ____ No X if "No" explain: N.A.

25. 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 X if "No" explain: N.A.

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

Yes X No ____ if "No" explain: ____

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

Yes ____ No X if "No" explain: N.A.

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

Yes ____ No X if "No" explain: Signage T.B.D.

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

Yes X No ____ if "No" explain: Note on Site Plan

30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes X No ____ if "No" explain: Fence type/height T.B.D.

31. 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 X if "No" explain: None

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

Yes ____ No X if "No" explain: None

33. 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 X if "No" explain: N.A.

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

Yes X No ____ if "No" explain: ____

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

Yes ____ No X if "No" explain: Engineer to sign 6/26/18

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: 6/25/18

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)

******OFFICE USE ONLY******

Date Application Received:	Fee:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

LAND USE SERVICES
1322 Hayes Rd
Gaylord, MI 49735
989.731.7400

OTSEGO COUNTY LAND USE SERVICES
AGENCY REVIEW FORM

DATE:	
APPLICANT:	
SITE ADDRESS:	

After review, please state your approval or address any issues/concerns relating to the site plan submitted by the applicant for review by the Otsego County Planning Commission and/or Zoning Administrator per Article 23 Site Plan Review Section 23.4 Agency Review of the Otsego County Zoning Ordinance. A letter or email of approval is also acceptable for your convenience.

SIGNATURE/TITLE:
AGENCY:

PZSU18-006 **NORTH OTSEGO LAKE DR**
011-225-000-009-00 **SMITH**

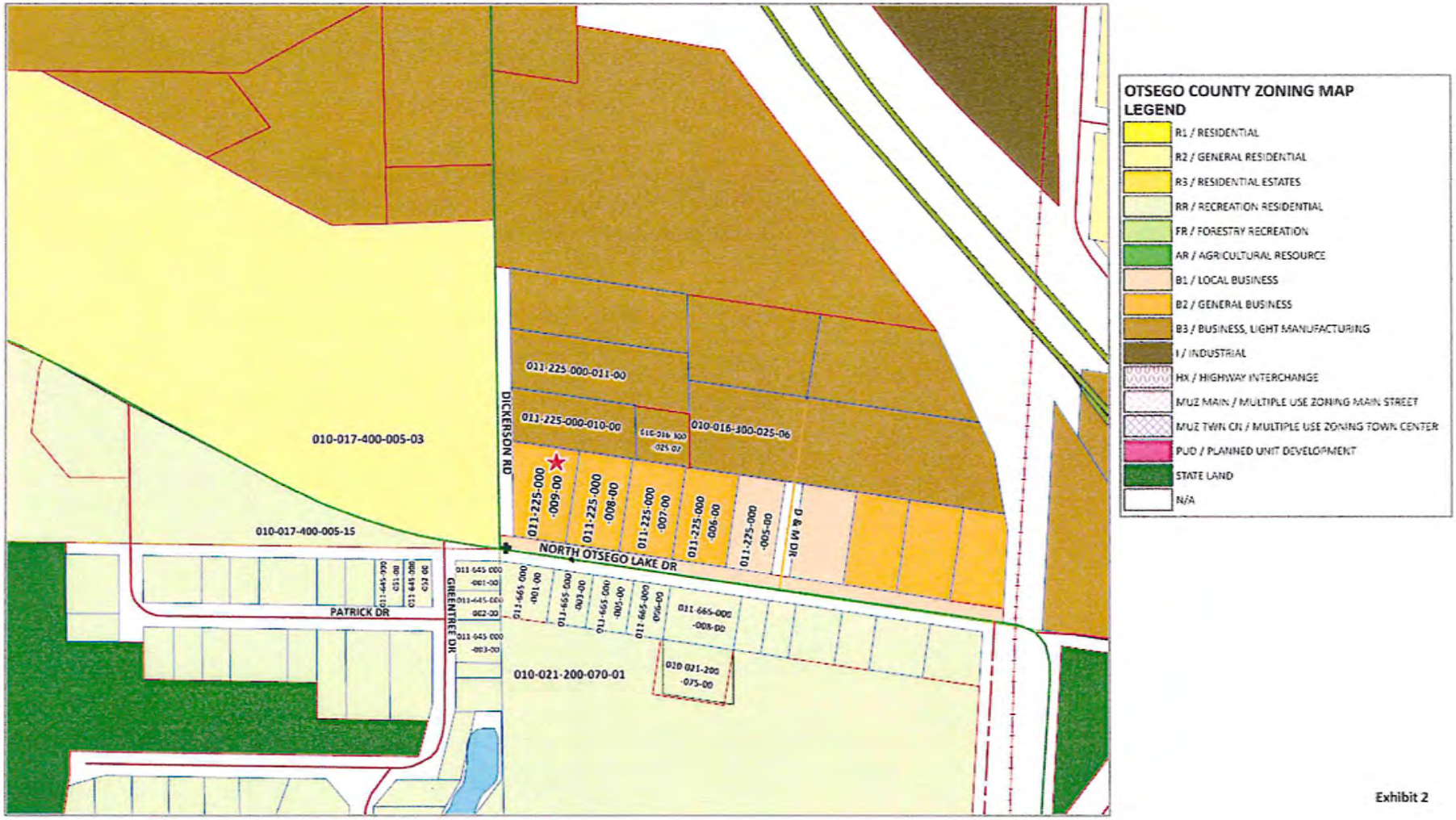


Exhibit 2

NME ENGINEERING

Date 8/21/2018

Land Use Services
1322 Hayes Road
Gaylord, MI 49735

Attention: Jim Mouch, Director

Re: Proposed Storage Facility (Smith & Fults)
West Otsego Lake Drive & Dickerson Road

Dear Jim:

Northern Michigan Engineering has been retained by the landowners of the subject property as shown on the Preliminary Site Plan for the proposed commercial storage facility.

Daniel A. and Julie L. Fults (husband and wife) are owners of Lot 8 of Commerce Park, PID #011-225-000-008-00.

Dale Smith (Dale J. Smith Broker Inc., PO Box 309, Gaylord, MI 49734) is the owner of Lot 9 of Commerce Park, PID #011-225-000-009-00

Dale J. Smith Broker Inc. has agreed to sell Lot 9 to the Daniel & Julie Fults upon Planning Commission approval of the Preliminary Site Plan.

Both parties are agreeable to Conditional Approval of the Preliminary Site Plan, subject to the conveyance of Lot 9 to the Fults and submittal of a copy of the recorded deed to Land Use Services.

Please call me if you have any questions or need additional documentation.

David C. Drews, President

114 N. Court, Suite 203
Gaylord, MI 49735

534 E. Eight St.
Traverse City, MI 49686

NME.land 989.217.3177

Parcel Number: 69-011-225-000-009-00 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 06/29/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.

Property Address

Class: 202 COM VACANT Zoning: B-2

School: Gaylord Community

P.R.E. 0%

: 0.00

2019 Est TCV 20,200(Value Overridden)

Building Permit(s)	Date	Number	Status

Owner's Name/Address

DALE J SMITH BROKER INC
PO BOX 309
GAYLORD MI 49734-0309

Taxpayer's Name/Address

Tax Description

LOT 9. COMMERCE PARK. SEC 16 T30N R3W

Comments/Influences

Improved | X | Vacant

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

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			1.030 Acres		0	100		0
			1.03 Total Acres		Total Est. Land Value =			0

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	10,100	0	10,100			6,181C
2018	10,100	0	10,100			6,181C
2017	9,500	0	9,500			6,054C
2016	6,000	0	6,000			6,000S

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

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

Exhibit 4

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich.,
5-25-00
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.
June VanDenBerg COUNTY TREASURER

LIBER 0763 PAGE 548

OTSEGO COUNTY
MICHIGAN
RECEIVED FOR RECORD
00 MAY 25 AM 11:06
EVELYN M. PRATT
CLERK / REGISTER OF DEEDS

STATE OF MICHIGAN
Dept of Taxation
County of Otsego
0070565 25 May 2000
REAL ESTATE TRANSFER TAX
$27.50-C
$187.50-S
#0008296

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Betty S. Holmes Trust, Dated July 22, 1974, whose address is: P.O. Box 621, Gaylord, MI 49734**P.O. Box 956 , Petoskey, MI 49770**

Warrants and Conveys to Dale J. Smith Broker Inc. a Michigan Corporation, whose address is: P.O. Box 309, Gaylord, MI 49734 **5203 S. Division Ave , Grand Rapids, MI 49548**

See Exhibit A attached hereto and made a part hereof.

Subject to easements, reservations and restrictions of record, And further subject to any liens or encumbrances due to acts or neglects of the Grantee since October 19th, 1995, that being the date of a certain Memorandum of Land Contract recorded October 30th, 1995 in Liber 598, Page 9, Otsego County Records, in fulfillment of which this deed is delivered and accepted.

OIL, GAS AND MINERAL RIGHTS: Seller and Purchaser understand and agree that the sale of this property does not include any oil, gas and mineral rights.
for consideration of Twenty Four Thousand Eight Hundred Fifty Five Dollars and 46/100's (24,855.46)

THIS CONVEYANCE INCLUDES ZERO DIVISION(S) UNDER SECTION 108 OF THE LAND DIVISION ACT, ACT NO. 288 OF THE PUBLIC ACTS OF 1967.
This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

Dated: May 24th, 2000

Witnesses:

Elizabeth M Burzynski
ELIZABETH M. BURZYNSKI

Rita L Johnson
RITA L. JOHNSON

Betty S. Holmes Trust, Dated July 22, 1974
Betty S. Holmes/Tr
By: Betty S. Holmes
Its: Trustee

STATE OF MICHIGAN
COUNTY OF OTSEGO
ss.

This foregoing instrument was acknowledged before me this 24 day of May , 2000 by Betty S. Holmes, Trustee of the Betty Holmes Trust, dated July 22, 1974, on behalf of said trust.

Rita L Johnson
Notary Public Otsego County, Michigan

My commission expires

Rita L. Johnson, Notary Public
Otsego County, State of Michigan
My Commission Expires 3-13-2002

Instrument Drafted by: Richard G. Bensinger, Attorney For Alpine Title Company
Business Address: 114 E. Main St., Gaylord, MI 49735(02014853/rj) Drafted without opinion as to Land Division Rights

Recording Fee **$12.00** : When recorded return to: GRANTEE
County Transfer Tax **$27.50** : Send subsequent tax bill to GRANTEE
State Transfer Tax: **$187.50**
Tax ID: # 010-016-300-025-05 + other

70565 27.50 187.50 1/2

Exhibit 4

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

Lots 6, 7, 8, 9, Commerce Park according to the recorded plat thereof as recorded in Liber 5 of Plats, Pages 10 and 11, Otsego County Records.

PARCEL A: Part of the Southwest 1/4 of Section 16, T30N, R3W, Bagley Township, Otsego County, Michigan described as commencing at the Southwest corner of said section; thence South 81 degrees 33'00" East, 1,412.00 feet along the South line of said section; thence North 03 degrees 20'00" East 257.99 feet, thence North 10 degrees 27'00" West, 45.50 feet to the Point of Beginning; thence North 81 degrees 33'00" West, 590.71 feet; thence North 08 degrees 27'00" East, 237.30 feet; thence South 81 degrees 33'00" East, 483.51 feet; thence South 25 degrees 04'58" East 97.19 feet; thence South 10 degrees 27'00" East, 165.20 feet to the Point of Beginning; AND

PARCEL D: Part of the Southwest 1/4 of Section 16, T30N, R3W, Bagley Township, Otsego County, Michigan described as commencing at the Southwest corner of said section; thence South 81 degrees 33'00" East, 1,412.00 feet along the South line of said Section; thence North 03 degrees 20'00" East, 257.99 feet; thence North 10 degrees 27'00" West, 45.50 feet; thence North 81 degrees 33'00" West, 590.71 feet; thence North 08 degrees 27'00" East, 237.30 feet to the Point of Beginning; thence North 08 degrees 27'00" East, 237.30 feet; thence South 81 degrees 33'00" East, 326.25 feet; thence South 25 degrees 04'58" East, 284.68 feet; thence North 81 degrees 33'00" West, 483.51 feet to the Point of Beginning.

TOGETHER WITH AND SUBJECT TO a perpetual non-exclusive easement for ingress/egress and the installation and maintenance of public and private utilities over, under and across a parcel of land, said easement for the benefit of Lots 4 and 5 of the plat of "Commerce Park", and parcels A, B, C and D described in that certain Certificate of Survey Job NO. GSP 4295-01G (AG 6327), said easement being described as: Part of the Southwest 1/4 of Section 16, T30N, R3W, Bagley Township, Otsego County, Michigan described as Commencing at the Southwest corner of said section; thence North 01 degrees 11'50" West 40.57 feet along the West line of said section; thence South 81 degrees 33'00" East, 40.57 feet; thence North 01 degrees 11'50" West, 263.73 feet; thence South 81 degrees 33'00" East, 94.33 feet to the Point of Beginning; thence South 81 degrees 33'00" East 1214.48 feet; thence North 10 degrees 27'00" West 21.14 feet; thence North 81 degrees 33'00" West 483.15 feet; thence North 08 degrees 27'00" East 167.30 feet; thence South 81 degrees 33'00" East, 44.99 feet; thence North 08 degrees 27'00" East 50.00 feet; thence North 81 degrees 33'00" West 140.00 feet; thence South 08 degrees 27'00" West 50.00 feet; thence South 81 degrees 33'00" East 45.01 feet; thence South 08 degrees 27'00" West 167.30 feet; thence North 81 degrees 33'00" West, 272.14 feet; thence North 01 degrees 11'50" West, 131.86 feet; thence North 81 degrees 33'00" West 131.67 feet; thence North 01 degrees 11'50" West 165.00 feet; thence North 81 degrees 33'00" West 20.29 feet; thence South 01 degrees 11'50" East 295.69 feet; thence North 81 degrees 33'00" West, 253.59 feet; thence South 01 degrees 11'50" East, 20.29 feet to the Point of Beginning.

ALSO TOGETHER WITH AND SUBJECT TO a perpetual easement and right to erect, install and maintain a water well, well house, water distribution lines and other fixtures and appurtenances for the purpose of pumping and distributing water on, over, under and across a parcel of land, said easement being for the benefit and enjoyment of the owners of Lots 1 thru 12 inclusive of the plat of "Commerce Park", and parcels A, B, C and D lying directly North and West of said plat, said easement being recorded in Liber 644, Pages 475-480, Otsego County Records.

Application for Special Use Permit

Proposed Storage Facility

Article 19 Submittal Requirements, Summary and Narrative

- 19.2 – Application and fee
  Submitted

- 19.3.1 - Applicant
  Northern Michigan Engineering Inc. (David Drews, President)
  114 N. Court St., Suite 203
  Gaylord, MI 49735
  (989) 217-3177

- 19.3.2 – Property Description
  PID#225-000-008-00 & -009-00 and -009-00
  West Otsego Lake Drive, Gaylord
  Legal description – Lots 8 and 9 of "Commerce Park", Section 16, T30N-R3W, Bagley Township

- 19.3.3 – Applicant Statement
  I, David C. Drews, President of Northern Michigan Engineering Inc.(NME), hereby certify that the property owners, Dale J. Smith and Julie & Dan Fults, have authorized NME to act as their representative for purposes of applying for a Special Use Permit and Site Plan submittal for the proposed storage facility on West Otsego Lake Drive, Gaylord.

  _____ Date

- 19.3.4 – Site Plan
  See attached

- 19.3.5 – Detail Description – Proposed Land Use
  The proposed storage facility is a commercial rental facility consisting of (5) buildings. Storage units of various sizes (10x10', 10"x20' and 10'x30') will be offered for rent to the public. As currently configured, there are 133 units, but interior building are flexible as to interior wall location/configuration and will be adjusted as market demand dictates. There will be no outside storage.

- 19.3.6 – Compliance with Section 19.8
  The proposed storage facility in an existing commercial district. There are no wetlands or significant natural resources on the vacant site. The storage facility is designed to protect the health and safety of those renting storage units and the general public in the vicinity of the facility. The facility will provide for the local need for additional storage facilities in a growing community and promote the economic development of the community.

  The proposed facility is compatible with other existing and future uses in a business district.

  The site has been designed in accordance with standards applicable for this type of facility and applicable regulations/requirements for storm water management and site access.

  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.

  The proposed storage facility will be designed, constructed, operated and maintained so as not to have any impact or diminish the opportunity for the surrounding properties to be used and developed as zoned.

  The proposed storage facility will not place demands on fire, police or other public resources in excess of current capacity.

  The proposed special land use will be adequately served by the public road, West Otsego Lake Drive.

  The facility will be fenced around the perimeter and have a single gated entrance.

NME ENGINEERING

Date 6/25/2018

Dale J. Smith
Smith Realty Group
1349 S. Otsego Ave.
Gaylord, MI 49735

Julie Fults
2196 Ramona Tr.
Gaylord, MI 49735

Re: Land Development Planning & Surveying: Parcel 225-000-008-00 & -009-00
Section 16, T30N-R3W

To whom it may concern,
We are writing to advise you that we have been retained by Dale Smith and Julie and Dan Fults as their agent with regard to the application for special use permit and site plan review services for the proposed storage facility on West Otsego Lake Drive. Please use this "Letter of Representation" as needed for any further matters.

Please call or e-mail me if you have any questions regarding our services or for any additional services that may be required.

Sincerely,

David C. Drews. Project Manager 6/24/2018

X

Dale J. Smith 6/25/2018

X Dale J. Smith

Julie Fults 6/25/2018

X_____

111. W. Mitchell St., Suite B Gaylord, MI 49735

NME.land 989.217.3177

Exhibit 7

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
September 17, 2018

The Otsego County Planning Commission will hold public hearings on Monday, September 17, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1. Dale J Smith Broker Inc, owner, represented by Northern Michigan Engineering Inc, applicant, request a Special Use Permit/Site Plan Review for property located in Bagley Township on N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-009-00**
   N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 9 COMMERCE PARK. SEC 16 T30N R3W

2. Daniel A & Julie L Fults, owners, represented by Northern Michigan Engineering Inc, applicant, request a Special Use Permit/Site Plan Review for property located in Bagley Township at N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-008-00**
   N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 8 COMMERCE PARK. SEC 16 T30N R3W

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

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at 989.731.7400.

Exhibit 8

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Department of Land Use Services
1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

July 3, 2018

Bagley Township
PO Box 52
Gaylord, MI 49734

RE: Special Use Permit / 011-225-000-009-00

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, Dave Drews be present at your meeting, he can be notified at the following:

Northern Michigan Engineering Inc
c/o Dave Drews
111 W Mitchell St Ste B
Gaylord, MI 49735
989.217.3177

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

Sincerely,

James Mouch
Otsego County Land Use Director

cbw

encl

Exhibit 9

Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

July 30, 2018

Subject: Meeting Minutes and record of decisions for Scheduled Meeting on the above date.

Items Heard: Special use permits for parcels 011-225-0000-009-00 PZSU18-006 and
011-225-000-008-00, PZSU18-007

Members Present:

Ken Arndt
Brian Goebel
Wally Loney
Celeste Szymanski
Larry Beckett

Other Attendees:
Michelle Noirot, Supervisor
Celeste Szymanski, Voting Trustee, Planning Commission

Citizens Attending: None

Meeting Opened at 7:00PM by Arndt

Item 1. Rehearing of the two cases above previously heard and not approved.

Both cases involve parcels of land to be developed into incubated mini self-storage and other adjustable storage units at the corner of Dickerson Road and North Otsego Lake Drive. The project was designed by David Drews who appeared on behalf of the project and explained the original mix up. No citizens were present with comments on the project. The meeting was closed to public comment at 7:15PM.

Originally the commissioners did not object to the project itself but were not clear who owned the project to be developed since the names of the owners and lots were not clearly discernable.

Commissioners understood that, at construction commencement, there would be two owners and at completion, one owner would own the entire project. That cleared up the issues originally that caused the rejection.

Exhibit 10

Commissioners discussed the cases for a brief time and arrived at approval consensus as long as one owner only was in place at completion.

There being no further discussion, Loney offered a motion to: accept the project as presented, with the single condition that, at completion, there would only be one owner.

Larry Burkett seconded.

Chairman records a vote of all in favor. Project is accepted and recommended to the board as approved.

Discussion ended at 7:45 Meeting closed by the chair at 7:55 PM.

Respectfully Submitted,

Kenneth Arndt, Chairman

Item 1. Approved as Recommended Approved with Edits Not Approved

Item 2. Comments

For Bagley Township

Michelle Noirot
Supervisor

==========

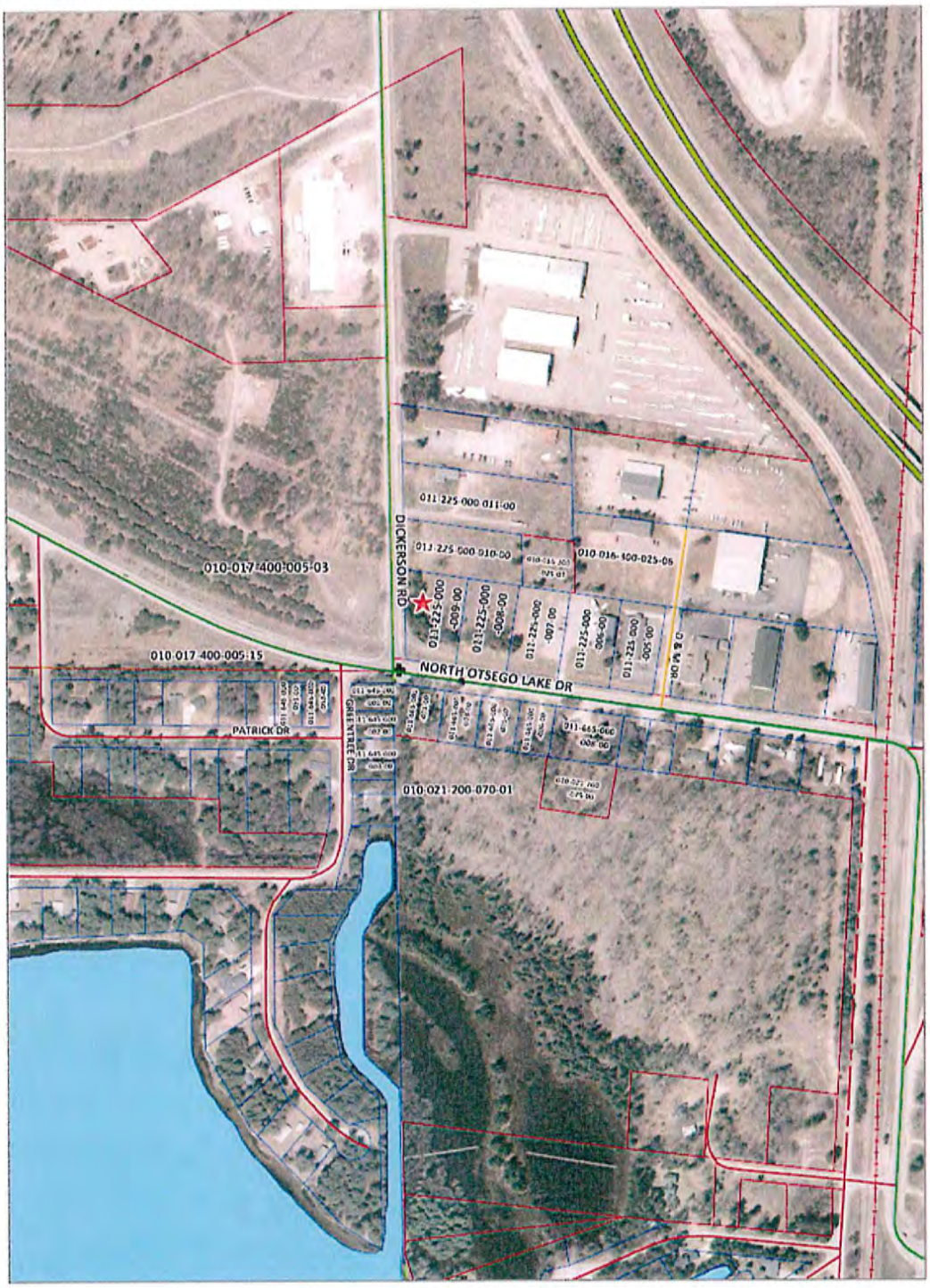
Narrative supported by meeting recording

PZSU18-006 011-225-000-009-00 N OTSEGO LAKE DR

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code	Class
010-016-300-025-06	2852 D&M DR	KRAFT POWER CORPORATION	199 WILDWOOD AVE	WOBURN	MA	1801	1.71	B-3	201
010-016-300-025-07		DALE J SMITH BROKER INC	PO BOX 309	GAYLORD	MI	49734-0309	0.52	B-3	705
010-021-200-070-01		ALFONSO, SILVIE L & MARGARET	7724 S 82ND EAST AVE	TULSA	OK	74133	29.98	RR	402
010-021-200-075-00		FERGUSON, GERWISA I	883 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735-7414	0.71	RR	402
011-225-000-005-00	2922 D&M DR SUITE 1	THE SWEDISH KITCHEN LLC	8872 PROFESSIONAL DR STE C	CADILLAC	MI	49601	0.77	B-1	201
011-225-000-006-00	936 NORTH OTSEGO LAKE DR	SANOM, PATRICK S & DIANA	PO BOX 1614	GAYLORD	MI	49734-1614	0.90	B-2	201
011-225-000-007-00		SANOM, PATRICK S & DIANA	PO BOX 1614	GAYLORD	MI	49734	0.89	B-2	202
011-225-000-008-00		FULTS, DANIEL A & JULIE L	2196 RAMONA TRL	GAYLORD	MI	49735-9015	0.89	B-2	202
011-225-000-009-00		DALE J SMITH BROKER INC	PO BOX 309	GAYLORD	MI	49734-0309	1.00	B-2	202
011-225-000-010-00		SNOWRIDGE ENTERPRISES LLC	2017 DICKERSON RD	GAYLORD	MI	49735-7452	1.18	B-3	202
011-225-000-011-00	2835 DICKERSON RD	SNOWRIDGE ENTERPRISES LLC	2017 DICKERSON RD	GAYLORD	MI	49735-7452	1.87	B-3	201
011-645-000-001-00		RUTTKAMP, JAMES M & MELISSA N	6600 BECKETT RD	GAYLORD	MI	49735	0.23	RR	402
011-645-000-002-00		RUTTKAMP, JAMES M & MELISSA N	6600 BECKETT RD	GAYLORD	MI	49735	0.23	RR	402
011-645-000-003-00	3043 GREENTREE DR	BLAKE - BLAKE	3043 GREENTREE DR	GAYLORD	MI	49735-8011	0.34	RR	401
011-645-000-051-00	1050 PATRICK DR	KEEFE, JOHN T & DEBORAH M	1050 PATRICK DR	GAYLORD	MI	49735	0.24	RR	401
011-645-000-052-00		HOLMES, RICHARD W II & NANCY	8207 TERRA GRANDE AVE	SPRINGFIELD	VA	22153-3537	0.24	RR	402
011-665-000-001-00	975 NORTH OTSEGO LAKE DR	RUTTKAMP, JAMES M & MELISSA N	6600 BECKETT RD	GAYLORD	MI	49735	0.48	RR	401
011-665-000-003-00	967 NORTH OTSEGO LAKE DR	OWENS, GERALD L & GRETCHEN	967 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735	0.38	RR	401
011-665-000-005-00	945 NORTH OTSEGO LAKE DR	DEAN, BERNARD A. & LOIS I.	945 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735	0.39	RR	401
011-665-000-006-00	925 NORTH OTSEGO LAKE DR	MOORE, W E III	2555 ALLIS RD	GAYLORD	MI	49735	0.36	RR	401
011-665-000-008-00	883 NORTH OTSEGO LAKE DR	FERGUSON, GERWISA I	883 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735-7414	0.68	RR	401
010-017-400-005-03		GEORGIA-PACIFIC CORPORATION	PO BOX 105681	ATLANTA	GA	30348-5681	50.72	R-2	302
010-017-400-005-15		RAYMOND, WILLIAM J	4572 PINEHURST AVE	GAYLORD	MI	49735-9469	3.63	RR	402

Exhibit 11

PZSU18-006 **NORTH OTSEGO LAKE DR**
011-225-000-009-00 **SMITH**



010-016-300-025-06	011-645-000-002-00
010-016-300-025-07	011-645-000-003-00
010-021-200-070-01	011-645-000-051-00
010-021-200-075-00	011-645-000-052-00
011-225-000-005-00	011-665-000-001-00
011-225-000-006-00	011-665-000-003-00
011-225-000-007-00	011-665-000-005-00
011-225-000-008-00	011-665-000-006-00
011-225-000-009-00	011-665-000-008-00
011-225-000-010-00	010-017-400-005-03
011-225-000-011-00	010-017-400-005-15
011-645-000-001-00	

Exhibit 11

OTSEGO COUNTY LAND USE SERVICE
1322 HAYES RD
GAYLORD, MI 49735
PH: 989-731-7400
FAX: 989-731-7419
INSPECTION LINE: 989-731-7401

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Paid By:

SMITH, DALE J BROKER / DREWS, DAVE

RECEIPT NUMBER

01315472

07/02/2018

Type	Record	Category	Description	Amount
Permit	PZSU18-006	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

Total	**$ 700.00**
Cash	
Check	$ 700.00
Credit	
Transferred	
Tendered	**$ 700.00**
Change	**$ 0.00**
To Overpayment	**$ 0.00**

Expiration of permit:

A permit will remain valid as long as work is progressing and inspections are requested and conducted. A permit will become invalid if the authorized work has not commenced within 6 months of issuance or if the authorized work is suspended or abandoned for a period of 6 months.

OTSEGO COUNTY
PLANNING COMMISSION
PZSU18-006
Special Use Permit/Site Plan Review
011-225-000-009-00

GENERAL FINDING OF FACT

1. This is a proposal to construct storage 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 proposed property is .94 acres. *Exhibit #4*
5. The property is currently under the ownership of Dale J Smith Broker Inc. *Exhibit #4*
6. The owners are being represented by Northern Michigan Engineering Inc dated June 25, 2018. *Exhibit #7*
7. An address will be obtained for the proposed site. *Exhibit #6*
8. The Public Hearing Notice was published in the Herald Times on August 31, 2018. *Exhibit #8*
9. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
10. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
11. 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*
12. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*
13. A Driveway Permit Application from the Otsego County Road Commission will be submitted. *Exhibit #15*
14. The application deemed complete by Land Use Services. *Exhibit #1*
15. 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/Representative. *Exhibit #4, Exhibit #5, Exhibit 8, Exhibit #11, Exhibit #13, Exhibit #14...*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-006
Special Use Permit/Site Plan Review
011-225-000-009-00

SPECIFIC FINDING 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

11.2.11 Wireless Telecommunication Towers and Facilities one hundred ninety (190) feet or more in height [Permit criteria includes Article 21.46]

11.2.12 Solid Waste Hauler

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

11.2.14 Unlisted property uses if authorized under Article 21.44.

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 includes Article 21.46]

***Permitted Use Subject to Special Conditions in B2 Zoning District**

Exhibit 14

ARTICLE 20 ACCESS MANAGEMENT REQUIREMENTS

SECTION 20.1 PURPOSE

The purpose of this section is to provide reasonable access to the property owner to all roads within Otsego County while protecting the public health, welfare, safety and aesthetics of the County. All Land in a parcel having a single tax code number or contiguous parcels owned by a person as of the effective date of this Ordinance shall meet the requirements of this Ordinance. The intent of this ordinance is to provide standards, which will preserve the traffic capacity and enhance the safety of the highway by regulating safe and reasonable access, though not always direct access, between public roadways and adjacent land. Access controls provide for orderly growth and development. This in turn will protect the long term viability of existing and new businesses in addition to protecting property values of commercial and residential development along the corridor. It is recognized that existing development may not be able to meet all of the standards contained in this ordinance; Upon expansion or redevelopment, the standards' contained herein shall be applied to the maximum extent possible in conformance with the Otsego County Access Management Map.

The standards of this section are further intended to:

- Minimize traffic conflicts, in order to reduce the frequency of fatal injury and property damage crashes;
- Separate traffic conflict areas by reducing the number of direct access points;
- Provide efficient spacing and size standards between access points and between access points and intersections;
- Establish uniform access standards to ensure fair and equal application;
- Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
- Require coordinated access among several landowners;
- Ensure reasonable access to properties, though the access may not always be direct access;
- Coordinate local management decisions on development proposals with access permit decisions by the Michigan Department of Transportation (MDOT) and the Otsego County Road Commission, (OCRC).

SECTION 20.2 DEFINITIONS

Road ways are defined according to the following categories:

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

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

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

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

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

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

SECTION 20.3 LOCATION AND SPACING

20.3.1 All State and County public roads shall be subject to and regulated by the standards of this ordinance.

20.3.2 In order to minimize left turn conflicts, new access points shall be aligned with those across the roadway where possible. If alignment is not possible, access points shall be offset a minimum of two hundred fifty-five (255) feet from those on the opposite side of the roadway, measured centerline of access point to centerline of access point. Longer offsets may be required by the Michigan Department of Transportation (MDOT) in accordance with the MDOT Access Management Guidebook.

20.3.3 Where spacing requirements cannot be met for parcels, lots, or building sites having frontage or access on more than one roadway, access shall be provided from the lesser traveled roadway.

20.3.4 In the case of expansion, alteration, change of use or redesign of an existing development where existing access points do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the access point may he required.

20.3.5 Driveway profile shall be designed and constructed according to Michigan Department of Transportation (MDOT) and Otsego County Road Commission (OCRC) standards.

20.3.6 Land access is permitted based on driveway spacing, stopping distance, and land use type.

Driveway Spacing and corner clearance requirements shall be PER MDOT MANUAL

SECTION 20.4 SIGHT DISTANCE

Minimum intersection sight distance shall be ten (10) times the vehicular speed of the road PERMDOT MANUAL

SECTION 20.5 ACCESS

All developments shall have reasonable access to a county or public roadway. Access onto any roadway shall be permitted only upon issuance of an access permit by the MDOT or OCRC in compliance with the site review planning process.

20.5.1 Interconnections of Parking Areas

20.5.1.1 Parking areas shall be designed to facilitate interconnection of parking lots

20.5.1.2 Shared parking is encouraged. Shared parking shall he permitted a reduction in required parking spaces if peak parking demand periods at interconnected developments do not occur at the same time.

20.5.1.3 Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land; Operating and maintenance agreements for these facilities shall be recorded with the deed.

SECTION 20.6 ROAD STANDARDS

20.6.1 All roads proposed to be of public ownership shall conform to the county road standards

20.6.2 All proposed curve radii shall be designed to county road standards for truck turning requirements.

***Access: Conditional Approval**

FINDINGS UNDER 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.

***Fencing: To be installed around perimeter / Conditional Approval**

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

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

21.18.2 General Performance Standards:

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

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

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

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

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

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

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

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

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

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

21.18.2.3 Existing Vegetation:

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

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

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

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

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

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

21.18.2.4 Berms constructed pursuant to Section 21.18.3 shall be constructed with slopes not to exceed one to three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

21.18.3 Buffer Yards:

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

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

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

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

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

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

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

21.18.4 Roadside Greenbelt Buffers:

Unless as otherwise required by Section 21.18.3, required front yards shall be landscaped with a minimum of one (1) tree, not less than one and one-half (1½) inches in diameter for single family residential uses and two and one half (2½) inches in diameter of other use, for each one thousand (1000) square feet, or major portion thereof, of front yard abutting a road

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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.

***No Buffer Yard Required / Landscaping: Conditional Approval**

21.18 TABLE I : Planting Buffer Yard

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

Key: N= No buffer yard required /See TABLE II

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FINDINGS UNDER SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

***Lighting: Conditional Approval**

FINDINGS UNDER SECTION 21.38

SECTION 21.38 SIGNS AND BILLBOARDS

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

21.38.1 Signs Permitted

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

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

21.38.1.3 Accessory Signs in B, HX and I Districts

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

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1. Accessory Signs in B1, B2, B3, HX 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,

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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 or 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

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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.

***Signage: Conditional Approval**

FINDINGS UNDER SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

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

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

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

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

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

***Trash Receptacle: No trash receptacle planned**

FINDINGS UNDER SECTION 21.43

SECTION 21.43 UNDERGROUND UTILITY WIRES

Within the area of a plat or site plan, all distribution lines for electric, communications or similar associated services shall be placed underground. Those electric and communication facilities placed in dedicated public ways shall be installed so as not to conflict with other underground utilities. All communication and electric facilities shall be constructed in accordance with

standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

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

***Utilities: Conditional Approval**

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

Exhibit 14

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.

Exhibit 14

NME ENGINEERING

Date 6/25/2018

Otsego County Road Commission
669 W. McCoy Rd.
Gaylord, MI 49735

Re: Proposed Storage Facility
West Otsego Lake Drive
PID#225-000-008-00

Attention: Tom Deans, Engineer

Dear Tom:

Enclosed with this letter is a Preliminary Site Plan for your review and comment. On behalf of the Developers (Dale Smith & Dean & Julie Fults), we are requesting a commercial drive permit as shown.

We have submitted plans to Land Use Services and hope to be on the June agenda for review by the Planning Commission.

Upon your review/comment, we will submit an application for a commercial drive permit.

Please call me if you have any questions.

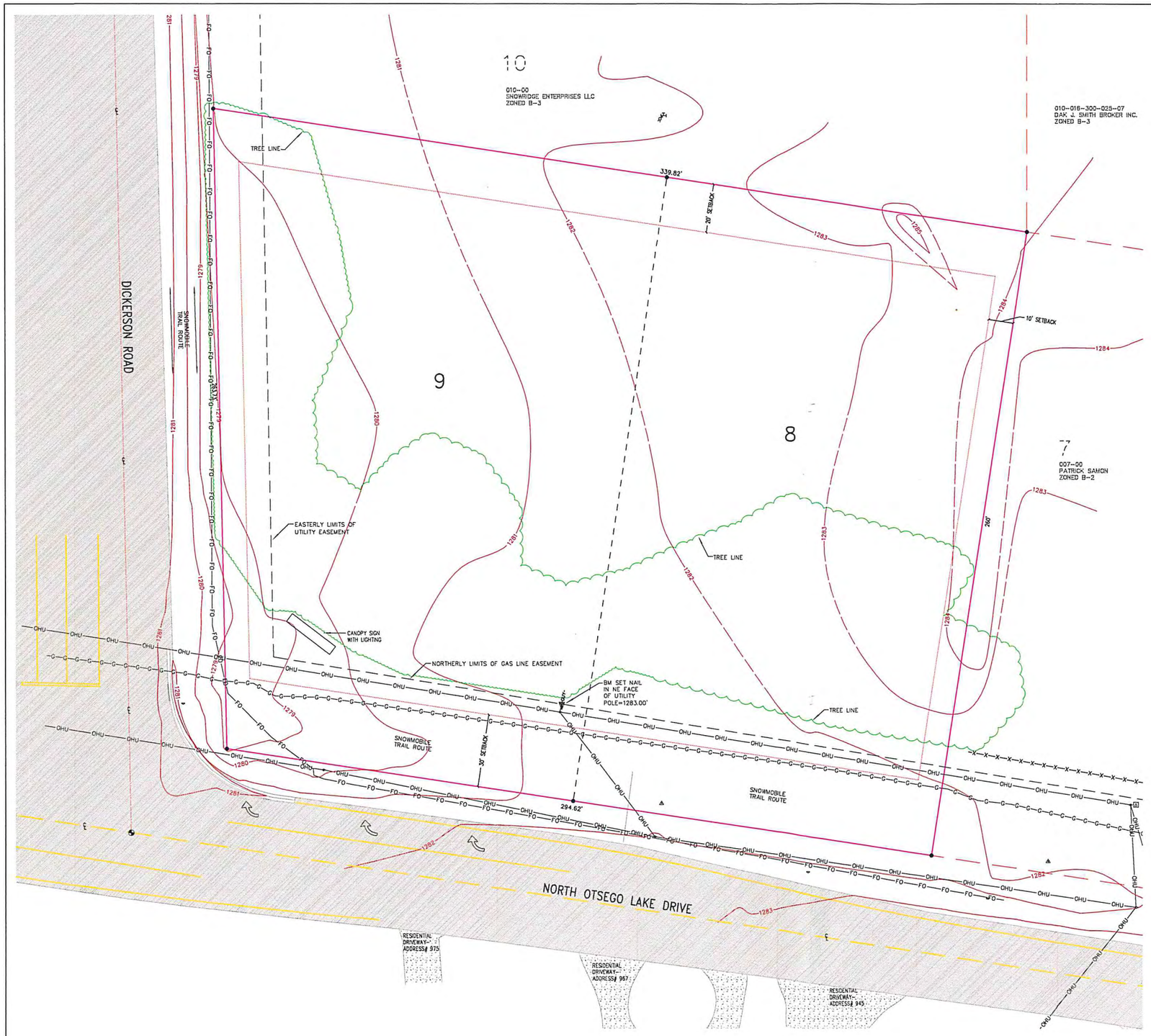
David C. Drews. President

111. W. Mitchell St.
Gaylord, MI 49735

534 E. Eight St.
Traverse City, MI 49686

NME.land 989.217.3177

Exhibit 15



LOCATION MAP
SCALE: 1"=2000'

SITE DATA

PROPERTY DESCRIPTION - LOTS 8 AND 9, COMMERCE PARK, AS RECORDED IN OTSEGO COUNTY RECORDS, BEING PART OF THE SW 1/4 OF SECTION 16, T30N-R3W.

PID#011-225-000-008-00 AND -009-00

CURRENT ZONING: B-2

BUILDING SETBACKS
FRONT YARD - 30 FEET
SIDE YARD - 10 FT
REAR YARD - 20 FT

SITE AREA: 1.89 ACRES

CURRENT USE: VACANT

ELEVATIONS ARE BASED ON NAVD 1988 DATUM.

BENCHMARK IS A SQUARE NAIL SET IN EAST SIDE OF POWER POLE AS SHOWN, ELEVATION 1283.00'.

BOUNDARY AS SHOWN IS BASED ON PREVIOUS SURVEY BY OTHERS AS PROVIDED BY OWNER.

LEGEND

- PARCEL BOUNDARY
- PARCEL SETBACKS
- SECTION LINE
- 101 — EXISTING CONTOURS (1' FT INTERVAL)
- OHU — OVERHEAD UTILITIES
- G — UNDERGROUND GAS PIPELINE AS MARKED
- FO — UNDERGROUND CABLE AS MARKED
- SECTION CORNER
- FOUND 1/2" IRON
- CONTROL POINT
- BENCH MARK
- CENTER LINE
- WATER VALVE
- ELECTIC METER
- UTILITY POLE
- SIGN POST
- TRANSFORMER
- PRESSURE VACUUM BREAKER
- ELECTRICAL TOWER

SITE PLAN
SCALE: 1" = 20'
0 10 20 40

REVISIONS	DATE	BY

DRAWN BY D.C.D.
CHECKED
APPROVED BY
DATE 6/23/18
PRINT DATE

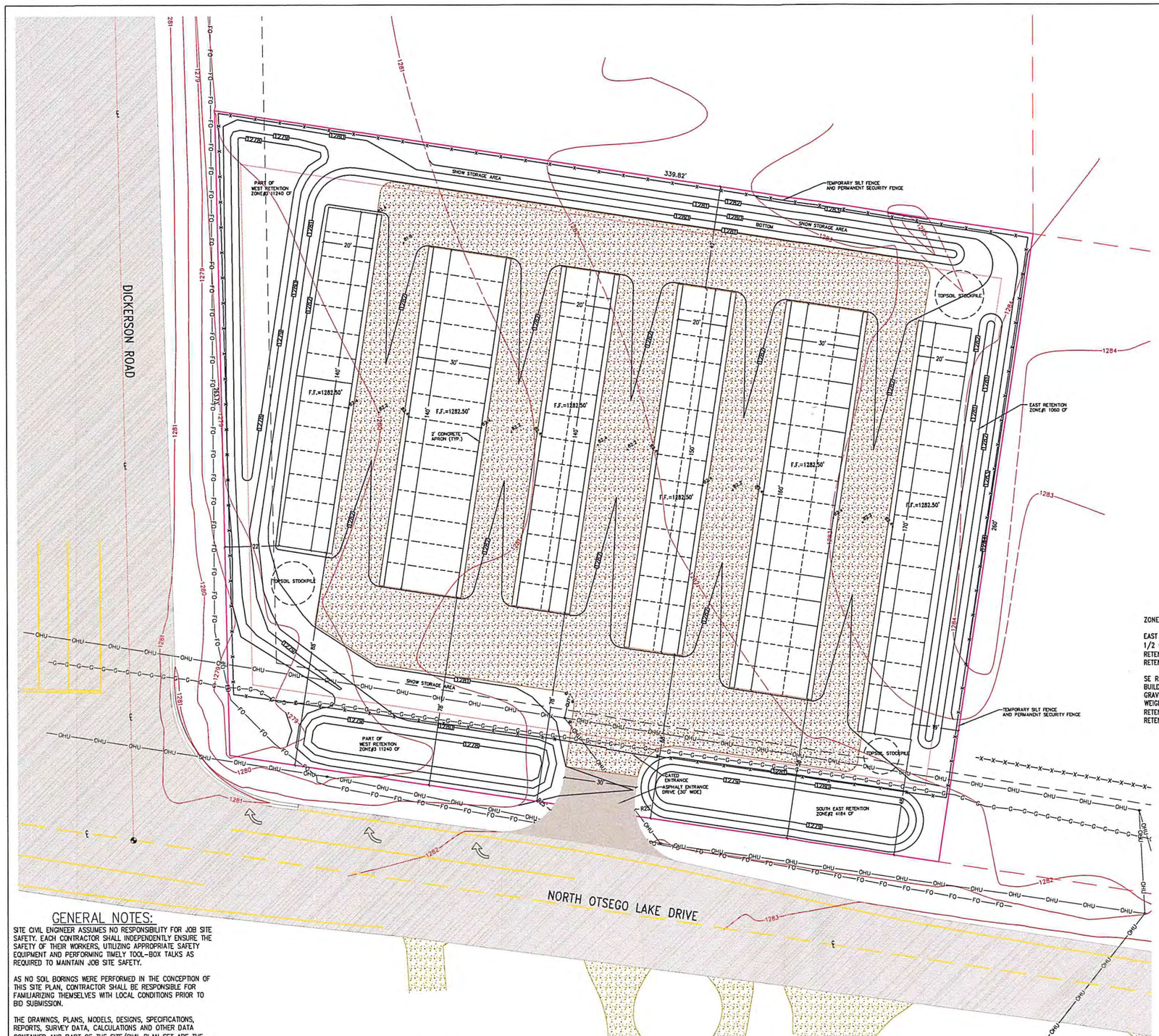
NORTHERN MICHIGAN ENGINEERING INC.
114 N. COURT AVE. SUITE 203 GAYLORD, MI 49735
(989)217-3177
534 E. EIGHTH STREET TRAVERSE CITY, MI 49686
THOMAS D. ZIPP, PE
MI LICENSE #58295

PROJECT
DALE SMITH/DAN & JULIE FULTS STORAGE
EXISTING CONDITIONS PLAN
SMITH REALTY GROUP 1349 S. OTSEGO GAYLORD,MI

JOB# 15-0047
SHEET
SP.1

Exhibit 5

180601 Job#17-125 FED Sault DNR



SITE PLAN NOTES

CONTRACTOR SHALL NOTIFY MISSDIG '811' A MINIMUM OF 3 WORKING DAYS PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY AND SHALL FAMILIARIZE THEMSELVES WITH ANY UTILITIES THAT MAY EXIST BUT MAY NOT BE AFFILIATED WITH THE MISSDIG SYSTEM. DISRUPTION AND REPAIR COSTS ASSOCIATED WITH THE CONTRACTOR'S FAILURE TO DO SO SHALL BE BORNE SOLELY BY THE CONTRACTOR.

ALL APPROPRIATE PERMITS AND APPROVALS SHALL BE OBTAINED BY CONTRACTOR PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY. OTSEGO COUNTY ROAD COMMISSION APPROVAL OF DRIVE ENTRANCE IS PENDING.

SILT FENCE SHALL BE INSTALLED BY THE CONTRACTOR ON PROJECT PERIMETER AS SHOWN PRIOR TO COMMENCEMENT OF ANY EARTH CHANGES OR UTILITY WORK. SILT FENCE SHALL BE INSPECTED FOR INTEGRITY DAILY DURING EARTHWORK OPERATION OR FOLLOWING A RAIN EVENT AND SHALL BE MAINTAINED AND REPAIRED UNTIL A SUFFICIENT ESTABLISHMENT OF VEGETATION OCCURS AS DEEMED BY THE ENGINEER. THE CONTRACTOR AS DIRECTED, PRIOR TO FINAL CONTRACT CLOSEOUT, SHALL REMOVE SILT FENCE.

LOCATION OF SILT FENCE COINCIDES WITH LOCATION OF PERMANENT SECURITY FENCE AND GATED ENTRANCE. SECURITY FENCE SHALL COMPLY WITH REQUIREMENTS OF THE ZONING ORDINANCE AND BE APPROVED BY ZONING ADMINISTRATOR PRIOR TO INSTALLATION.

UTILITY WORK SHALL BE CONDUCTED AS PERSCRIBED IN THE MDOT 2012 STANDARD SPECIFICATIONS FOR CONSTRUCTION OR SUBSEQUENT EDITIONS UNLESS OTHERWISE NOTED.

ALL CONSTRUCTION ACTIVITY WITHIN THE COUNTY RIGHT OF WAY SHALL BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD) AND THE CURRENT MDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION MANUAL.

ALL TREES, STUMPS, BRUSH AND OTHER VEGETATION SHALL BE "GRUBBED" AND DISPOSED OF FROM SITE IN A LAWFUL MANNER. BURYING OF SUCH ORGANIC MATERIAL ON SITE SHALL NOT BE ALLOWED. BURNING SHALL NOT BE ALLOWED ON SITE.

ALL DRIVE ENTRANCE SUBGRADE, PARKING LOT SUBGRADE, BUILDING PADS, UTILITY PIPE BEDDING AND CULVERT BEDDING SHALL MEET MDOT CLASS II OR BETTER AND SHALL BE COMPACTED TO A MINIMUM OF 95% OF MAXIMUM UNIT WEIGHT. CLAY OR ORGANIC MATERIAL (AS DETERMINED BY THE ENGINEER) SHALL NOT BE UTIILIZED AS SUBGRADE MATERIAL.

TOPSOIL MAY BE STOCKPILED ON SITE AT 'TOPSOIL STOCKPILE AREAS' AS NOTED ON SHEET SP.2 TO BE UTILIZED AS RESTORATION, AND ?BERMED? AS LANDSCAPING FEATURES. EXCESS TOPSOIL SHALL BE REMOVED FROM SITE.

AGGREGATE BASE ON ENTRANCE DRIVES AND INTERIOR DRIVES SHALL CONSIST OF AN AVG. 8"-22A AGGREGATE BASE.

ALL AREAS DISTURBED BY EARTHWORK OR UTILITY CONSTRUCTION (EXCEPTING RETENTION BASINS) SHALL RECEIVE A MINIMUM OF 4" TOPSOIL, SEEDED WITH MDOT ROADSIDE MIXTURE AT A RATE OF 100#/AC, FERTILIZED AT A RATE OF 500#/AC WITH EQUAL PROPOSTIONS OF NITROGEN, PHOSPHORUS AND POTASH, AND MULCHED AS SOON AS PRACTICAL FOLLOWING CONSTRUCTION PHASE, IN ALL INSTANCES RESTORATION SHALL OCCUR WITHIN 14 DAYS OF THE CONSTRUCTION SEQUENCE.

RETENTION BASIN 'BOTTOMS' SHALL RECEIVE MINIMAL TOPSOIL COVER AND RETENTION BASIN PERCOLATION ZONES SHALL REMAIN FREE OF ORGANIC OR NON-PERMEABLE SOILS. SHOULD NON-PERMEABLE SOILS BE ENCOUNTERED THE ENGINEER SHALL BE NOTIFIED PRIOR TO RETENTION BASIN CONSTRUCTION. RETENTION BASINS SHALL BE ROUTINELY INSPECTED AND CLEANED OF IMPERMEABLE OR ORGANIC SOILS SUBSEQUENT TO CONSTRUCTION SHOULD IT BE FOUND THAT THE ABSORPTION CAPACITY OF THE BASIN HAS BEEN LESSENED DO TO 'SILTIING'.

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: 6/25/2018

STORMWATER CALCULATIONS

ZONE 4, 25YR./24 HR FREEQUENCY = 3.6"

EAST RETENTION
1/2 OF BUILDING = 1700 SF
RETENTION REQUIRED: 1700 * (3.6/12) = 510 CF
RETENTION PROVIDED: 1060 CF

SE RETENTION
BUILDING + CONCRETE = 3280 SF *1.0 = 3280 WEIGHTED
GRAVEL SURFACE = 7080 SF *.76 = 5380 WEIGHTED
WEIGHTED TOTAL = 8660
RETENTION REQUIRED: 8660* (3.6/12) = 2598 CF
RETENTION PROVIDED: 4184 CF

ZONE 4, 25YR./24 HR FREEQUENCY = 3.6"

WEST RETENTION
BUILDING + CONCRETE = 12100 SF *1.0 = 12100 WEIGHTED
GRAVEL SURFACE = 28994 SF *.76 = 22035 WEIGHTED
WEIGHTED TOTAL = 34135
RETENTION REQUIRED: 34135* (3.6/12) = 10240 CF
RETENTION PROVIDED: 11240 CF

NOTE: PRE-DEVELOPMENT RUNOFF IS NOT DEDUCTED FROM POST-DEVELOPMENT RUNOFF (AS ALLOWED) TO PROVIDE A FACTOR OF SAFETY.

LEGEND

- PARCEL BOUNDARY
- PARCEL SETBACKS
- SECTION LINE
- 101 — EXISTING CONTOURS (1' FT INTERVAL)
- OHU — OVERHEAD UTILITIES
- G — UNDERGROUND GAS PIPELINE AS MARKED
- FO — UNDERGROUND CABLE AS MARKED
- 1278 — PROPOSED CONTOURS (1' FT INTERVAL)
- UTILITY POLE
- SECTION CORNER
- CENTER LINE
- PROPOSED BOLLARD
- PROPOSED BUILDING
- EXISTING ASPHALT
- PROPOSED ASPHALT
- PROPOSED GRAVEL

GENERAL NOTES:

SITE CIVIL ENGINEER ASSUMES NO RESPONSIBILITY FOR JOB SITE SAFETY. EACH CONTRACTOR SHALL INDEPENDENTLY ENSURE THE SAFETY OF THEIR WORKERS, UTILIZING APPROPRIATE SAFETY EQUIPMENT AND PERFORMING TIMELY TOOL-BOX TALKS AS REQUIRED TO MAINTAIN JOB SITE SAFETY.

AS NO SOIL BORINGS WERE PERFORMED IN THE CONCEPTION OF THIS SITE PLAN, CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH LOCAL CONDITIONS PRIOR TO BID SUBMISSION.

THE DRAWINGS, PLANS, MODELS, DESIGNS, SPECIFICATIONS, REPORTS, SURVEY DATA, CALCULATIONS AND OTHER DATA CONTAINED AND PART OF THE SITE/CIVIL PLAN SET ARE THE PROPERTY OF THE ENGINEER. THIS SITE CIVIL PLAN SET IS MADE AVAILABLE FOR YOUR REVIEW FOR INFORMATIONAL PURPOSES ONLY IN RELATION TO THE SMITH/FULTS SITE DEVELOPMENT. THE SITE/CIVIL PLAN SET MAY NOT BE COPIED, REPRODUCED, OR DISTRIBUTED IN ANY WAY OR FOR ANY PURPOSE WHATSOEVER WITHOUT THE CONSENT OF THE ENGINEER.
PARCEL BOUNDARY SHOWN IS BASED ON THE RECORD PROPERTY DESCRIPTION PROVIDED AND MONUMENTATION FOUND. NO BOUNDARY SURVEY WAS PERFORMED FOR THIS SITE PLAN.

SITE LIGHTING

PER OWNER, SITE LIGHTING SHALL CONSIST OF WALL PACK UNITS AS DETAILED IN ARCHITECTURAL PLANS.

PRELIMINARY – FOR REVIEW PURPOSES ONLY. NOT FOR CONSTRUCTION

SITE PLAN
SCALE: 1" = 20'
0 10 20 40

	BY	DATE	REVISIONS

DRAWN BY D.C.D.
CHECKED
APPROVED BY
DATE 6/23/18
PRINT DATE

THOMAS D. ZIPP, PE
MI LICENSE 43052105

NORTHERN MICHIGAN ENGINEERING INC.
114 N. COURT AVE. SUITE 103 GAYLORD, MI 49735
544 E. DOGIN STREET TRAVERSE CITY, MI 49686
(989)217-3177 (989)217-3177

PROJECT
DALE SMITH/DAN & JULIE FULTS STORAGE
PRELIMINARY SITE PLAN
SMITH REALTY GROUP 1349 S. OTSEGO GAYLORD,MI

JOB# 15-0047
SHEET
SP.2

180601 Job#17-125 FED Sault DNR

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-007
Special Use Permit/Site Plan Review
011-225-000-008-00

Exhibit List

Exhibit #1: Applications for case PZSU18-007 submitted by Applicant

Exhibit #2: Otsego County Zoning Map Effective Date March 20, 2010/Amended January 24, 2017

Exhibit #3: Otsego County Zoning Ordinance Effective March 20, 2010/Amended June 12, 2018

Exhibit #4: Copy of Otsego County Equalization Department record card/WD-1448/157

Exhibit #5: Site Plan/PZSU18-007 submitted by Applicant - Representative

Exhibit #6: Narrative submitted by Applicant

Exhibit #7: Letter of representation dated June 25, 2018

Exhibit #8: Public Hearing Notice

Exhibit #9: Letter to Bagley Township Planning Commission dated July 3, 2018

Exhibit #10: Response from Bagley Township Planning Commission dated..., 2018

Exhibit #11: Map and list of parties notified

Exhibit #12: Receipt *(pending)*

Exhibit #13: General Finding of Fact/PZSU18-007

Exhibit #14: Specific Finding of Fact/PZSU18-007

Exhibit #15: Driveway Permit Letter to the Otsego County Road Commission *(application pending)*

Exhibit #16: Street Address *(application pending)*

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegocountymi.gov

APPLICATION FOR SPECIAL USE PERMIT

Date: 6/25/2018	Parcel Number: 011 - 225 - 000 - 008 - 00

PROPERTY LOCATION: *(REQUIRED)*

Address: West Otsego Lake Dr.		City:	Zip Code:
Township: Bagley	Zoning District: B-2	Section: 16	T30 N/R 3 W

APPLICANT:

Name: Dave Drews, Northern Michigan Eng. Inc.		Owner/Agent/Other Interest *(circle one)*	
Address: 114 N. Court Suite 203	City: Gaylord	State: MI	Zip Code: 49735
Phone: ( ) -	Fax: ( ) -		

PROPERTY OWNER: *(If different from Applicant)*

Name: Dale Smith Dan Fults		Phone: (989)858-1292 Jule Fults	
Address: 2196 Ramona Trail	City: Gaylord	State: MI	Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:
Develop a storage facility consisting of (5) buildings containing 133 units ±

SIGNATURE OF APPLICANT: [signature]	**DATE:** 6/25/18

***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******

Date Application Received:	Permit Number:	
Date Application Complete:	Fee:	Receipt Number:

Exhibit 1

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: David Drews, Northern Michigan Eng.	Owner/Agent/Other Interest *(circle one)*
Address: 114 N. Court Suite 203 Gaylord MI 49735	
Phone: (989) 217-3177	Fax: (989) 893-9761

PROPERTY OWNER: *(If different from Applicant)*

Name: Dale Smith / Dan & Julie Fuhs	
Address: 2196 Ramona Trail Gaylord MI 49735	
Phone: (989) 858-1292	Fax: ( ) -

PROPERTY LOCATION:

Township: Bagley	Section: 16	T 30 N/R 3 W	Zoning District: B-2
Site Address: T.B.D.			
Parcel Number: 225-000-008-00			
Description of Project and Proposed Use: Develop a storage facility consisting of (5) buildings containing 133 units ±			

Signature of Applicant:	**Date:** 6/25/18

***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 copyrighted drawings and blueprints

Attention

*These items **must** be submitted in conjunction with this application.

- ✓ Proof of property ownership and whether there are any options on the property or any liens against it.
- ✓ A signed statement that the applicant is officially acting on the owner's behalf.
- ✓ Appropriate fees paid to Otsego County.

*Please refer to the Otsego County Zoning Ordinance particularly Section 21 and Section 23 to assure all items are addressed on the site plan and allow for a smooth presentation to the governing body.

This checklist and 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 X No____ if "No" explain:_____

2. 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 X No____ if "No" explain:_____

3. The address and or parcel number of the property.

   Yes X No____ "No" explain:_____

4. Name and address of the developer (if different from the applicant).

   Yes X No____ if "No" explain:_____

5. Name and address of the engineer, architect and/or land surveyor.

   Yes X No____ if "No" explain:_____

6. Project title.

   Yes____ No____ if "No" explain: Not yet named - Storage Facility

7. 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____ if "No" explain:_____

8. A vicinity map drawn to scale with North point indicated.

   Yes X No____ if "No" explain:_____

9. The gross and net acreage of all parcels in the project.

   Yes X No____ if "No" explain:_____

10. Land uses, zoning classification(s) and existing structures on the subject parcel and within ten feet (10') of property lines of adjoining parcels.

    Yes X No____ if "No" explain:_____

11. Project completion schedule/development phases. (refer to Section 23.9)

Yes___ No X if "No" explain: T.B.D. — Possible Start July 2018

12. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less or 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.

Yes X No___ if "No" explain:

All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect. Each site plan shall depict the following:

13. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines, monument locations and shoreland and natural river district, if any.

Yes X No ___ if "No" explain:

14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.

Yes X No ___ if "No" explain:

15. 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 X if "No" explain: No borings — Sandy soils

16. Location and type of significant existing vegetation.

Yes X No ___ if "No" explain:

17. 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 X if "No" explain: None

18. 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 X if "No" explain: None

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

Yes ___ No X if "No" explain: None

20. 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 X No ___ if "No" explain:

21. 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 X if "No" explain: None

22. 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 X No ___ if "No" explain: Entrance paved only

23. Location, size, and characteristics of all loading and unloading areas.

Yes ___ No X if "No" explain: None

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

Yes ___ No X if "No" explain: N.A.

25. 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 X if "No" explain: N.A.

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

Yes X No ___ if "No" explain: ___

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

Yes ___ No X if "No" explain: N.A.

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

Yes ___ No X if "No" explain: Signage T.B.D.

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

Yes X No ___ if "No" explain: Note on Site Plan

30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.

Yes X No ___ if "No" explain: Fence type/height T.B.D.

31. 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 X if "No" explain: None

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

Yes ___ No X if "No" explain: None

33. 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 X if "No" explain: N.A.

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

Yes X No ___ if "No" explain: ___

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

Yes ___ No X if "No" explain: Engineer to sign 6/26/18

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: 6/25/18

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)

******OFFICE USE ONLY******

Date Application Received:	Fee:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

LAND USE SERVICES
1322 Hayes Rd
Gaylord, MI 49735
989.731.7400

OTSEGO COUNTY LAND USE SERVICES
AGENCY REVIEW FORM

DATE:	
APPLICANT:	
SITE ADDRESS:	

After review, please state your approval or address any issues/concerns relating to the site plan submitted by the applicant for review by the Otsego County Planning Commission and/or Zoning Administrator per Article 23 Site Plan Review Section 23.4 Agency Review of the Otsego County Zoning Ordinance. A letter or email of approval is also acceptable for your convenience.

SIGNATURE/TITLE:
AGENCY:

PZSU18-007 **NORTH OTSEGO LAKE DR**
011-225-000-008-00 **FULTS**

Exhibit 2

NME ENGINEERING

Date 8/21/2018

Land Use Services
1322 Hayes Road
Gaylord, MI 49735

Attention: Jim Mouch, Director

Re: Proposed Storage Facility (Smith & Fults)
West Otsego Lake Drive & Dickerson Road

Dear Jim:

Northern Michigan Engineering has been retained by the landowners of the subject property as shown on the Preliminary Site Plan for the proposed commercial storage facility.

Daniel A. and Julie L. Fults (husband and wife) are owners of Lot 8 of Commerce Park, PID #011-225-000-008-00.

Dale Smith (Dale J. Smith Broker Inc., PO Box 309, Gaylord, MI 49734) is the owner of Lot 9 of Commerce Park, PID #011-225-000-009-00

Dale J. Smith Broker Inc. has agreed to sell Lot 9 to the Daniel & Julie Fults upon Planning Commission approval of the Preliminary Site Plan.

Both parties are agreeable to Conditional Approval of the Preliminary Site Plan, subject to the conveyance of Lot 9 to the Fults and submittal of a copy of the recorded deed to Land Use Services.

Please call me if you have any questions or need additional documentation.

David C. Drews, President

114 N. Court, Suite 203
Gaylord, MI 49735

534 E. Eight St.
Traverse City, MI 49686

NME.land 989.217.3177

Parcel Number: 69-011-225-000-008-00 Jurisdiction: BAGLEY TOWNSHIP County: OTSEGO Printed on 06/29/2018

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
DALE J SMITH BROKER INC	FULTS, DANIEL A & JULIE L	42,000	11/30/2017	WD	Good	1448/157	DEED	0.0

Property Address

Class: 202 COM VACANT Zoning: B-2

School: Gaylord Community

P.R.E. 0%

: 0.00

2019 Est TCV 18,000(Value Overridden)

Building Permit(s)	Date	Number	Status

Owner's Name/Address

FULTS, DANIEL A & JULIE L
2196 RAMONA TRL
GAYLORD MI 49735-9015

Improved | X | Vacant

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			0.940 Acres		0	100		0
			0.94 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

Tax Description

LOT 8. COMMERCE PARK. SEC 16 T30N R3W

Comments/Influences

Who	When	What

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	9,000	0	9,000			9,000C
2018	9,000	0	9,000			9,000S
2017	8,600	0	8,600			5,448C
2016	5,400	0	5,400			5,400S

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

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

Exhibit 4

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich., 11-30-17

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

Brooke M. Jagner Deputy COUNTY TREASURER

LIBER 1448 PAGE 157

OTSEGO COUNTY MICHIGAN
RECORDED
EVELYN M. PRATT, CLERK/REGISTER OF DEEDS
11/30/2017 11:35:16 AM

OTSEGO COUNTY MICHIGAN
RECEIVED
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
11/30/2017 11:31:59 AM

OTSEGO COUNTY MICHIGAN
NOVEMBER 30, 2017
RECEIPT #13453
REAL ESTATE TRANSFER TAX
$ 46.20-CO
$ 315.00-ST
STAMP # 11967

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Dale J Smith Broker Inc., a Michigan Corporation, whose address is PO Box 309, Gaylord, MI 49734

Convey(s) and Warrant(s) to Daniel A. Fults and Julie L. Fults, husband and wife, whose address is 2196 Ramona Trail, Gaylord, MI 49735

the following described premises:

Land situated in the Township of Bagley, County of Otsego, State of Michigan to-wit:

Lots 8, Commerce Park, according to the plat thereof as recorded in Liber 5 of Plats, Pages 10 & 11, Otsego County Records.

Tax Parcel No.: 69-011-225-000-008-00

For the sum of Forty Two Thousand Dollars and No Cents ($42,000.00) subject to the existing building and use restrictions, easements, and zoning ordinances of record, if any. This conveyance does not include any oil, gas or mineral rights: Seller (s) reserves all oil, gas and mineral rights, if any, unto themselves.

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

Dated November 30, 2017

Dale J Smith Broker Inc., a Michigan Corporation

Dale J. Smith

By: Dale J. Smith
Its: President

State of Michigan)
) SS
County of Otsego)

On this 30 day of November, 2017, before me personally appeared Dale J. Smith, President of Dale J Smith Broker Inc., a Michigan Corporation on behalf of said corporation.

LAURA HOYT
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF OTSEGO
MY COMMISSION EXPIRES 11/20/2018
ACTING IN OTSEGO COUNTY

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

Drafted By: Dale J. Smith, President of
Dale J Smith Broker Inc., a Michigan Corporation
PO Box 309
Gaylord, MI 49734

Return To: Daniel A. Fults
2196 Ramona Trail
Gaylord, MI 49735

Assisted By: Alpine Title & Escrow (440456)
114 E. Main Street
Suite A
Gaylord, MI 49735

Recording Fee $35.00 State Transfer Tax $315.00 County Transfer Tax $46.20
County Treasurer's Certificate *City Treasurer's Certificate*

361.20
AT 30/1

Exhibit 4

Application for Special Use Permit
Proposed Storage Facility

Article 19 Submittal Requirements, Summary and Narrative

- 19.2 – Application and fee
  Submitted

- 19.3.1 - Applicant
  Northern Michigan Engineering Inc. (David Drews, President)
  114 N. Court St., Suite 203
  Gaylord, MI 49735
  (989) 217-3177

- 19.3.2 – Property Description
  PID#225-000-008-00 & -009-00 and -009-00
  West Otsego Lake Drive, Gaylord
  Legal description – Lots 8 and 9 of "Commerce Park", Section 16, T30N-R3W, Bagley Township

- 19.3.3 – Applicant Statement
  I, David C. Drews, President of Northern Michigan Engineering Inc.(NME), hereby certify that the property owners, Dale J. Smith and Julie & Dan Fults, have authorized NME to act as their representative for purposes of applying for a Special Use Permit and Site Plan submittal for the proposed storage facility on West Otsego Lake Drive, Gaylord.

  _____ Date

- 19.3.4 – Site Plan
  See attached

- 19.3.5 – Detail Description – Proposed Land Use
  The proposed storage facility is a commercial rental facility consisting of (5) buildings. Storage units of various sizes (10x10', 10"x20' and 10'x30') will be offered for rent to the public. As currently configured, there are 133 units, but interior building are flexible as to interior wall location/configuration and will be adjusted as market demand dictates. There will be no outside storage.

- 19.3.6 – Compliance with Section 19.8

  The proposed storage facility in an existing commercial district. There are no wetlands or significant natural resources on the vacant site. The storage facility is designed to protect the health and safety of those renting storage units and the general public in the vicinity of the facility. The facility will provide for the local need for additional storage facilities in a growing community and promote the economic development of the community.

  The proposed facility is compatible with other existing and future uses in a business district.

  The site has been designed in accordance with standards applicable for this type of facility and applicable regulations/requirements for storm water management and site access.

  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.

  The proposed storage facility will be designed, constructed, operated and maintained so as not to have any impact or diminish the opportunity for the surrounding properties to be used and developed as zoned.

  The proposed storage facility will not place demands on fire, police or other public resources in excess of current capacity.

  The proposed special land use will be adequately served by the public road, West Otsego Lake Drive.

  The facility will be fenced around the perimeter and have a single gated entrance.

NME ENGINEERING

Date 6/25/2018

Dale J. Smith
Smith Realty Group
1349 S. Otsego Ave.
Gaylord, MI 49735

Julie Fults
2196 Ramona Tr.
Gaylord, MI 49735

Re: Land Development Planning & Surveying: Parcel 225-000-008-00 & -009-00
Section 16, T30N-R3W

To whom it may concern,
We are writing to advise you that we have been retained by Dale Smith and Julie and Dan Fults as their agent with regard to the application for special use permit and site plan review services for the proposed storage facility on West Otsego Lake Drive. Please use this "Letter of Representation" as needed for any further matters.

Please call or e-mail me if you have any questions regarding our services or for any additional services that may be required.

Sincerely,

David C. Drews. Project Manager 6/24/2018

X_____

Dale J. Smith 6/25/2018

X_____

Daniel A. Fults 6/25/2018

Daniel A Fults

111. W. Mitchell St., Suite B Gaylord, MI 49735

NME.land 989.217.3177

Exhibit 7

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
September 17, 2018

The Otsego County Planning Commission will hold public hearings on Monday, September 17, 2018 at 6:00 pm in the Planning and Zoning Meeting room located at 1322 Hayes Rd Gaylord, Michigan.

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

1. Dale J Smith Broker Inc, owner, represented by Northern Michigan Engineering Inc, applicant, request a Special Use Permit/Site Plan Review for property located in Bagley Township on N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-009-00**
   N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 9 COMMERCE PARK. SEC 16 T30N R3W

2. Daniel A & Julie L Fults, owners, represented by Northern Michigan Engineering Inc, applicant, request a Special Use Permit/Site Plan Review for property located in Bagley Township at N Otsego Lake Dr Gaylord, MI 49735. The proposed use of the property is to construct storage units for lease or rent. The property is located in a B2/General Business Zoning District. Mini storage units are a permitted use subject to special conditions in a B2 Zoning District.

   Parcel identification number: **011-225-000-008-00**
   N Otsego Lake Dr
   Gaylord, MI 49735

   Legal Description:
   LOT 8 COMMERCE PARK. SEC 16 T30N R3W

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

Any citizen who has questions regarding this application or needs assistance to attend this meeting should contact the Director of Land Use Services at 989.731.7400.

Exhibit 8

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Department of Land Use Services
1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

July 3, 2018

Bagley Township
PO Box 52
Gaylord, MI 49734

RE: Special Use Permit / 011-225-000-008-00

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, Dave Drews be present at your meeting, he can be notified at the following:

Northern Michigan Engineering Inc
c/o Dave Drews
111 W Mitchell St Ste B
Gaylord, MI 49735
989.217.3177

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

Sincerely,

James Mouch
Otsego County Land Use Director

cbw

encl

Exhibit 9

Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

July 30, 2018

Subject: Meeting Minutes and record of decisions for Scheduled Meeting on the above date.

Items Heard: Special use permits for parcels 011-225-0000-009-00 PZSU18-006 and
011-225-000-008-00, PZSU18-007

Members Present:

Ken Arndt
Brian Goebel
Wally Loney
Celeste Szymanski
Larry Beckett

Other Attendees:
Michelle Noirot, Supervisor
Celeste Szymanski, Voting Trustee, Planning Commission

Citizens Attending: None

Meeting Opened at 7:00PM by Arndt

Item 1. Rehearing of the two cases above previously heard and not approved.

Both cases involve parcels of land to be developed into incubated mini self-storage and other adjustable storage units at the corner of Dickerson Road and North Otsego Lake Drive. The project was designed by David Drews who appeared on behalf of the project and explained the original mix up. No citizens were present with comments on the project. The meeting was closed to public comment at 7:15PM.

Originally the commissioners did not object to the project itself but were not clear who owned the project to be developed since the names of the owners and lots were not clearly discernable.

Commissioners understood that, at construction commencement, there would be two owners and at completion, one owner would own the entire project. That cleared up the issues originally that caused the rejection.

Exhibit 10

Commissioners discussed the cases for a brief time and arrived at approval consensus as long as one owner only was in place at completion.

There being no further discussion, Loney offered a motion to: accept the project as presented, with the single condition that, at completion, there would only be one owner.

Larry Burkett seconded.

Chairman records a vote of all in favor. Project is accepted and recommended to the board as approved.

Discussion ended at 7:45 Meeting closed by the chair at 7:55 PM.

Respectfully Submitted,

Kenneth Arndt, Chairman

Item 1. Approved as Recommended Approved with Edits Not Approved

Item 2. Comments

For Bagley Township

Michelle Noirot
Supervisor

==========

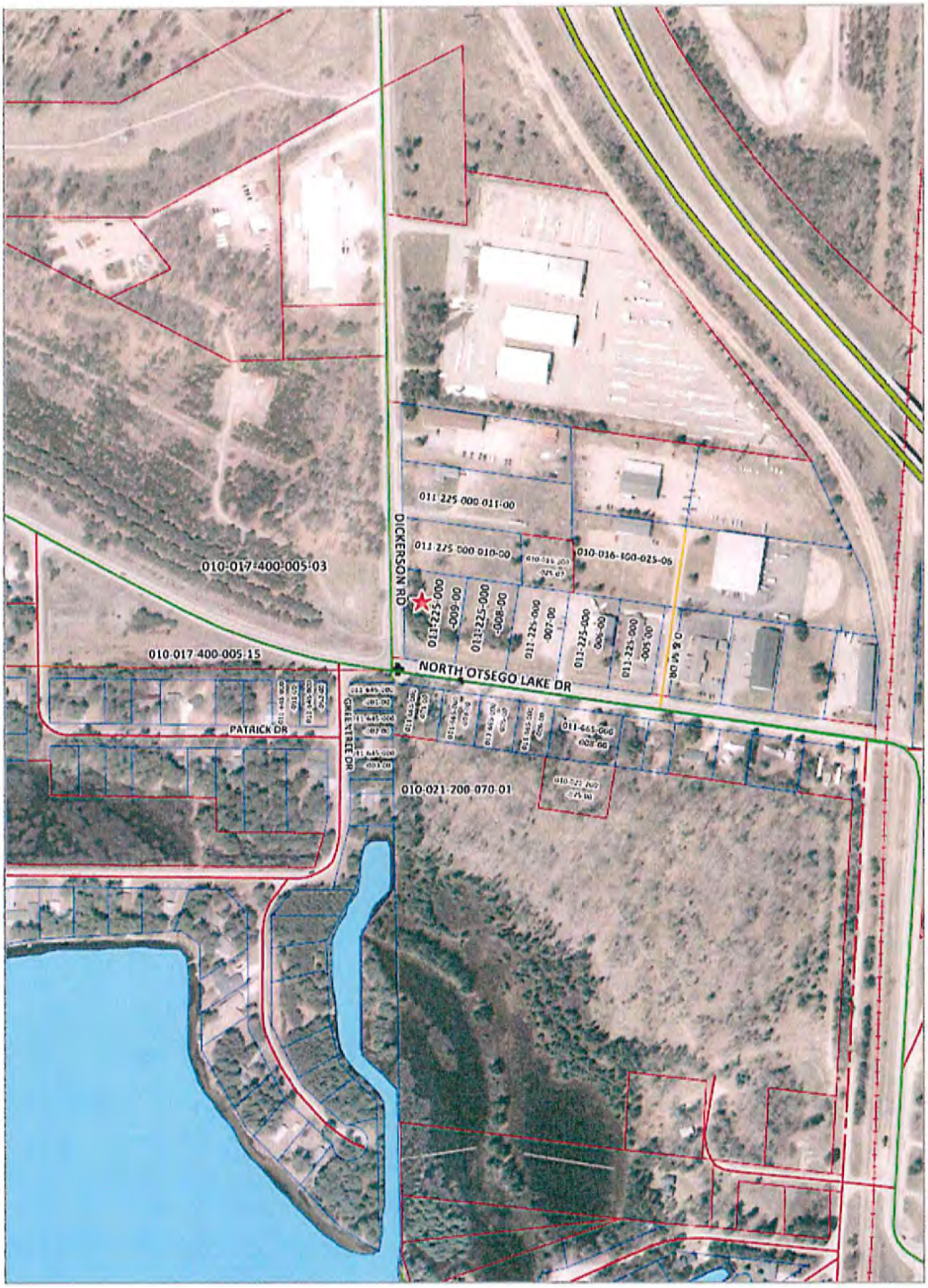
Narrative supported by meeting recording

PZSU18-007 011-225-000-008-00 N OTSEGO LAKE DR

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code	Class
010-016-300-025-06	2852 D&M DR	KRAFT POWER CORPORATION	199 WILDWOOD AVE	WOBURN	MA	1801	1.71	B-3	201
010-016-300-025-07		DALE J SMITH BROKER INC	PO BOX 309	GAYLORD	MI	49734-0309	0.52	B-3	705
010-021-200-070-01		ALFONSO, SILVIE L & MARGARET	7724 S 82ND EAST AVE	TULSA	OK	74133	29.98	RR	402
010-021-200-075-00		FERGUSON, GERWISA I	883 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735-7414	0.71	RR	402
011-225-000-005-00	2922 D&M DR SUITE 1	THE SWEDISH KITCHEN LLC	8872 PROFESSIONAL DR STE C	CADILLAC	MI	49601	0.77	B-1	201
011-225-000-006-00	936 NORTH OTSEGO LAKE DR	SANOM, PATRICK S & DIANA	PO BOX 1614	GAYLORD	MI	49734-1614	0.90	B-2	201
011-225-000-007-00		SANOM, PATRICK S & DIANA	PO BOX 1614	GAYLORD	MI	49734	0.89	B-2	202
011-225-000-008-00		FULTS, DANIEL A & JULIE L	2196 RAMONA TRL	GAYLORD	MI	49735-9015	0.89	B-2	202
011-225-000-009-00		DALE J SMITH BROKER INC	PO BOX 309	GAYLORD	MI	49734-0309	1.00	B-2	202
011-225-000-010-00		SNOWRIDGE ENTERPRISES LLC	2017 DICKERSON RD	GAYLORD	MI	49735-7452	1.18	B-3	202
011-225-000-011-00	2835 DICKERSON RD	SNOWRIDGE ENTERPRISES LLC	2017 DICKERSON RD	GAYLORD	MI	49735-7452	1.87	B-3	201
011-645-000-001-00		RUTTKAMP, JAMES M & MELISSA N	6600 BECKETT RD	GAYLORD	MI	49735	0.23	RR	402
011-645-000-002-00		RUTTKAMP, JAMES M & MELISSA N	6600 BECKETT RD	GAYLORD	MI	49735	0.23	RR	402
011-645-000-003-00	3043 GREENTREE DR	BLAKE - BLAKE	3043 GREENTREE DR	GAYLORD	MI	49735-8011	0.34	RR	401
011-645-000-051-00	1050 PATRICK DR	KEEFE, JOHN T & DEBORAH M	1050 PATRICK DR	GAYLORD	MI	49735	0.24	RR	401
011-645-000-052-00		HOLMES, RICHARD W II & NANCY	8207 TERRA GRANDE AVE	SPRINGFIELD	VA	22153-3537	0.24	RR	402
011-665-000-001-00	975 NORTH OTSEGO LAKE DR	RUTTKAMP, JAMES M & MELISSA N	6600 BECKETT RD	GAYLORD	MI	49735	0.48	RR	401
011-665-000-003-00	967 NORTH OTSEGO LAKE DR	OWENS, GERALD L & GRETCHEN	967 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735	0.38	RR	401
011-665-000-005-00	945 NORTH OTSEGO LAKE DR	DEAN, BERNARD A. & LOIS I.	945 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735	0.39	RR	401
011-665-000-006-00	925 NORTH OTSEGO LAKE DR	MOORE, W E III	2555 ALLIS RD	GAYLORD	MI	49735	0.36	RR	401
011-665-000-008-00	883 NORTH OTSEGO LAKE DR	FERGUSON, GERWISA I	883 NORTH OTSEGO LAKE DR	GAYLORD	MI	49735-7414	0.68	RR	401
010-017-400-005-03		GEORGIA-PACIFIC CORPORATION	PO BOX 105681	ATLANTA	GA	30348-5681	50.72	R-2	302
010-017-400-005-15		RAYMOND, WILLIAM J	4572 PINEHURST AVE	GAYLORD	MI	49735-9469	3.63	RR	402

Exhibit 11

PZSU18-006 **NORTH OTSEGO LAKE DR**
011-225-000-009-00 **SMITH**



010-016-300-025-06	011-645-000-002-00
010-016-300-025-07	011-645-000-003-00
010-021-200-070-01	011-645-000-051-00
010-021-200-075-00	011-645-000-052-00
011-225-000-005-00	011-665-000-001-00
011-225-000-006-00	011-665-000-003-00
011-225-000-007-00	011-665-000-005-00
011-225-000-008-00	011-665-000-006-00
011-225-000-009-00	011-665-000-008-00
011-225-000-010-00	010-017-400-005-03
011-225-000-011-00	010-017-400-005-15
011-645-000-001-00	

Exhibit 11

OTSEGO COUNTY
PLANNING COMMISSION
PZSU18-007
Special Use Permit/Site Plan Review
011-225-000-008-00

GENERAL FINDING OF FACT

1. This is a proposal to construct storage 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 proposed property is .94 acres. *Exhibit #4*
5. The property is currently under the ownership of Daniel A & Julie L Fults. *Exhibit #4*
6. The owners are being represented by Northern Michigan Engineering Inc dated June 25, 2018. *Exhibit #7*
7. An address will be obtained for the proposed site. *Exhibit #6*
8. The Public Hearing Notice was published in the Herald Times on August 31, 2018. *Exhibit #8*
9. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
10. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
11. 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*
12. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*
13. A Driveway Permit Application from the Otsego County Road Commission will be submitted. *Exhibit #15*
14. The application deemed complete by Land Use Services. *Exhibit #1*
15. 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/Representative. *Exhibit #4, Exhibit #5, Exhibit 8, Exhibit #11, Exhibit #13, Exhibit #14...*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU18-007
Special Use Permit/Site Plan Review
011-225-000-008-00

SPECIFIC FINDING 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

11.2.11 Wireless Telecommunication Towers and Facilities one hundred ninety (190) feet or more in height [Permit criteria includes Article 21.46]

11.2.12 Solid Waste Hauler

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

11.2.14 Unlisted property uses if authorized under Article 21.44.

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 includes Article 21.46]

***Permitted Use Subject to Special Conditions in B2 Zoning District**

Exhibit 14

ARTICLE 20 ACCESS MANAGEMENT REQUIREMENTS

SECTION 20.1 PURPOSE

The purpose of this section is to provide reasonable access to the property owner to all roads within Otsego County while protecting the public health, welfare, safety and aesthetics of the County. All Land in a parcel having a single tax code number or contiguous parcels owned by a person as of the effective date of this Ordinance shall meet the requirements of this Ordinance. The intent of this ordinance is to provide standards, which will preserve the traffic capacity and enhance the safety of the highway by regulating safe and reasonable access, though not always direct access, between public roadways and adjacent land. Access controls provide for orderly growth and development. This in turn will protect the long term viability of existing and new businesses in addition to protecting property values of commercial and residential development along the corridor. It is recognized that existing development may not be able to meet all of the standards contained in this ordinance; Upon expansion or redevelopment, the standards' contained herein shall be applied to the maximum extent possible in conformance with the Otsego County Access Management Map.

The standards of this section are further intended to:

- Minimize traffic conflicts, in order to reduce the frequency of fatal injury and property damage crashes;
- Separate traffic conflict areas by reducing the number of direct access points;
- Provide efficient spacing and size standards between access points and between access points and intersections;
- Establish uniform access standards to ensure fair and equal application;
- Protect the substantial public investment in the roadway system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business;
- Require coordinated access among several landowners;
- Ensure reasonable access to properties, though the access may not always be direct access;
- Coordinate local management decisions on development proposals with access permit decisions by the Michigan Department of Transportation (MDOT) and the Otsego County Road Commission, (OCRC).

SECTION 20.2 DEFINITIONS

Road ways are defined according to the following categories:

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

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

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

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

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

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

SECTION 20.3 LOCATION AND SPACING

20.3.1 All State and County public roads shall be subject to and regulated by the standards of this ordinance.

20.3.2 In order to minimize left turn conflicts, new access points shall be aligned with those across the roadway where possible. If alignment is not possible, access points shall be offset a minimum of two hundred fifty-five (255) feet from those on the opposite side of the roadway, measured centerline of access point to centerline of access point. Longer offsets may be required by the Michigan Department of Transportation (MDOT) in accordance with the MDOT Access Management Guidebook.

20.3.3 Where spacing requirements cannot be met for parcels, lots, or building sites having frontage or access on more than one roadway, access shall be provided from the lesser traveled roadway.

20.3.4 In the case of expansion, alteration, change of use or redesign of an existing development where existing access points do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the access point may he required.

20.3.5 Driveway profile shall be designed and constructed according to Michigan Department of Transportation (MDOT) and Otsego County Road Commission (OCRC) standards.

20.3.6 Land access is permitted based on driveway spacing, stopping distance, and land use type.

Driveway Spacing and corner clearance requirements shall be PER MDOT MANUAL

SECTION 20.4 SIGHT DISTANCE

Minimum intersection sight distance shall be ten (10) times the vehicular speed of the road PERMDOT MANUAL

SECTION 20.5 ACCESS

All developments shall have reasonable access to a county or public roadway. Access onto any roadway shall be permitted only upon issuance of an access permit by the MDOT or OCRC in compliance with the site review planning process.

20.5.1 Interconnections of Parking Areas

20.5.1.1 Parking areas shall be designed to facilitate interconnection of parking lots

20.5.1.2 Shared parking is encouraged. Shared parking shall he permitted a reduction in required parking spaces if peak parking demand periods at interconnected developments do not occur at the same time.

20.5.1.3 Shared driveways, cross access driveways, interconnected parking, and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land; Operating and maintenance agreements for these facilities shall be recorded with the deed.

SECTION 20.6 ROAD STANDARDS

20.6.1 All roads proposed to be of public ownership shall conform to the county road standards

20.6.2 All proposed curve radii shall be designed to county road standards for truck turning requirements.

***Access: Conditional Approval**

FINDINGS UNDER SECTION 21.10

Section 21.10
Fences
Amended .2018

Section 21.10.01
Permit Required
A Fence Permit shall not be required when all applicable sections and regulations of this ordinance have been met.

Section 21.10.02
Fence Regulations:

Section 21.10.02.01	A fence in the Front Yard shall not exceed a height of 3.5 feet and be of a see through design and material that does not obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection or other pedestrian property access point.
Section 21.10.02.02	A fence along any side lot line may extend to the front property line except that it shall not exceed a height of 3.5 feet from the front property line back 25 feet and shall be of a see through 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.
Section 21.10.02.03	A fence in the Side and Rear Yards cannot exceed a height of 7.0 feet except as noted in Section 21.10.02.01.
Section 21.10.02.04	A fence may be located at or along an adjoining property line. Adequate space shall be allotted to permit access for maintenance without trespass.
Section 21.10.02.05	A fence in any platted subdivision, residential development or residential zoning district shall not contain barbed wire or be electrified.
Section 21.10.02.06	A fence must be structurally sound and kept in good repair. There should be no evidence of deterioration, damaged or collapsing pieces.
Section 21.10.02.07	Comply with Section 21.10.03 and Section 21.10.04.

Section 21.10.03
Fences-Maximum Heights
Fences designed to enclose property in any district shall be subject to the following table of regulations:

Yards	Height
Front of site, parallel with the principal roadway	3.5 ft.
Rear	7.0 ft.
Side Side with front yard setbacks of 25 ft.	7.0 ft. 3.5 ft.
Game Preserves	Special Use Permit Required
Junk Yard	8.0 ft.
Recycling Facility	8.0 ft.

Section 21.10.04
Fences-Swimming Pools, Hot Tubs, Spas
Private swimming pools, hot tubs and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception:
Spas or hot tubs with a safety cover than complies with ASTM F1346 shall be exempt from the provisions of the section.
Note:
ASTM F1346 requires fastening the safety cover to the hot tub or spa via key locks, combination locks or similar devices that will keep the cover in place; testing to demonstrate that the cover can support a minimum required weight; limitations on openings in the cover; and minimum installation requirements.

***Fencing: To be installed around perimeter / Conditional Approval**

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING
21.18.1 PURPOSE

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

21.18.2 General Performance Standards:

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

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

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

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

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

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

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

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

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

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

21.18.2.3 Existing Vegetation:

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

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

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

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

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

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

21.18.2.4 Berms constructed pursuant to Section 21.18.3 shall be constructed with slopes not to exceed one to three (1:3) gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover.

21.18.3 Buffer Yards:

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

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

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

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

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

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

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

21.18.4 Roadside Greenbelt Buffers:

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

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

21.18.5 Screening of 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.

***No Buffer Yard Required / Landscaping: Conditional Approval**

21.18 TABLE I : Planting Buffer Yard

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

Key: N= No buffer yard required /See TABLE II

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FINDINGS UNDER SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

***Lighting: Conditional Approval**

FINDINGS UNDER SECTION 21.38

SECTION 21.38 SIGNS AND BILLBOARDS

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

21.38.1 Signs Permitted

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

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

21.38.1.3 Accessory Signs in B, HX and I Districts

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

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1. Accessory Signs in B1, B2, B3, HX 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,

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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 or 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

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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.

***Signage: Conditional Approval**

FINDINGS UNDER SECTION 21.42

SECTION 21.42 TRASH RECEPTACLES/DUMPSTERS

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

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

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

21.42.3 Temporary Commercial Construction Dumpsters are exempt from these regulations.

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

***Trash Receptacle: No trash receptacle planned**

FINDINGS UNDER SECTION 21.43

SECTION 21.43 UNDERGROUND UTILITY WIRES

Within the area of a plat or site plan, all distribution lines for electric, communications or similar associated services shall be placed underground. Those electric and communication facilities placed in dedicated public ways shall be installed so as not to conflict with other underground utilities. All communication and electric facilities shall be constructed in accordance with

standards of construction approved by the Michigan Public Service Commission. All underground utility installations which traverse privately-owned property shall be protected by easements granted by the owner of such property.

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

***Utilities: Conditional Approval**

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.

Exhibit 14

NME ENGINEERING

Date 6/25/2018

Otsego County Road Commission
669 W. McCoy Rd.
Gaylord, MI 49735

Re: Proposed Storage Facility
West Otsego Lake Drive
PID#225-000-008-00

Attention: Tom Deans, Engineer

Dear Tom:

Enclosed with this letter is a Preliminary Site Plan for your review and comment. On behalf of the Developers (Dale Smith & Dean & Julie Fults), we are requesting a commercial drive permit as shown.

We have submitted plans to Land Use Services and hope to be on the June agenda for review by the Planning Commission.

Upon your review/comment, we will submit an application for a commercial drive permit.

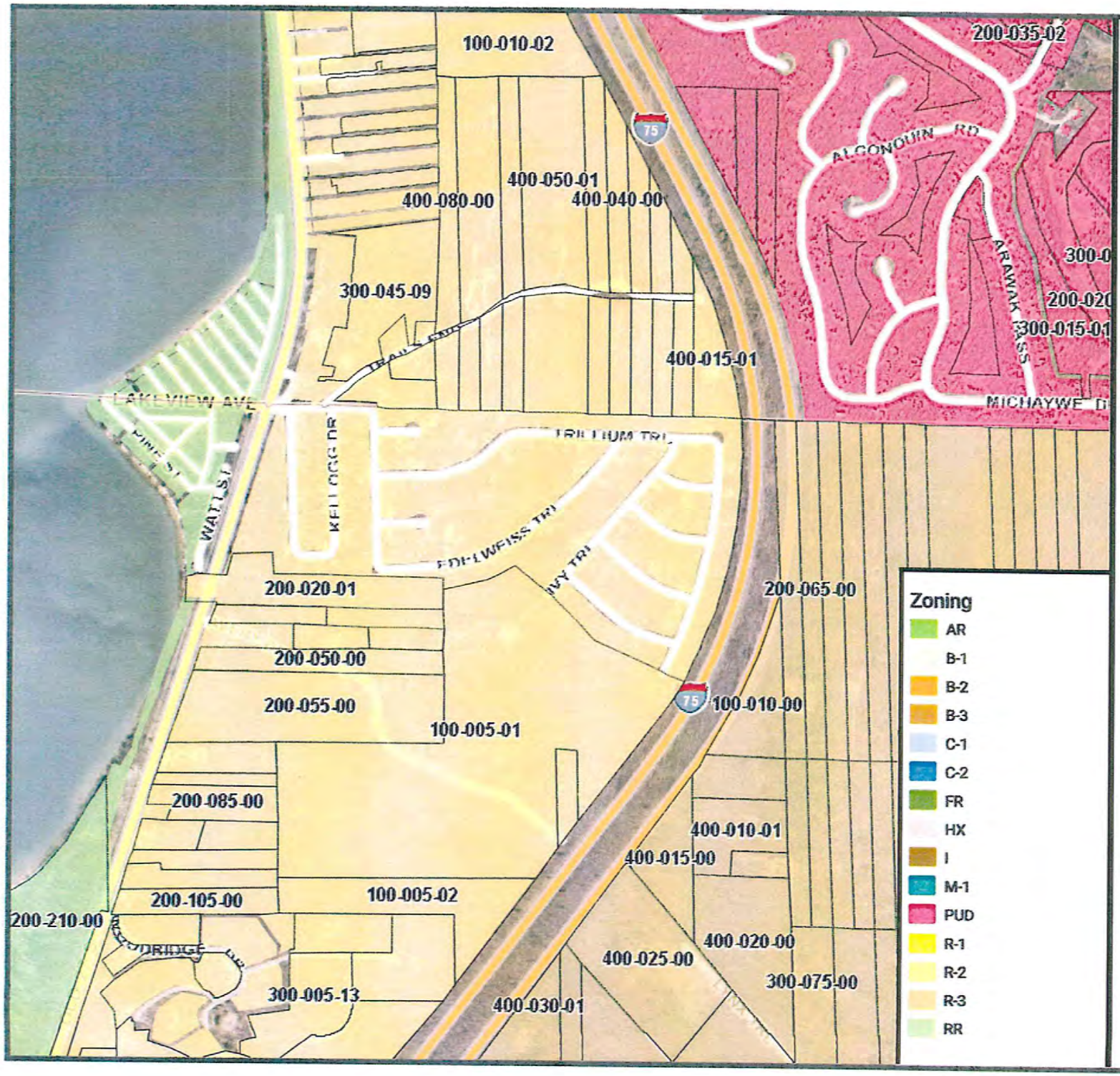
Please call me if you have any questions.

David C. Drews. President

111. W. Mitchell St.
Gaylord, MI 49735

534 E. Eight St.
Traverse City, MI 49686

NME.land 989.217.3177



Otsego County GIS

Map Publication:
08/03/2018 8:45 AM

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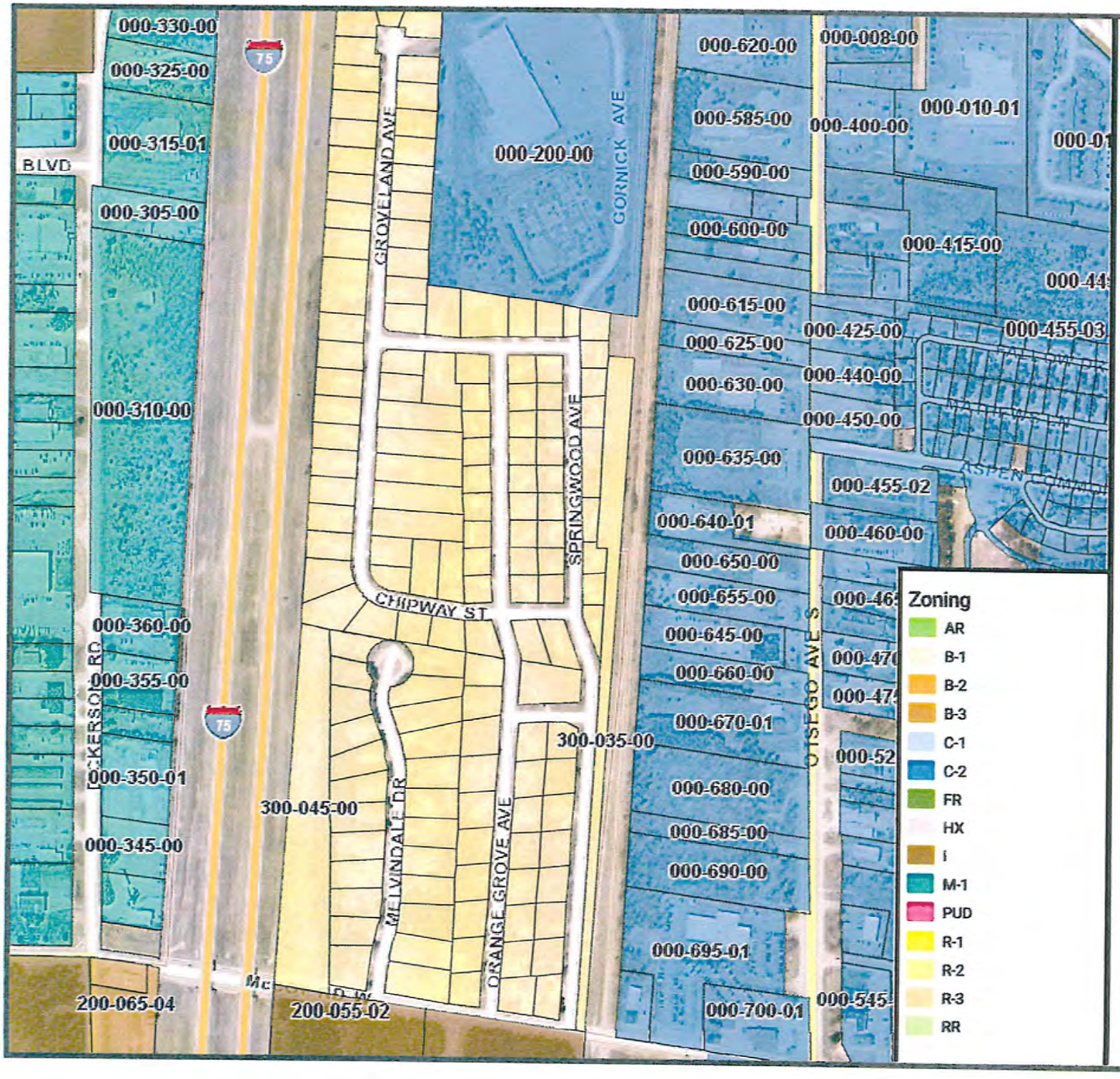

Otsego County GIS

Map Publication:
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200m
600ft

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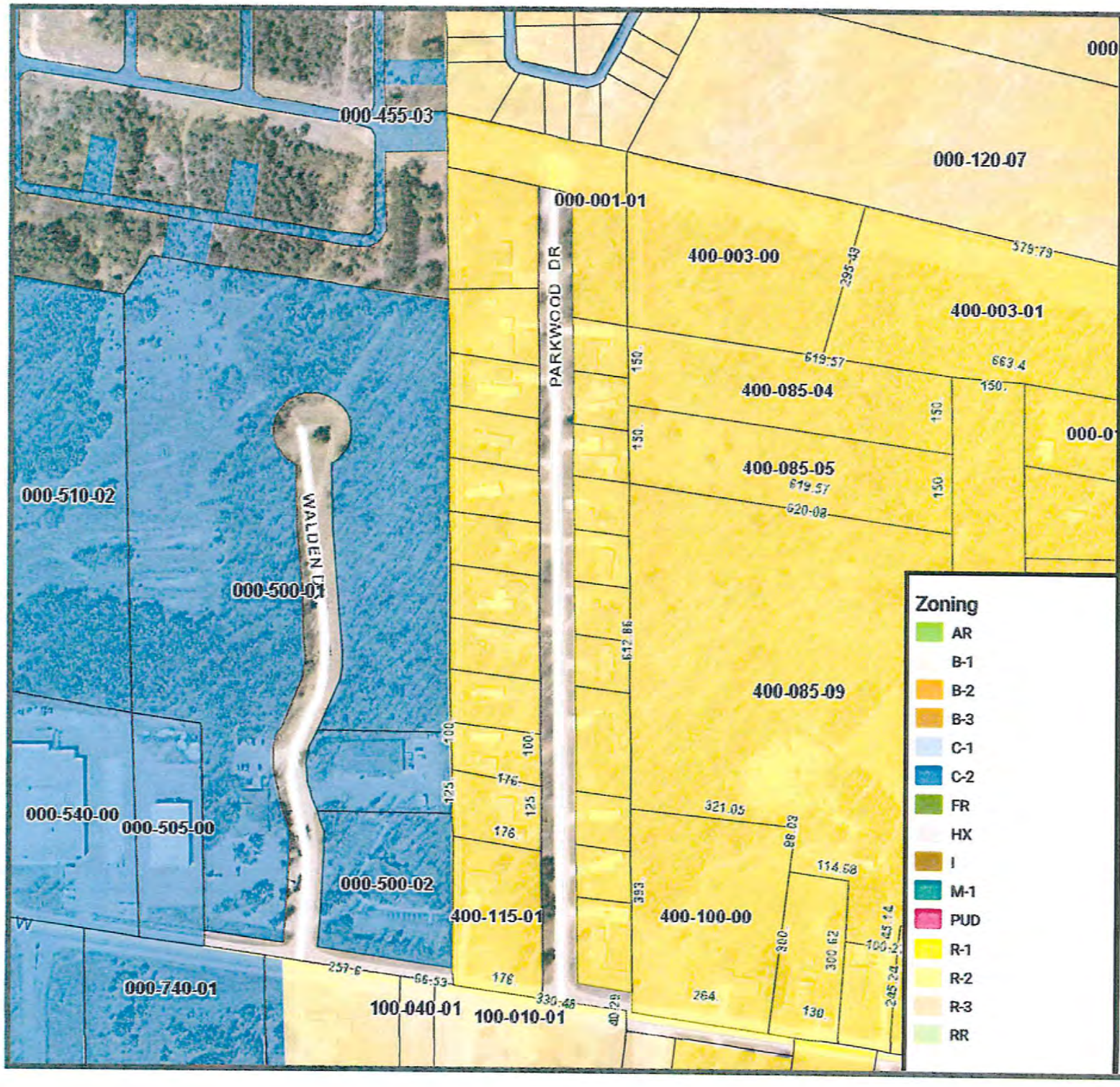

Otsego County GIS

Map Publication:
08/03/2018 8:44 AM

100m
300ft

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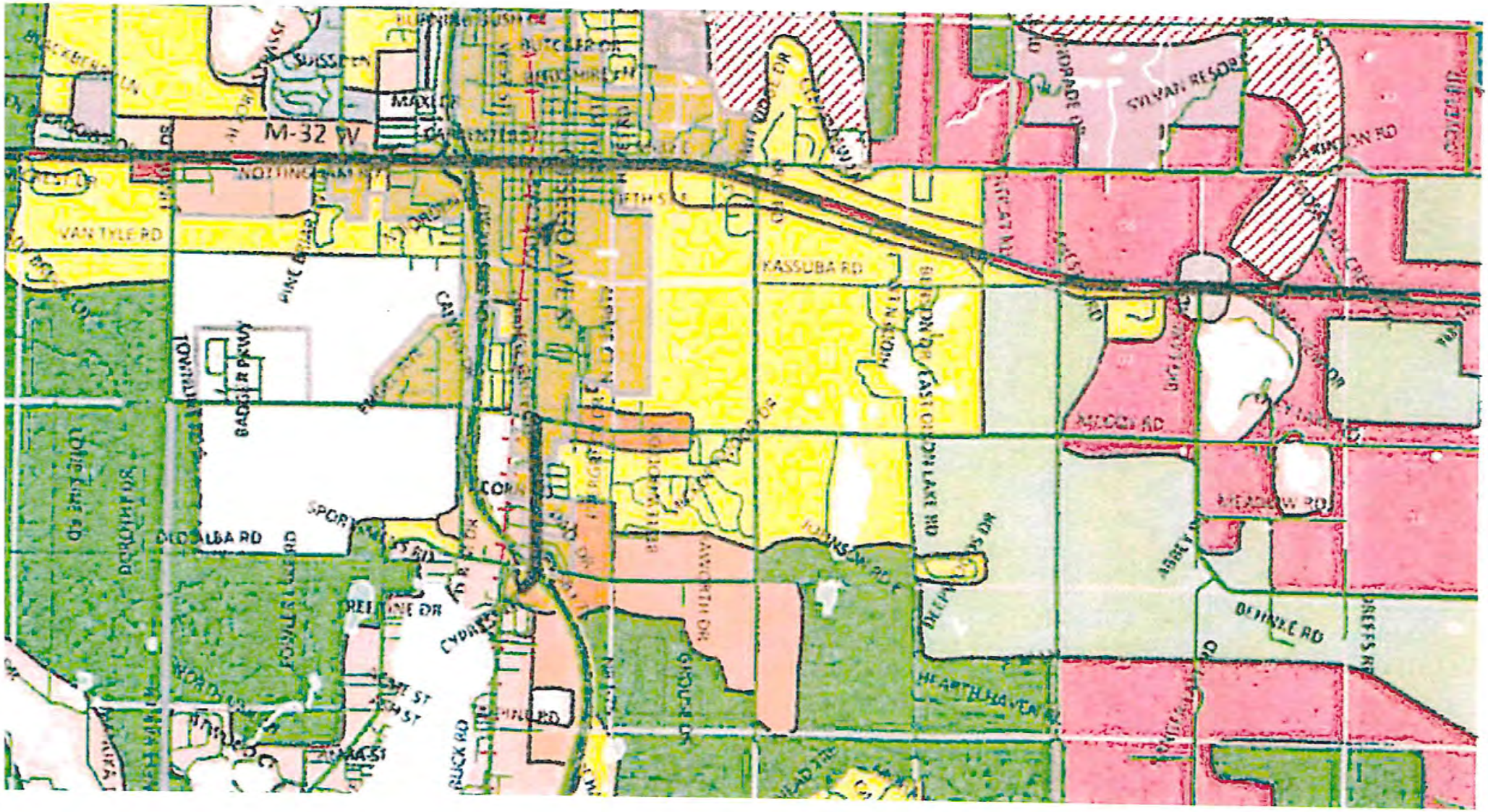
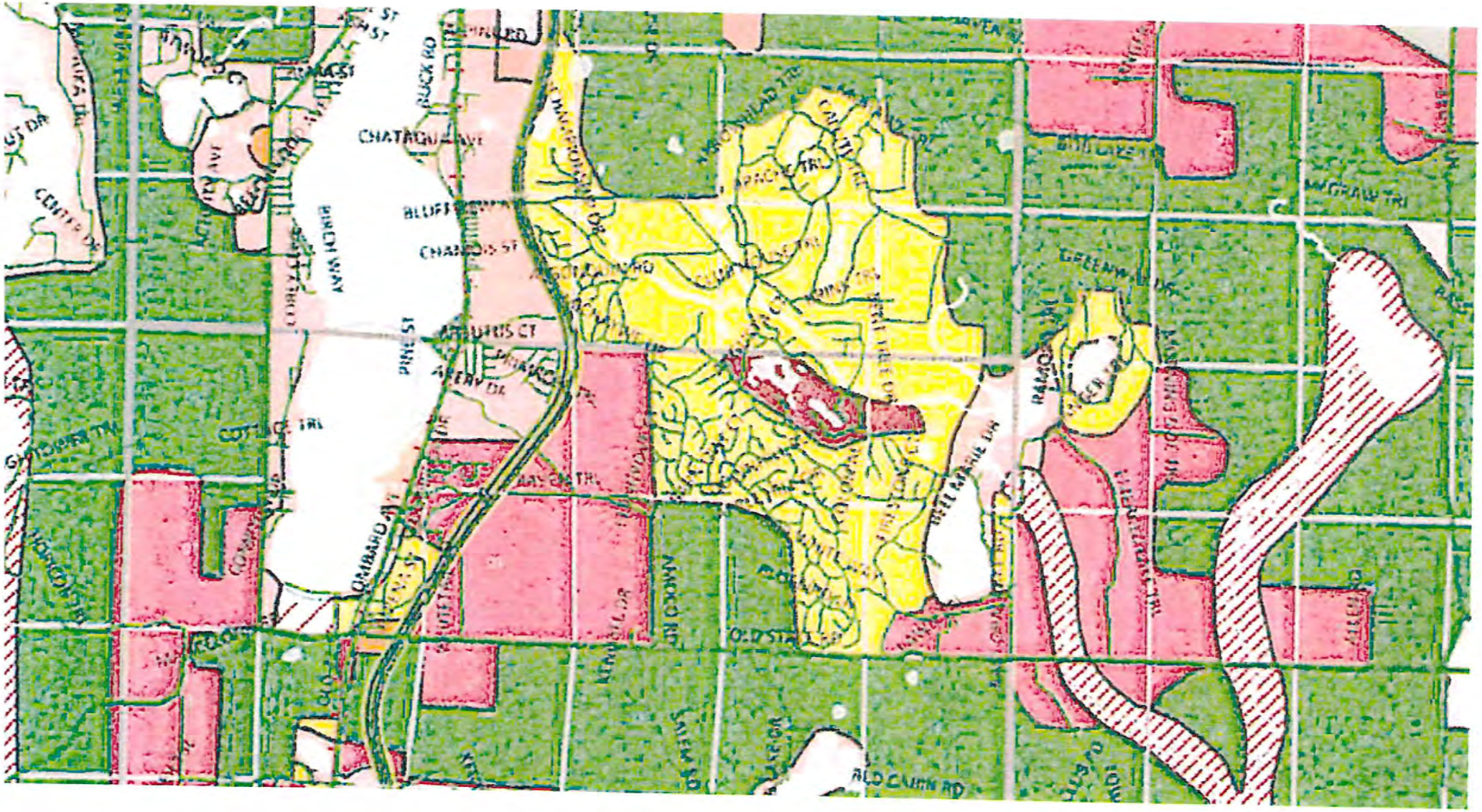


FUTURE LAND USE MAP



FUTURE LAND USE MAP

ARTICLE 6 R3 RESIDENTIAL ESTATES DISTRICT

INTENT

The R3 Residential Estates District is established to provide for areas topographically and locationally well suited to meet an increasing market for ten (10) acre lots and larger, which can potentially be resubdivided into smaller lots. This district is to encourage the orderly transition of land to low density residential use.

SECTION 6.1 PRINCIPAL USES PERMITTED

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

6.1.1 All principal uses permitted in the R1 District [See Article 4.1]

6.1.2 Fraternal lodges

6.1.3 Wildlife, plant and habitat preservation areas

6.1.4 Group care facilities meeting applicable state licensing requirements

6.1.5 Retail specialty store as permitted in Article 5.1.4

6.1.6 Roadside stands (agricultural-temporary) off the road right-of-way, provided that the stand be operated only seasonally, that hours not exceed dawn to dusk, that large equipment, including semi-tractor-trailers, not be parked at the site, and that the parking requirements of Article 21.27 be observed

6.1.7 Temporary Recreation Housing/Travel trailers. Permit criteria include Article 21.33

6.1.8 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use

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

SECTION 6.2 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 Site Plan Requirements.]

6.2.1 All principal uses permitted in the R2 District, and all permitted uses subject to special conditions in the R1 District [See Article 4.2] and R2 District [See Article 5.2]

6.2.2 Gasoline stations with store

6.2.3 Driving range

6.2.4 Campgrounds (Commercial or Non-commercial)

6.2.5 Manufactured Housing Parks

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 includes Article 21.46]

6.2.7 Unlisted property uses if authorized under Article 21.44

21.21.1 Within a B1 or B2 District, loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building.

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

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

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

SECTION 21.22 MANUFACTURED OR SITE BUILT DWELLING LESS THAN 16 FEET WIDE

Dwelling units less than sixteen (16) feet wide may be used for a one (1) family dwelling in R3, AR and FR zones and must comply with Article 17 SCHEDULE OF DIMENSIONS.

21.22.1 On-site work requiring a building permit shall be complete before placing a manufactured unit on the individual lot.

21.22.2 On-site construction work shall be in accordance with the State Building Code, in conjunction with the manufacturer's specifications.

21.22.3 The perimeter of a manufactured unit after placement shall be skirted with approved materials and shall be aesthetically comparable to on-site construction.

21.22.4 On-site structural additions to a manufactured unit shall comply with the State Building Code and shall not impose any loads on the unit or nullify any warranties of the unit. No addition shall interfere with the egress, light or ventilation of the unit. Removal of the original manufactured unit for any reason shall be the responsibility of the owner.

21.22.5 Manufactured expandos, add-a-rooms, compatible with the unit are allowed and shall comply with this section. All manufactured additions must have the approval of an inspection agency.

21.22.6 **UNITS MANUFACTURED PRIOR TO 1976 (TITLE DATE) SHALL NOT BE INSTALLED.**

SECTION 21.23 MANUFACTURED HOUSING PARK (RENTAL SITES)

Manufactured Housing Park Rental Sites may be granted a Special Use Permit in R2 and R3 Zones subject to the following conditions. (See 21.22 above for regulations regarding individual manufactured dwelling sixteen (16) feet wide or less.)

Manufactured housing parks may be permitted by the County Planning Commission in R2 and R3 Districts after a hearing, provided:

21.23.1 Manufactured Housing Parks for the parking of three (3) or more mobile homes shall be developed pursuant to the requirements of Act 243 of the Public Acts of the State of Michigan 1959, as amended.

21.23.2 The land parcel being proposed for a manufactured housing park shall be of such area as to provide for a minimum of at least twenty (20) sites and shall not exceed a maximum of one hundred (100) sites.

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and/or recreational opportunities may include, but is not limited to, farming, hunting, fishing, skiing, and hiking.

Recreation

The Recreation land use category includes areas to be used primarily for recreational activities by residents and tourists. Acceptable land uses in this category include, but are not limited to, parks, campgrounds, trails, golf courses, ski resorts, and recreational facilities. Residential homes may be allowed where compatible with surrounding uses. Residential densities within this land use category could range from one (1) unit per two (2) to five (5) acres. Where municipalities provide water and sewer service and/or other comparable form of water and sewer service with approval by the municipality and the District Health Department higher density may be allowed.

Residential

Low Density Residential

Low Density Residential development is primarily designed to accommodate large residential lots which provide privacy from neighbors and/or other developments by allowing a density ranging from one (1) dwelling unit per two (2) to five (5) acres. However, it may be encouraged to place residential parcels in a clustered format to preserve and protect environmentally sensitive areas, forests, and farm lands. Other uses which are consistent with this land use category would include parks and other recreational facilities. Since municipal water or sewer service will not be available in most areas, individual well and septic systems will need to be utilized and approved by the District Health Department.

Medium Density Residential

The Medium Density Residential land use category is primarily designed to accommodate existing and future single-family development in areas with an allowed density ranging from one (1) dwelling unit per one-half (0.5) to two (2) acres. Since municipal water or sewer service will not be available in most areas, individual well and septic systems will need to be utilized and approved by the District Health Department. In some instances, other forms of water and sewer services may be utilized upon approval by the municipality and District Health Department. Clustering residential development in these areas is an option to preserve environmentally sensitive areas, forests, and farm lands. This category is designed to include a wide range of residential densities and should provide as the transition between Low Density Residential and High Density Residential areas.

High Density Residential (Mixed Residential)

The High Density Residential land use category is designed to accommodate a variety of residential uses which may be developed to densities ranging from two (2) or more dwelling units per acre. These uses include single-family, two-family, and multiple-family dwellings. Single-family uses include site condominiums and manufactured housing. The multiple family uses facilitate the opportunity for apartments, condominiums, and rooming houses. High Density Residential areas will require

3. Provide reasonable opportunities for the establishment of commercial uses that meet the needs of area residents

Transportation

1. Provide design guidelines to promote walkable and bicycle friendly communities in Otsego County's Town Centers

2. Encourage the establishment of new residential development with densities that will be consistent with proposed improvements to public utilities and transportation facilities

3. Encourage a mix of commercial uses at planned locations which are aesthetically pleasing and create safe and efficient traffic patterns

4. Identify high growth areas both within and beyond community limits where public service needs are likely to be of highest priority

Residential & Housing

1. Encourage innovative design and a mixture of housing types in residential developments; residential buildings within each neighborhood should be compatible, and transitions should be provided where different types occur in close proximity

   a. Encourage a range of housing types to accommodate varying needs in household size and type and that recognizes various income levels while maintaining compatibility with the character of existing residences in the area

   b. Encourage the creative design and re-design of neighborhoods that enhance desirability by including sidewalks, bike paths, pedestrian ways, open spaces, parks, and playgrounds, and street design

   c. Establish guidelines for buffers where appropriate

   d. Establish areas for new residential development, and establish housing densities that will preserve or enhance the character of that area and will be consistent with proposed improvements to public utilities and transportation facilities

Urban Growth

1. Identify and maintain those attributes within the City of Gaylord and the surrounding area that contribute to small town character

   a. Encourage the incorporation of design and performance standards into local zoning ordinances that preserve and contribute to those elements that define small town character

   b. Place emphasis on street design, build-to-lines, and pedestrian orientation

   c. Encourage the identification of structures and areas within the community that are of historical significance, and encourage the preservation and improvement of those sites through voluntary activities or the establishment of an historical district

   d. Collaborate with the City of Gaylord in researching and identifying elements (road patterns, building types, architectural styles, scale and layout of individual buildings and neighborhoods, type of vegetation, etc.) which define the community character of Gaylord and adjacent areas