

**OTSEGO COUNTY
PLANNING COMMISSION**

**December 17, 2018
6:00 PM**

REVISED:

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 November 17, 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
8. PUBLIC HEARINGS:

1. *Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Special Use Permit for three (3) contiguous parcels located in Hayes Township:*

<u>071-001-100-005-02</u>	<u>071-001-100-005-03</u>	<u>071-001-100-005-04</u>
M-32 West	M-32 West	M-32 West
Gaylord, MI 49735	Gaylord, MI 49735	Gaylord, MI 49735

PZSU18-008, -009, -010 - The proposed purpose of the request is to permit construction of storage units for commercial purposes.

Property is currently zoned B2/General Business. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in a B2/General Business Zoning District.

- a. *Open Public Hearing*
- b. *Applicant Presentation*
- c. *Township Presentation*
- d. *Public Comment (3 minute limit)*
- e. *Close Public Hearing*
- f. *Planning Commission Discussion – Motion*

- ~~2. *Otsego County Zoning Ordinance – Wireless Communications Article 5 R3/Residential Estates District/ Section 21.46 – Text amendments – Proposed language to allow wireless towers up to 199’ in a R3/Residential Estates Zoning District as a permitted use subject to special conditions*~~

- ~~a. *Open Public Hearing*~~
- ~~b. *Land Use Introduction*~~
- ~~c. *Public Comment (3 minute limit)*~~
- ~~d. *Close Public Hearing*~~
- ~~e. *Planning Commission Discussion – Motion*~~

9. ADVERTISED CASES:

1. *Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Special Use Permit for three (3) contiguous parcels located in Hayes Township:*

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- b. *Applicant Presentation*
- c. *Township Presentation*
- d. *Public Comment (3 minute limit)*
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- f. *Planning Commission Discussion – Motion*

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Section 21.46 – Text amendments – Proposed language to allow wireless towers up to 199’ in a
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- ~~b. Land Use Introduction~~
- ~~c. Public Comment (3 minute limit)~~
- ~~d. Close Public Hearing~~
- ~~e. Planning Commission Discussion – Motion~~

10. UNFINISHED COMMISSION BUSINESS:

- 1. Committee Volunteer List

11. NEW BUSINESS:

- 1. Meeting Dates 2019

12. REPORTS AND COMMISSION MEMBER’S COMMENTS:

- 1. Otsego County Parks & Recreation report / Judy Jarecki
- 2. Land Use Services
 - Jim Mouch: SUP application submitted - Discussion
 - Chris Churches: Non-conforming Lot Presentation

13. ADJOURNMENT

Otsego County Planning Commission

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Call to Order: 6:00pm by Vice Chairperson Jarecki

Pledge of Allegiance

Roll Call:

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

Absent: Mr. Klee, Mr. Hartmann (*Excused*)

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

Public Present: Brenda Cross, Aaron Switalski, Heather Compton, Lynda Allmacher, Allen Allmacher, Patrick Childers, Brian Royce, Mon Royce, Cal Royce, Gabe Williams, Mike Perdue, Gary Johnson, Randy Stults

Others Present: Mary Sanders, Hayes Township Supervisor, Michelle Noirot, Bagley Township Supervisor, Tom Wagar, Otsego Lake Supervisor, Rachel Frisch, Otsego County Administrator

Approval of minutes from: October 15, 2018

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

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda: None

Public Hearing:

1. *Otsego County Zoning Ordinance – The Rezone request for the following subdivisions located in Bagley Township to be rezoned to a R3 Zoning District:*

- 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 1-4*

Vice Chairperson Jarecki stated the case before them, requested a statement from Mr. Mouch and opened the public hearing.

Public hearing opened: 6:02pm

Mr. Mouch read the following:

INTENT

Problem:

It has been recognized that there are five (5) recorded plats located within Bagley Township (Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates 1 & 2, Parkwood Subdivision) and one (1) recorded plat located within Otsego Lake Township (Arbutus Beach Highlands 1-4) that are currently zoned R1/R2. Because these mentioned plats are R1/R2, many of these single family dwellings become non-compliant and are unable to be replaced or made alterations to.

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Advisement:

The County Attorney was contacted to advise the Planning Commission on how to amend the zoning ordinance to allow structures less than 20 feet to be voluntarily replaced or altered when the need should arise such as a natural disaster, structure fire, structure modification or the addition of a structure less than 20 feet in width to a vacant lot.

The County Attorney has advised the Planning Commission to rezone these platted areas to R3 to allow for the replacement or addition of structures less than 20 feet in width in these areas.

There is also a text amendment to Section 21.22.6 of the Otsego County Zoning Ordinance to read "Units manufactured shall have a Title date not to exceed fifteen (15) years from the zoning application date." This is placed in the motion to assure that within reason, new structures that are added to these areas meet updated Building, Energy, Electrical, Mechanical and Plumbing Codes.

Vice Chairperson Jarecki requested public comment.

Brenda Cross, subdivision resident, stated she felt it was unconstitutional to change the zoning and did not think they were being treated as single family homes equal to others. The minimum lot size for the redistricting was 0.92 acres with a minimum of one hundred feet (100') in width which meant they could not rebuild or add a structure without purchasing additional lots to meet the redistricting requirement. Most lots are not large enough to meet this. She felt the subdivision would become more commercialized and their properties would be devalued with the change. The Michigan Supreme Court ruled that mobile homes could not be treated any differently from other types of homes. She did not see any reason to change the districting or why they could not be issued permits under the R2 districting. She questioned if this was occurring throughout the County or just them.

Secretary Arndt stated the Planning Commission recognizes most of the lots in these subdivisions do not currently meet the minimum size and width and therefore, would not be able to build or rebuild as it was zoned now but they were trying to change that tonight. If a unit were to break down, it would be able to be replaced.

Ms. Cross questioned the fifteen (15) year age requirement for mobile homes because mobiles lasted longer than that and also why a variance could not be requested on a case by case basis if a home were to be destroyed. These mobiles were a solution to affordable housing and she felt the County was creating a bigger problem.

Mr. Mouch stated this rezoning would make the district less restrictive and would help, not hinder the process.

Tom Serino, property owner as well as property manager for other landlords, stated he offered low income housing to people in this lower demographic but with the increase in minimum lot size it seemed more restrictive and he did not see how a single wide could be placed in the subdivision and meet the requirements. He did not feel it was fair to these people.

Tom Wagar, Otsego Lake Township Supervisor, stated the idea was presented to him a few months ago and he felt that reducing the restrictions to allow a replacement of a mobile instead of trying to repair a structure that should be torn down and removed should be allowed.

Vice Chairperson Jarecki requested further comment, hearing none closed the public hearing.

Public hearing closed: 6:19pm

Advertised Case:

Otsego County Zoning Ordinance – The Rezone request for the following subdivisions located in Bagley Township to be rezoned to a R3 Zoning District:

- 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 1-4*

Vice Chairperson Jarecki requested comments from the Planning Commission.

Mr. Caverson questioned if the minimum lot size would change from 0.46 acres to 0.92.

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Haider Kazim, Otsego County Attorney, stated the scope of the rezoning only applied to the six (6) subdivisions, five (5) in Bagley Township and one (1) in Otsego Lake. The reason this rezone request was initiated was:

- 1) the mobiles in these subdivisions were not in compliance with the minimum width of structure in the current zoning district; most of them were less than twenty feet (20') wide;
- 2) the existing lot size currently in these areas is between 0.20 and 0.30 acres which is less than the 0.46 acre minimum lot size and also non-compliant and;
- 3) the structure's age was also an issue; structures have either been destroyed by fire or become so dilapidated and deteriorated over time, they needed to be replaced.

With the current zoning, replacement of any of these structures with a similar structure could not be allowed because the requirements could not be met. If these subdivisions were rezoned to R3, parcels would not meet the 0.92 acres minimum lot size but that requirement in most cases is not currently being met either. These properties would be considered lawful non-conforming because they are in existence prior to a zoning change. As far as requesting a variance, variances should be issued sparingly and a variance would have to meet certain criteria showing a particular property is unique from other properties in the zoning district; lot size would not apply. Rezoning the subdivision would be a more efficient way of accomplishing this. Much of the requirements in R3 are the same as in other residential districts such as minimum square footage, minimum lot width and setbacks; the only difference would be minimum lot size and minimum structure width. This rezone would be a benefit as far as the minimum structure width and the current lot sizes would be considered lawful non-conforming.

Ms. Cross stated she already purchased an additional lot to meet the 0.46 acres required under the current zoning district. She did not think it was fair to have to purchase more to meet the larger lot size nor did she think her neighbors would sell. She would like to build in the future but could not because of the larger lot requirement.

Mr. Brown questioned how one would know that these are non -conforming lots in the future.

Mr. Kazim stated any property currently in existence in these subdivisions would be considered lawful non-conforming. These properties are part of public record and the Zoning Department could determine if a property is lawful non-conforming. Property owners will not be penalized for a parcel less than the minimum 0.92 acres if it existed prior to the date of the rezone. If a larger existing lot were to be divided and the parcels did not meet the requirement of 0.92 acres, they could not claim lawful non-conformity.

Vice Chairperson Jarecki explained if an existing lot was 0.26 acres, it would be considered a non-conforming lot and could be built on; an owner would not have to purchase additional lots to meet the minimum of 0.92 acres.

Secretary Arndt stated maybe an attachment could be added depicting the lots as they currently are for future reference. He also stated according to the Schedule of Dimensions the minimum structure width in a R3 Zoning District is eleven feet (11'); maybe this should be changed to fourteen feet (14'), the more current width of a single wide. He thought this was a concern and should be addressed even though it was unlikely an eleven foot (11') mobile could meet the other approval requirements.

Mr. Kazim stated that issue was being addressed with the proposed text amendment pertaining to mobile homes but there were other parcels throughout the County zoned R3 that may wish to construct an eleven foot (11') wide building and this rezone should not be applicable to them.

Mr. Caverson questioned when the first zoning ordinance came into existence.

It was stated the zoning ordinance went into effect sometime in the late sixties-early seventies.

Mr. Caverson stated the plats were dated when they were created so these lots would be considered lawful non-conforming if they existed prior to the zoning ordinance.

Mr. Kazim concurred.

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Mr. Caverson continued, stating they were not correcting something that previously existed. This was initiated to help people whose homes were destroyed by fire or other natural disasters but there were many other lots that existed outside of these subdivisions that were lawful non-conforming and this was not helpful at all.

Mr. Churches stated these lots were non-conforming to begin with and with homes having been destroyed, people were bringing in single wide mobiles that did not meet the minimum structure width. The ordinance stated that any non-conforming structure that was destroyed more than sixth percent (60%) could not be replaced unless current requirements were met. This was a solution to that issue.

Mr. Caverson stated this was not what he thought they had set out to do; this applied to only six (6) areas, not county wide so it did not help anyone outside of these areas.

Mr. Stults stated that prior legal counsel because of issues that occurred with the ordinance, had recommended the ordinance be repealed and reenacted so any lots in any existing subdivision in existence prior to the reenactment would have become a lawful non-conforming lot.

After much discussion concerning lawful non-conformities, it was stated forty –fifty percent (40-50%) of the lots in the County were lawful non-conforming lots. These six (6) subdivisions with non-conforming lots were a non-issue in the scheme of things.

Mr. Kazim stated these lots are already in existence with plenty of information to convey that. The County can determine if these lots are non-conforming with the information in their database. The only issue would arise if someone wished to divide lots that did not meet the 0.92 acres minimum; they would not be lawful non-conforming.

Ms. Corfis questioned if there would be two (2) classes of R3 and would this apply only to these subdivisions with smaller lots or to all non-conforming parcels in the R3 Zoning District.

Mr. Kazim stated lawful non-conforming status applies to properties throughout the County and all lawful non-conforming parcels were afforded the same rights as conforming.

Ms. Corfis questioned if a lot was created after the zoning ordinance in the seventies if it would still be non-conforming.

Mr. Kazim stated it would depend on what the required dimensions were back then as to its non-conformity. If any lot in a R3 Zoning District was in existence as of July 10, 2018, would be lawful non-conforming; anything created after that date would not.

Mr. Caverson stated this was not what they had started out to do and in his opinion, this did not help any other property owners in the County except in these subdivisions.

Ms. Cross questioned the fifteen (15) year title change and how it would affect passing her property on to her family.

Mr. Kazim stated as long as the structure stays on the property, it doesn't matter if the owner passes away or if it is deeded to someone else but if it were to be replaced, it would have to meet the fifteen (15) year title date from the application date.

Mr. Johnson questioned why the width of the structure could not be changed to fourteen feet (14') to ensure an eleven foot (11') mobile was not placed in these subdivisions.

Mr. Kazim explained that a change to the Schedule of Dimensions would impact the entire County and could not be required of just these subdivisions.

Ms. Corfis stated the information presented to Otsego Lake Township did not include the text amendment so that was not discussed at their planning commission; had it been, their conversation may have changed and impacted their decision.

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Mr. Kazim stated the County only heard from Bagley and Otsego Lake Township's Planning Commissions but nothing from the Township Boards. Under Article 27, a decision of approval or rejection must come from the Township Board. A formal decision one way or the other had not been received within the timeframe from either Township.

Vice Chairperson Jarecki asked for any further discussion, hearing none requested a motion.

Motion made by Mr. Arndt to recommend to the Otsego County Board of Commissioners the rezoning of parcels in Gaylord Mobile Home Estates, Hidden Pines Mobile Estates, Maple Grove Estates 1 & 2 and Parkwood Subdivisions located in Bagley Township and parcels in Arbutus Beach Highlands 1-4 Subdivision located in Otsego Lake Township from their respective zoning districts to the R3/Residential Estates Zoning District. In addition, the current language contained in Section 21.22.6 of the Otsego County Zoning Ordinance, which reads "Units manufactured prior to 1976 (title date) shall not be installed." be removed and Section 21.22.6 be amended to read, "Units manufactured shall have a Title date not to exceed fifteen (15) years from the zoning application date."; Seconded by Mr. Brown.

Vice Chairperson Jarecki called for a roll call vote.

Roll call vote: 8-1

Motion passes

Public Hearing:

2. *Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Rezone for three (3) contiguous parcels located in Hayes Township:*

<u>071-001-100-005-02</u>	<u>071-001-100-005-03</u>	<u>071-001-100-005-04</u>
<i>M-32 West</i>	<i>M-32 West</i>	<i>M-32 West</i>
<i>Gaylord, MI 49735</i>	<i>Gaylord, MI 49735</i>	<i>Gaylord, MI 49735</i>

PZRZ18-004, -005, -006 - Property is currently zoned B1/Local Business with a request to be rezoned to B2/General Business.

The proposed purpose of the rezone is to permit construction of storage units for commercial purposes.

Vice Chairperson Jarecki stated the case before them, opened the public hearing and requested input from Land Use Services.

Public hearing opened: 7:04pm

Chris Churches stated this was a request for a rezone of three (3) parcels in Hayes Township to be rezoned from B1 to B2. The proposal is for indoor storage units, thirty (30) buildings proposed for three (3) lots for a total of eight hundred forty (840) units. Indoor storage units are not a permitted use in a B1 Zoning District. A special use permit would be required in a B2 Zoning District. Hayes Township approved both the rezone and special use permit for the three (3) parcels on October 9, 2018.

Brian Royce, applicant representing the owners, stated he and his family, were looking to purchase the property and they felt there was a strong demand for storage units in the County. Current population is roughly 25,000 people not including the seasonal people and the current storage units are running at approximately ninety percent (90%) capacity or higher. With the growth increase of the County, they felt this would provide storage opportunity for the residents to store items and free up space in their garages or yards. With the cost of building, it's not feasible for many people to build their own storage building but at about the cost of cable TV, they would have access to storage. They will be good neighbors, will abide by setbacks and add fencing and lighting.

Mary Sanders, Hayes Township Supervisor, stated Mike Perdue had begun discussing this issue approximately two (2) years ago. A rezone to a B3 classification was discussed at their August meeting and after reviewing maps and plans, the rezone was denied. Hayes Township explained they were not interested in any B3 Zoning Districts. The applicants came back in September and again in October requesting a rezone to a B2; it was approved by split decision with a vote of 3-2. There is a list of questions that had been asked at their meeting

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and presented tonight. She continued with a brief history of the property being rezoned to B1 and previous requests to rezone to B2. The Township had approved the rezone to B2 for storage units but was requesting stipulations of uses for the future of the properties. Those were included in their motion. They were requesting the County include them in their decision to ensure the welfare as well as safety for the environment.

Mr. Royce thanked her for her history of the property and stated the request for the rezone to a B3 was an error on their part as far as what the classification needed to be. They went back before the Township Board with the B2 Zoning request and it was approved by Hayes Township. They agreed with the conditions the Township was requesting, all owners signed off on them and they were one hundred percent (100%) behind them.

Mr. Kazim questioned if this was in writing and if the company had signed the document.

Mr. Royce said all owners had signed the letter.

Mr. Borton questioned if that would be a deed restriction that ran with the land.

Mr. Kazim stated it would be recorded.

Mike Perdue, representative of the sellers, stated he has worked with the buyers as well and spoke highly of the operation of their business in Gaylord and Grayling; they were school teachers and dentists and he thought they would bring a Class A facility to Gaylord. The demand is high for storage units and there is minimal affordable B2 and B3 zoned properties available. As mentioned, this property had been requested for rezoning previously, they were able to meet the criteria to Hayes Township's satisfaction which is why it was approved. As a commercial broker, he has had the properties listed for two (2) years and not one interested party brought forward a B1 conforming use. He felt this was a good use for this property.

Mr. Stults questioned how zoning would enforce or deal with these restrictions placed on these properties.

Mr. Kazim stated the Township and applicant came to a bilateral agreement limiting the uses for the properties. The B2 Zoning District has a number of uses permitted but those uses will be restricted per that agreement and will be recorded at the Register of Deeds so any future owners would be aware of these restrictions. He read aloud the listed restrictions. He also stated this was different from conditional zoning. Under the Michigan Zoning Enabling Act, a municipality cannot require an applicant to agree to conditions as a condition of their rezoning; those conditions must come bilaterally. Mr. Kazim stated what was occurring tonight was contract zoning and stated clarification on three (3) items for the record:

- 1) these conditions were not solicited pursuant to statute MCL125.3405 but were negotiated and bilaterally agreed upon between Hayes Township and the property owners;
- 2) the reason for these restrictions were related to legitimate zoning purposes such as being consistent with the Master Plan or other adjacent uses for protection of the public health and welfare and;
- 3) this agreement will be reviewed and subject to approval by the Otsego County Board of Commissioners in addition to the rezone. *(SEE ATTACHMENT 1)*

He deferred to Land Use for verification on the zoning criteria.

Mr. Churches stated this rezone would be consistent with the Master Plan being a commercial mixed use area and also consistent with the other businesses in the surrounding area.

Mr. Kazim stated there is other B2 Zoning in the vicinity so this would not be considered spot zoning.

Mr. Caverson questioned what would happen if the agreement was not recorded.

Mr. Kazim stated the zoning would be void if it was not recorded.

Joel Butler, Grace Baptist Church, questioned if the restrictions would remain in place if the current sale of the land fell through.

Mr. Kazim stated once the agreement is recorded, the restrictions would run with the land and all property owners would be subject to those restrictions.

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Mr. Royce reiterated there was a need for storage units and this was an affordable service to the County that was not being serviced adequately.

Vice Chairperson Jarecki requested further comment, hearing none closed the public hearing.

Public hearing closed: 7:36pm

Advertised Case:

1. *Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Rezone for three (3) contiguous parcels located in Hayes Township:*

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Gaylord, MI 49735	Gaylord, MI 49735	Gaylord, MI 49735

PZRZ18-004, -005, -006 - Property is currently zoned B1/Local Business with a request to be rezoned to B2/General Business.

The proposed purpose of the rezone is to permit construction of storage units for commercial purposes.

Vice Chairperson Jarecki requested comments from the Planning Commission members.

Mr. Caverson questioned what would happen with the B1 parcel to the east if they wanted to be rezoned as well.

Mrs. Sanders stated they would go through the same process at the Township for the rezone.

Mr. Kazim stated this would be reviewed on case by case basis and there could be negotiations for limiting the usage as well.

Vice Chairperson Jarecki asked for any further discussion, hearing none requested a motion.

Motion made by Mr. Caverson to recommend to the Otsego County Board of Commissioners cases PZRZ18-004, PZRZ18-005 and PZRZ18-006 for the rezoning of three (3) parcels in Hayes Township from B1/Local Business to B2/General Business to include a letter between the applicant and township dated October 10, 2018 for listed Land Use restrictions to be recorded at the Otsego County Register of Deeds office; Seconded by Mr. Brown.

Roll call vote: 9-0

Motion passes.

Public Hearing:

2. *Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Special Use Permit for three (3) contiguous parcels located in Hayes Township:*

071 001 100 005 02	071 001 100 005 03	071 001 100 005 04
M 32 West	M 32 West	M 32 West
Gaylord, MI 49735	Gaylord, MI 49735	Gaylord, MI 49735

~~*PZSU18-008, -009, -010 - The proposed purpose of the request is to permit construction of storage units for commercial purposes.*~~

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Advertised Case:

2. *Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Special Use Permit for three (3) contiguous parcels located in Hayes Township:*

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Property is currently zoned B1/Local Business with a request to be rezoned to B2/General Business, to be determined. Mini storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in a B2/General Business Zoning District.

******* Cases PZSU18-008, -009, -010 removed from the agenda pending rezone approval by the Otsego County Board of Commissioners.

Motion made by Mr. Hilgendorf to remove from the agenda the Special Use Permit request before them pending the rezone approval by the Otsego County Board of Commissioners; Seconded by Mrs. Norton.

Motion approved unanimously.

Public Hearing:

4. Capital Improvement Plan 2019-2024

Vice Chairperson Jarecki stated the case before them and opened the public hearing.

Public hearing opened: 7:50pm

With no further comment, the public hearing was closed.

Public hearing closed: 7:51pm

Advertised Case:

4. Capital Improvement Plan 2019-2024

Vice Chairperson Jarecki requested a motion.

Motion made by Mr. Hilgendorf to recommend the 2019-2024 Capital Improvement Plan to the Otsego County Board of Commissioners; Seconded by Mr. Bauman.

Motion approved unanimously.

Unfinished Commission Business:

1. Objective List 2019

Motion made by Mr. Brown to adopt the 2019 Objective List as presented; Seconded by Mr. Hilgendorf.

Motion approved unanimously.

New Business: None

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated the septic system and the relocation of the ranger station at the County Park were complete, it was suggested that \$5000 be put aside for dirt for campsite maintenance; a fence may be necessary to define the County's property line at Wah Wah Soo to keep people from encroaching; the remodel for the Groen Nature Preserve ranger station has been put on hold and there is a trail ranger position open; the Master Plan is on hold pending the issues with the Groen ranger station and Mr. Ryan presented an updated schedule for replacement and repair of equipment for the Parks & Rec Department.

2. Land Use Services report

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Jim Mouch:

Mr. Mouch stated the permit in question was in process and could be discussed at a later date.

Chris Churches:

Mr. Churches stated he was working on a project for completion of his certification through MSU and thought compiling information on all the non-conforming lots in the County would be useful for future reference.

Mr. Borton stated the Board of Commissioners were holding a public hearing Tuesday, November 27, 2018 at 9:30am at the Alpine Center concerning the Otsego County Road Commission and invited everyone to attend for clarification on the subject.

With no further comments, Vice Chairperson Jarecki adjourned the meeting.

Adjournment: 8:01pm by Vice Chairperson Jarecki

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

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ATTACHMENT 1:

HAYES TOWNSHIP, OTSEGO COUNTY
MARY SANDERS, SUPERVISOR/ASSESSOR
7200 HAYES TOWER ROAD
GAYLORD, MI 49735

Brian Royce
2765 Hidden Ridge Court
Grayling, MI 49735

October 10, 2018

Deed Restrictions for approved uses for the parcels being considered for B 2 re-zoning

As part of the motion made to re-zone the parcels, the uses that are not appropriate to Hayes Township were listed in discussion and is included with the motion that the deed restrictions are to be recorded in Otsego County and will stay with the land.

The following uses will not be allowed by deed restriction:
These were agreed to by letter 10/2/1996 by the current owners of said property

No tavern/night clubs
No public parking garages
No businesses with drive through sale of alcohol
No gas stations
No dry cleaners

Township board members asked that the following be included as per the current agreement to move forward:

No outdoor storage
No flea markets or open air merchants
No adult theaters or adult business ventures
No drive through services
No auto repair/auto shop business with outdoor storage
No solid waste hauler business
No service centers for vehicles, watercraft, mobile homes etc that can cause environmental harm

Please sign this letter as approval for the deed restrictions for the re-zoning that stays with the land. A copy will be kept with the township, a copy for the land use services department, and a copy for the proposed owners of this transaction.

Mary Sanders
Mary Sanders, Supervisor

Brian Royce
[Signature]
[Signature]

**OTSEGO COUNTY
PLANNING COMMISSION**

PZSU18-008 071-001-100-005-02

PZSU18-009 071-001-100-005-03

PZSU18-010 071-001-100-005-04

Special Use Permit/Site Plan Review

Exhibit List

- Exhibit #1:* Applications for case PZSU18-008, -009, -010 submitted by Applicant
- Exhibit #2:* Otsego County Zoning Map Effective Date March 20, 2010/Amended November 27, 2018
- Exhibit #3:* Otsego County Zoning Ordinance Effective March 20, 2010/Amended November 27, 2018
- Exhibit #4:* Copy of Otsego County Equalization Department record card/QC-625/689, WD-763/584
- Exhibit #5:* Site Plan/PZSU18-008, -009, -010 submitted by Applicant - Representative
- Exhibit #6:* Letter of representation (*Requested*)
- Exhibit #7:* Public Hearing Notice
- Exhibit #8:* Letter to Hayes Township Board dated October 9, 2018
- Exhibit #9:* Response from Hayes Township Board dated October 10, 2018
- Exhibit #10:* Receipt #01315914
- Exhibit #11:* Map and list of parties notified
- Exhibit #12:* General Finding of Fact/PZSU18-008, -009, -010
- Exhibit #13:* Specific Finding of Fact/PZSU18-008, -009, -010
- Exhibit #14:* Street Address Applications
- Exhibit #15:* Statement from Otsego County EMS
- Exhibit #16:* Statement from Otsego County Fire Department
- Exhibit #17:* Statement from Otsego County Sheriff Department
- Exhibit #18:* Statement from Otsego County Soil Conservation District

**OTSEGO COUNTY
LAND USE SERVICES**
1322 HAYES RD GAYLORD MI 49735
PHONE: 989.731.7400 * FAX: 989.731.7419
www.otsegoctvmi.gov

APPLICATION FOR SPECIAL USE PERMIT

Date: July 24, 2018	Parcel Number: 071-001-100-005-02
---------------------	-----------------------------------

PROPERTY LOCATION: (REQUIRED)

Address: Parcel B M-32 West		City: Gaylord	Zip Code: 49735
Township: Hayes	Zoning District: TBD	Section: 01	T 30 N/R 4 W

APPLICANT:

Name: Brian Royce		Owner/Agent/ <u>Other Interest</u> (circle one)	
Address: 2765 Hidden Ridge Ct		City: Grayling	State: MI Zip Code: 49738
Phone: (989) 370 - 9423		Fax: () - -	

PROPERTY OWNER: (If different from Applicant)

Name: ThreeMWest		Phone: (989) 619 - 4905	
Address: 316 W 2 nd St		City: Gaylord	State: MI Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:

Construction of a Mini - Storage Development on three (3) parcels (Parcels B, C & D) for commercial purposes

SIGNATURE OF APPLICANT:



DATE:

7-30-18

***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: PZSU18-008
Date Application Complete:	Fee: <input checked="" type="checkbox"/> Receipt Number: 01315914

**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: July 24, 2018	Parcel Number: 071-001-100-005-03
---------------------	-----------------------------------

PROPERTY LOCATION: (REQUIRED)

Address: Parcel C M-32 West		City: Gaylord	Zip Code: 49735
Township: Hayes	Zoning District: TBD	Section: 01	T 30 N/R 4 W

APPLICANT:

Name: Brian Royce		Owner/Agent/ <u>Other Interest</u> (circle one)	
Address: 2765 Hidden Ridge Ct		City: Grayling	State: MI Zip Code: 49738
Phone: (989) 370 - 9423		Fax: () -	

PROPERTY OWNER: (If different from Applicant)

Name: ThreeM West		Phone: (989) 619 - 4905	
Address: 316 W 2 nd St		City: Gaylord	State: MI Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:

Construction of a Mini - Storage Development on three (3) parcels (Parcels B, C & D) for commercial purposes

SIGNATURE OF APPLICANT: 	DATE: 7-30-18
--	------------------

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OFFICE USE ONLY

Date Application Received:	Permit Number: PZSU18-00
Date Application Complete:	Fee: <input checked="" type="checkbox"/> Receipt Number: 01315914

**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: July 24, 2018	Parcel Number: 071-001-100-005-04
---------------------	-----------------------------------

PROPERTY LOCATION: (REQUIRED)

Address: Parcel D M-32 West		City: Gaylord	Zip Code: 49735
Township: Hayes	Zoning District: TBD	Section: 01	T 30 N/R 4 W

APPLICANT:

Name: Brian Royce		Owner/Agent/Other Interest <i>(circle one)</i>	
Address: 2765 Hidden Ridge Ct		City: Grayling	State: MI Zip Code: 49738
Phone: (989) 370 - 9423		Fax: () -	

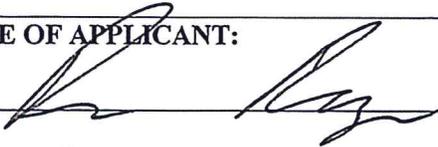
PROPERTY OWNER: (If different from Applicant)

Name: S & H PROPERTIES		Phone: (989) 370-0362	
Address: PO BOX 189		City: Gaylord	State: MI Zip Code: 49734

DESCRIPTION OF PROJECT AND PROPOSED USE:

Construction of a Mini - Storage Development on three (3) parcels (Parcels B, C & D) for commercial purposes

SIGNATURE OF APPLICANT:



DATE:

7-30-18

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OFFICE USE ONLY

Date Application Received:	Permit Number: PZSU18
Date Application Complete:	Fee: <input checked="" type="checkbox"/> Receipt Number: 01315914

**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: Brian Royce	Owner/Agent <u>Other Interest</u> <i>(circle one)</i>
Address: 2765 Hidden Ridge Ct Grayling, MI 49738	
Phone: (989) 370 - 9423	Fax: () -

PROPERTY OWNER: *(If different from Applicant)*

Name: Three M West	
Address: 316 W 2 nd St Gaylord, MI 49735	
Phone: (989) 619 - 4905	Fax: () -

PROPERTY LOCATION:

Township: Hayes	Section: 01	T 30 N/R 4 W	Zoning District: TBD
Site Address: Parcel B M-32 West Gaylord, MI 49735			
Parcel Number: 071-001-100-005-02			
Description of Project and Proposed Use: Construction of a Mini-Storage Development on three (3) parcels (Parcel B, C & D) for commercial purposes			

Signature of Applicant: 	Date: 7-30-18
--	------------------

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**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:

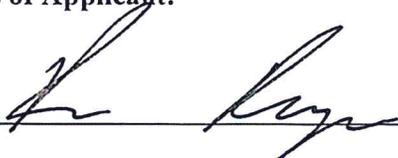
Name: Brian Royce	Owner/Agent <u>Other Interest</u> (circle one)
Address: 2765 Hidden Ridge Ct Grayling, MI 49738	
Phone: (989) 370 - 9423	Fax: () -

PROPERTY OWNER: *(If different from Applicant)*

Name: Three M West	
Address: 316 W 2 nd St Gaylord, MI 49735	
Phone: (989) 619 - 4905	Fax: () -

PROPERTY LOCATION:

Township: Hayes	Section: 01	T 30 N/R 4 W	Zoning District: TBD
Site Address: Parcel C M-32 West Gaylord, MI 49735			
Parcel Number: 071-001-100-005-03			
Description of Project and Proposed Use: Construction of a Mini-Storage Development on three (3) parcels (Parcel B, C & D) for commercial purposes			

Signature of Applicant: 	Date: 7-30-18
--	------------------

***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

**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: Brian Royce	Owner/Agent <u>Other Interest</u> <i>(circle one)</i>
Address: 2765 Hidden Ridge Ct Grayling, MI 49738	
Phone: (989) 370 - 9423	Fax: () -

PROPERTY OWNER: *(If different from Applicant)*

Name: S & H PROPERTIES	
Address: PO BOX 189, GAYLORD MI 49734	
Phone: (989) 390-0362	Fax: () -

PROPERTY LOCATION:

Township: Hayes	Section: 01	T 30 N/R 4 W	Zoning District: TBD
Site Address: Parcel D M-32 West Gaylord, MI 49735			
Parcel Number: 071-001-100-005-04			
Description of Project and Proposed Use: Construction of a Mini-Storage Development on three (3) parcels (Parcel B, C & D) for commercial purposes			

Signature of Applicant: 	Date: 7-30-18
---	---------------

***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 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 No if "No" explain: _____
3. The address and or parcel number of the property.
Yes No "No" explain: _____
4. Name and address of the developer (if different from the applicant).
Yes No if "No" explain: _____
5. Name and address of the engineer, architect and/or land surveyor.
Yes No if "No" explain: _____
6. Project title.
Yes No if "No" explain: _____
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 No if "No" explain: _____
9. The gross and net acreage of all parcels in the project.
Yes 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 No if "No" explain: _____

11. Project completion schedule/development phases. (refer to Section 23.9)
 Yes No if "No" explain: _____
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 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 No if "No" explain: _____
14. Existing topographic elevations and proposed grades in sufficient detail to determine direction of drainage flows.
 Yes 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 if "No" explain: _____
16. Location and type of significant existing vegetation.
 Yes 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 if "No" explain: _____
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 if "No" explain: _____
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 if "No" explain: _____
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 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 if "No" explain: _____
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 No if "No" explain: _____

23. Location, size, and characteristics of all loading and unloading areas.
Yes No if "No" explain: _____
24. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
Yes No if "No" explain: _____
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 if "No" explain: _____
26. Location of all other utilities on the site including natural gas, electric, cable TV, telephone and steam.
Yes 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 if "No" explain: _____
28. Location, size and specifications of all signs and advertising features with elevation views from front and side.
Yes No if "No" explain: TBD, Will Comply With Sign Ordinance
29. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
Yes No if "No" explain: _____
30. Location and specifications for all fences, walls and other screening features with elevation views from front and side.
Yes No if "No" explain: _____
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 if "No" explain: _____
32. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
Yes No if "No" explain: None on Property.
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 if "No" explain: None to be on property.
34. North arrow, scale and date of original submittal and last revision.
Yes No if "No" explain: _____
35. Seal of the registered engineer, architect, landscape architect, surveyor or planner who prepared the site plan.
Yes No if "No" explain: _____

*****Attention*****

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

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

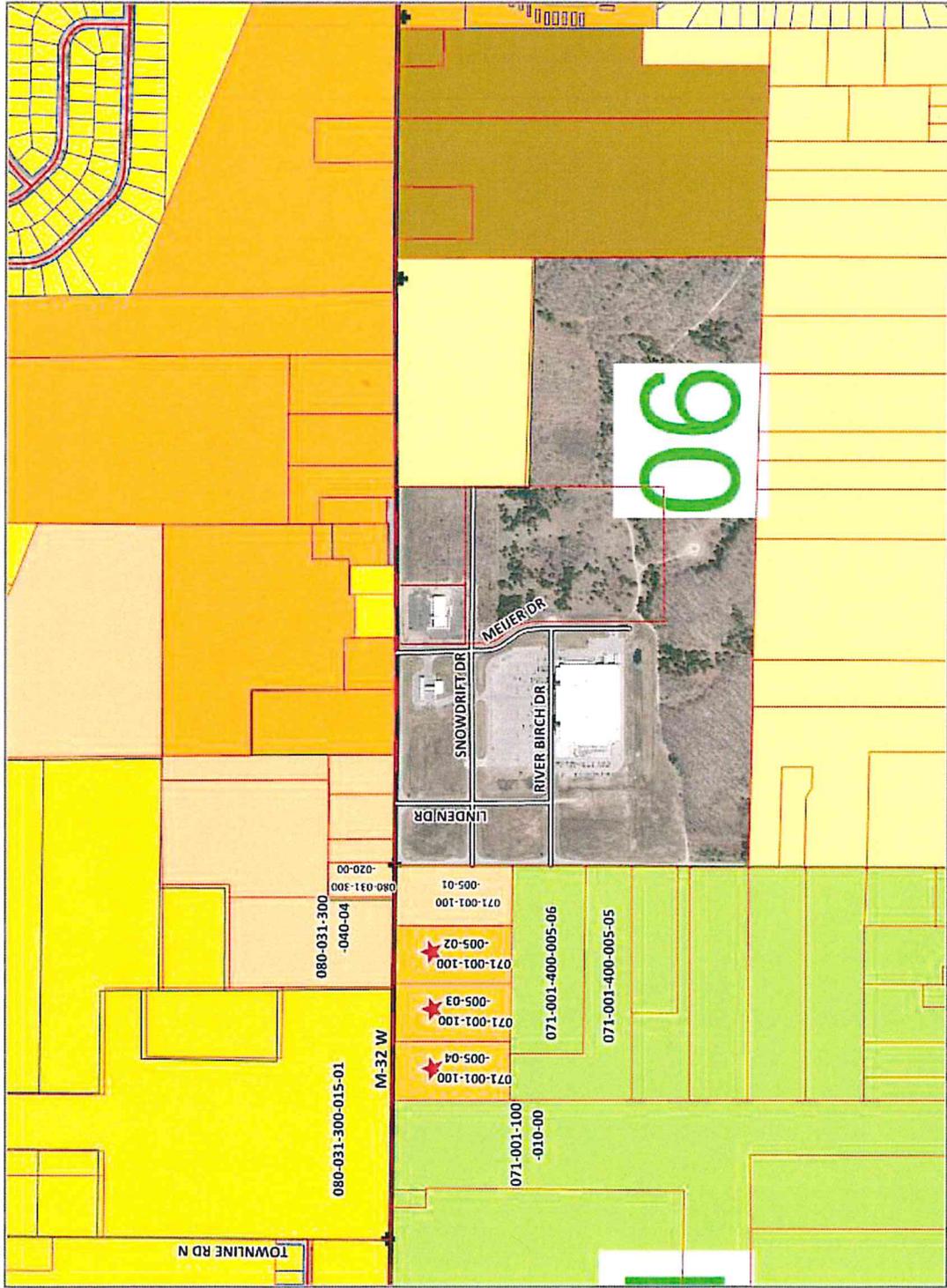
Or

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

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

Date Application Received:	Fee: <input checked="" type="checkbox"/>	Receipt Number: 01315914
Permit No: 725418-008, 009, 010	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

PZRZ18-004 071-001-100-005-02 M-32 WEST
 PZRZ18-005 071-001-100-005-03 M-32 WEST
 PZRZ18-006 071-001-100-005-04 M-32 WEST



OTSEGO COUNTY ZONING MAP

LEGEND

[Yellow]	R-1 / RESIDENTIAL
[Light Yellow]	R-2 / GENERAL RESIDENTIAL
[Yellow-Green]	R-3 / RESIDENTIAL ESTATES
[Light Green]	RR / RECREATION RESIDENTIAL
[Green]	FR / FORESTRY RECREATION
[Dark Green]	AR / AGRICULTURAL RESOURCE
[Light Orange]	B-1 / LOCAL BUSINESS
[Orange]	B-2 / GENERAL BUSINESS
[Dark Orange]	B-3 / BUSINESS, LIGHT MANUFACTURING
[Brown]	I / INDUSTRIAL
[Light Brown]	HX / HIGHWAY INTERCHANGE
[White with diagonal lines]	MUZ MAIN / MULTIPLE USE ZONING MAIN STREET
[White with cross-hatch]	MUZ TWN CN / MULTIPLE USE ZONING TOWN CENTER
[Pink]	PUD / PLANNED UNIT DEVELOPMENT
[Light Green]	STATE LAND
[White]	N/A

OTSEGO COUNTY
MICHIGAN
RECEIVED FOR RECORD
96 NOV 13 AM 11:20
EVELYN M. PRATT
CLERK / REGISTER OF DEEDS

QUIT CLAIM DEED

Know all men by these presents: That Joseph F. Tomaski and Jeni S. Tomaski, Husband and wife, and Bill Touroo and Cheryl N. Touroo, Husband and wife, as Joint Tenants w/ROS,

whose address is: 682 Rosemary, Gaylord, Michigan 49735

Quit Claim to: Three-M-West, Inc., a Michigan Corporation,

whose address is: 682 Rosemary, Gaylord, Michigan 49735

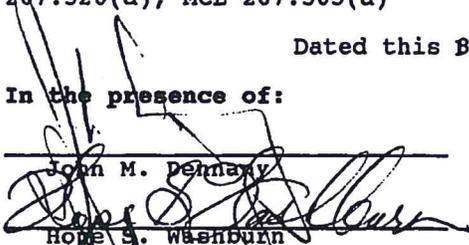
the following described premises situate in the Township of Hayes, County of Otsego, State of Michigan:

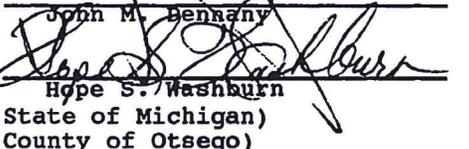
The East Fractional One-Half (1/2) of the Northeast Quarter (1/4), Section 1, T30N, R4W, Hayes Township, Otsego County, Michigan.

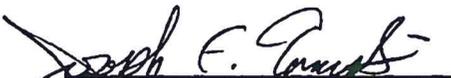
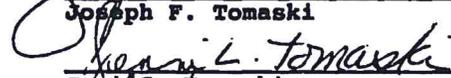
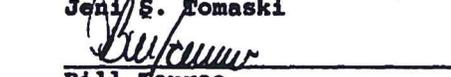
together with all and singular the tenements, hereditaments, and appurtenances thereunto appertaining for the sum of: Exempt pursuant to MCL 207.526(a); MCL 207.505(a)

Dated this 8th day of October, 1996.

In the presence of:

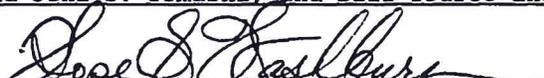

John M. Dennany
Hope S. Washburn


John M. Dennany
Hope S. Washburn
State of Michigan)
County of Otsego)


Joseph F. Tomaski

Jeni S. Tomaski

Bill Touroo

Cheryl N. Touroo

The foregoing instrument was acknowledged before me this 8th day of October, 1996, by Joseph F. Tomaski and Jeni S. Tomaski, and Bill Touroo and Cheryl N. Touroo.


Hope S. Washburn, Notary Public
Otsego County, Michigan
My Comm. Expires: 7-17-2001.

=====
Send Subsequent Tax Bills
& Return to:
Grantee

Drafted by:
John M. Dennany, *JD*
Attorney at Law
114 N. Court St/P.O. BOX 973
Gaylord, MI 49735

=====
Tax Parcel I.D. No. 071-001-100-005-00
Recording Fee: \$9.00 Revenue Stamps _____
=====

RECORDED IN DEEDS

OTSEGO COUNTY MICHIGAN RECEIVED FOR RECORD

WARRANTY DEED—SHORT—891 (REV. 1967) (PHOTO COPY FORM) THE REGISTER OF DEEDS, OTSEGO COUNTY, MICHIGAN

96 OCT -7 AM 9:31

EVELYN H. PRATT CLERK / REGISTER OF DEEDS

This Indenture, made BETWEEN Jon E. Rehklau and his wife, Phyllis A. Rehklau, Richard E. Rehklau, a single man, and Myra A. Kidd (formerly Myra A. Newsome), a married woman, 6920 Malvern Drive, Ft. Wayne, Indiana 46816 parties the first part, and Joseph F. Tomaski, a married man, and Bill Touroo, a married man, as Joint Tenants with full Rights of Survivorship, 682 Rosemary, Gaylord, MI 49735, parties of the second part,

whose address is WITNESSETH, that the said party of the first part, for and in consideration of \$ Forty-Six Thousand Five Hundred Seventh-Five and 00/100ths (\$46,575.00) to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, his heirs and assigns,

FOREVER, all that certain piece or parcel of land situate and being in the Township of HAYES County of Otsego and State of Michigan, and described as follows, to-wit: The East Fractional 1/2 of the Northeast 1/4, Section 1, Township 30 North, Range 4 West, Hayes Township, Otsego County, Michigan, RESERVING unto the Parties of the First Part full title and ownership of all oil, gas, and any other mineral upon or under the premises or which may be produced from the premises together with an easement and right of ingress and egress to test, explore, mine and/or remove said products and any activity related thereto, and to receive all proceeds and profits therefrom AND FURTHER RESERVING unto the Parties of the First Part 1/2 of all timber/standing upon said property including trees of all sizes and proceeds thereof however the Parties of the Second Part shall have the right to select and harvest trees within three years from 7/31/96 with a copy of all contracts and proceeds, statements immediately furnished to Parties of the First Part along with a certified check for proceeds within 60 days of completion AND if Parties of the Second Part have not completed the harvest of all trees within these three years, Parties of the First Part shall have the right to complete the harvest thereof and retain all rights and proceeds therefrom.

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

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

When applicable, plurals and relative words shall be read as plural, feminine or neuter. In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, and Delivered in Presence of MARY J. DECKER LESLIE L. BURES

Jon E. Rehklau Phyllis A. Rehklau

OTSEGO COUNTY TREASURER'S OFFICE Gaylord, Mich. 10-7-96

INDIANA STATE OF MICHIGAN, COUNTY OF ALLEN Before me, a Notary Public, in and for said County, personally appeared Jon E. Rehklau and his wife, Phyllis A. Rehklau to me known to be the same person, S described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

Herbert J. Ranta 1052 Bridge NW Grand Rapids, MI 49504

Notary Public ALLEN County, MICHIGAN My commission expires MARCH 3, 2000

WARRANTY DEED

PHOTO-STAMP SHORT FORM

1991

TO

REGISTRY OFFICE

County of _____

This instrument was presented and received for record this _____ day of _____, A. D. 19____.

Recorded in Liber _____ of Deeds, _____ of _____, _____, Michigan.

on page _____ of a proper certificate was furnished in compliance with Section 3331, Compiled Laws of 1931, as amended by Act 237, P. A. of 1931.

Register of Deeds

THE RICHEL PRESS, INC., PRINT, MICHIGAN

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

Signed, and Delivered in Presence of

Richard E. Rehklau
Richard E. Rehklau

Jody Duffey
JODY DUFFEY
Joannie Mains
JOANNIE MAINS

STATE OF MISSOURI

on September 28th 1996

COUNTY OF Boone ss. before me, a Notary Public, in and for said County, personally appeared Richard E. Rehklau to me known to be the same person as described in and who executed the within instrument, who acknowledged the same to be his free act and deed.

JASON D. JAMES
Notary Public,
Boone County, Missouri
My Commission Expires June 20, 1997

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

Signed, and Delivered in Presence of

Myra A. Kidd
Myra A. Kidd

Mary J. Decker
MARY J. DECKER
Leslie L. Burks
LESLIE L. BURKS

STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
Dept of Taxation \$51.70-C
County of Otsego \$352.50-S
0041351 07 Oct 1196 #0002616

STATE OF INDIANA

on _____, 19____

COUNTY OF ALLEN ss. before me, a Notary Public, in and for said County, personally appeared Myra A. Kidd (Formerly Myra A. Newsome) to me known to be the same person as described in and who executed the within instrument, who acknowledged the same to be his free act and deed.

Joan L. Kampboes
JOAN L. KAMPBOES
Notary Public,
ALLEN County, Michigan
My commission expires MARCH 3, 2000

1. Name and address of each person executing this instrument.
2. State total consideration unless affidavit of value to be filed.
3. When conveyance is made to a Corporation or Partnership, a line through "his name" and insert "its successors".
4. Home and business address of person who drafted this instrument.
5. Home of Witness, Notary Public, and persons executing this instrument must be printed, typewritten or stamped immediately beneath the signature of such person.

RETURN TO GRANTEE AFTER RECORDING.

Exhibit 4

OTSEGO COUNTY
MICHIGAN
RECEIVED FOR RECORD

99 JUL 29 PM 1:31

EVELYN M. PRATT
CLERK / REGISTER OF DEEDS

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 Van Lan ~~Bo~~ COUNTY TREASURER

STATE OF
MICHIGAN
Dept. of Taxation
County of Otsego
0064090 29 Jul 1999



REAL ESTATE
TRANSFER TAX
\$72.60-C
\$495.00-S
#0006928

WARRANTY DEED

THE GRANTOR: Three-M-West, Inc., a Michigan Corporation,
whose address is: P.O. BOX 994, Gaylord, Michigan 49734

CONVEYS AND WARRANTS TO: S & H Properties, L.L.C.
whose address is: ~~2360 Opal Lake Road, Gaylord, MI 49735~~
2336 South Otsego Ave.

the following described premises situate in the Township of Hayes, County of Otsego, State of Michigan:

Parcel D as shown in Certificate of Survey recorded January 24, 1977 in Liber 632, Pages 302-303, Otsego County Records, described as:

A parcel of land on part of the fractional Northeast 1/4 of Section 1, T30N, R4W. Commencing at the Northeast corner of said Section 1; thence N89°48'19"W, 992.97 feet along the North line of said Section 1 to the Point of Beginning; thence S00°38'17"E, 680.78 feet; thence S89°43'44"W, 330.79 feet along the East-West 1/4 line of said Section 1; thence N00°39'07"W, 683.42 feet along the East 1/8 line of said Section 1; thence S89°48'19"E, 330.99 feet along the North line of said Section 1 to the Point of Beginning. Subject to an easement for highway purposes over and across the Northerly 33 feet thereof. Also subject to any other easements or restrictions of record. Excepting and Reserving therefrom all oil, gas and mineral rights. Also excepting and reserving unto Seller and a certain disclosed third party the right to harvest all standing timber with attendant profit therefrom for a period of four years from and after October 4, 1996.

For the sum of: Sixty Six Thousand (\$66,000.00) Dollars

Subject to easements, restrictions, and reservations of record.

RECITALS: This deed is given in fulfillment of a certain land contract dated April 30, 1997, by and between Grantor and Grantee's predecessor herein, and is not subject to any defects or irregularities subsequent to that date, except through acts or omissions of Grantor herein.

This property may be located within the vicinity of farmland or farm operations. 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 this 20th day of April, 1998.

In the presence of:

Three-M-West Inc., A Michigan Corporation

Leah Wagner
LEAH WAGNER
Joseph Tomaski
JOSEPH TOMASKI
State of Michigan
County of Otsego

Bill Touroo
BY: Bill Touroo
ITS: President

The foregoing instrument was acknowledged before me this 20th day of April, 1998, by Bill Touroo, President of Three-M-West, Inc., a Michigan Corporation, for and on behalf of said Corporation.

Joanne Phillip
Joanne Phillip, Notary Public
Otsego County, Michigan
My Comm. Expires: 3-9-00

Send Subsequent Tax Bills & Return to:
Grantee :

Drafted by:
John M. Denny,
Attorney at Law
114 N. Court St/P.O. BOX 973
Gaylord, MI 49735

Tax Parcel ID No. 071-001-100-005-~~00~~ 0240
New 07
Recording Fee: \$9.00 [+ \$1.00 Tax Cert]
Revenue Stamps: X567.60

Grantee	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.	
Property Address	Class: 402 RES VACANT Zoning: B-1				Building Permit(s)	Date	Number	Status	
Owner's Name/Address	School: Gaylord Community								
THREE M WEST	P.R.E. 0%								
316 W 2ND	: 0.00								
GAYLORD MI 49735	2019 Est TCV 119,000 (Value Overridden)								
Tax Description	Improved <input checked="" type="checkbox"/> Vacant				Land Value Estimates for Land Table .				
PARCEL B BEG AT THE NE CORNER OF SEC 1, THN89DEG48 '19"W 330.99 FT TO POB, TH S00DEG36'35"E675.34 FT, TH S89DEG43'44"W 330.79 FT, TH N00DEG37'26"W 678. 04 FT TH S89DEG48'19"E 330.99 FT TO POB SEC 1 T30 N R4W CONT 5.14 ACRES L632/302 1997 SPLIT FROM 005-00	Public Improvements				* Factors *				
Comments/Influences	Dirt Road				Description	Frontage	Depth	Rate %Adj.	Reason
	Gravel Road					5.14	Total Acres	0	100
	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						
	2019	59,500	0	59,500	0	59,500	0	9,377C	9,377C
	2018	59,500	0	59,500	0	59,500	0	9,377C	9,377C
	2017	59,500	0	59,500	0	59,500	0	9,185C	9,185C
	2016	59,500	0	59,500	0	59,500	0	9,104C	9,104C
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan									

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

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.		
Property Address	Class: 402 RES VACANT School: Gaylord Community P.R.E. 0%	Zoning: B-1	Building Permit(s)	Date	Number	Status				
Owner's Name/Address	: 0.00 2019 Est TCV 119,000 (Value Overridden) Land Value Estimates for Land Table .									
Tax Description	* Factors * Description Frontage Depth Rate %Adj. Reason Value 5.16 Total Acres 0 100 0 Total Est. Land Value = 0									
PARCEL C BEG AT THE NE CORNER TH N89DEG48'19"W 661.98 FT TO POB, TH S00DEG37'26"W 678.04 FT, TH S89D EG43'44"W 330.79 FT TH N00DEG38'17"W 680.73 FT TH S89DEG 48'19"E 330.99 FT TO POB SEC1 T30N R4W CONT 5.16 ACRES L632/302 1997 SPLIT FROM 005-00	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									
Comments/Influences	Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
				2019	59,500	0	59,500			9,377C
				2018	59,500	0	59,500			9,377C
				2017	59,500	0	59,500			9,185C
				2016	59,500	0	59,500			9,104C
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Otsego, Michigan										

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

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.	
SEIDELL, CRAIG & BERNADETTS&H PROPERTIES, LLC	S&H PROPERTIES, LLC	0	02/06/2008	QC	No Sale Price	1163/680	Buyer	0.0	
HERON, PATRICK C & DANA	S & H PROPERTIES, LLC	0	02/01/2008	QC	No Sale Price	1163/683	Buyer	0.0	
THREE M WEST, INC	S & H PROPERTIES, LLC	66,000	04/01/1998	WD	Good	728:031		0.0	
THREE M WEST INC	SEIDELL - HERON	0	05/06/1997	MLC	Mem of Land Contract	639:228		0.0	
Property Address	Class: 402 RES VACANT		Zoning: B-1		Building Permit(s)		Date	Status	
	School: Gaylord Community								
Owner's Name/Address	P.R.E. 0%								
S&H PROPERTIES, LLC	: 0.00								
PO BOX 189	2019 Est TCV 119,000 (Value Overridden)								
GAYLORD MI 49734	Improved <input checked="" type="checkbox"/> Vacant		Land Value Estimates for Land Table .						
Tax Description	Public		* Factors *						
PARCEL D BEG AT THE NE CORNER OF SEC 1, TH N89DEG4 8'19"W 993.97 FT ALG THE N SEC LINE, TO THE POB, T H S00DEG38'17"E 680.73 FT, TH S89DEG43'44"W 330.79 FT, TH N00DEG39'07"W 683.42 FT, TH S89DEG48'19"E 330.99 FT, TO POB SEC 1 T30N R4W CONT 5.18 ACRES 1997 SPLIT FROM 005-00 L632/302	Improvements		Description		Frontage		Depth		
	Dirt Road		Front		Rate		%Adj. Reason		
	Gravel Road		5.180 Acres		0		100		
	Paved Road		Total Est. Land Value =		0		0		
	Storm Sewer								
	Sidewalk								
	Water								
	Sewer								
	Electric								
	Gas								
	Curb								
	Street Lights								
	Standard Utilities								
	Underground Utils.								
Comments/Influences	Topography of Site								
	Level								
	Rolling								
	Low								
	High								
	Landscaped								
	Swamp								
	Wooded								
	Pond								
	Waterfront								
	Ravine								
	Wetland								
	Flood Plain								
Who	When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
			2019	59,500	0	59,500			44,992C
			2018	59,500	0	59,500			44,992C
			2017	59,500	0	59,500			44,067C
			2016	59,500	0	59,500			43,674C

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

**OTSEGO COUNTY
PLANNING COMMISSION
PUBLIC HEARING NOTICE
December 17, 2018**

The Otsego County Planning Commission will hold public hearings on Monday December 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. **Three M West** Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Special Use Permit for three (3) contiguous parcels located in Hayes Township on M-32 West Gaylord, MI 49735. The proposed purpose of the request is to permit construction of storage units for commercial purposes. The property is currently zoned B2/General Business. Storage units are a permitted use subject to special conditions in a B2 Zoning District.

Parcel identification number: **071-001-100-005-02**
M-32 West
Gaylord, MI 49735

Legal Description:

PARCEL B: BEG AT THE NE COR OF SEC 1, TH N89°48'19"W 330.99 FT TO POB; TH S00°36'35"E 675.34 FT, TH S89°43'44"W 330.79 FT, TH N00°37'26"W 678.04 FT, TH S89°48'19"E 330.99 FT TO POB SEC 1 T30N/R4W CONT 5.14 ACRES L632/302 1997 SPLIT FROM 005-00

Parcel identification number: **071-001-100-005-03**
M-32 West
Gaylord, MI 49735

Legal Description:

PARCEL C: BEG AT THE NE COR, TH N89°48'19"W 661.98 FT TO POB; TH S00°37'26"W 678.04 FT, TH S89°43'44"W 330.79 FT, TH N00°38'17"W 680.73 FT, TH S89°48'19"E 330.99 FT TO POB SEC1 T30N/R4W CONT 5.16 ACRES L632/302 1997 SPLIT FROM 005-00

Parcel identification number: **071-001-100-005-04**
M-32 West
Gaylord, MI 49735

Legal Description:

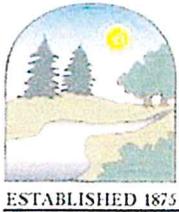
PARCEL D: BEG AT THE NE COR OF SEC 1, TH N89°48'19"W 993.97 FT ALG THE N SEC LN TO THE POB; TH S00°38'17"E 680.73 FT, TH S89°43'44"W 330.79 FT, TH N00°39'07"W 683.42 FT, TH S89°48'19"E 330.99 FT TO POB SEC 1 T30N/R4W CONT 5.18 ACRES 1997 SPLIT FROM 005-00 L632/302

2. **SECTION 21.46 WIRELESS COMMUNICATIONS / ARTICLE 5 R3/RESIDENTIAL ESTATES DISTRICT**

The Otsego County Planning Commission is proposing text amendments to the above sections of the Otsego County Zoning Ordinance

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

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



Otsego
COUNTY
M I C H I G A N

**Department of
Land Use Services**

1322 Hayes Rd • Gaylord, MI 49735
Phone: 989.731.7400 • Fax: 989.731.7419
www.otsegocountymi.gov

October 9, 2018

Hayes Township
7200 Hayes Tower Rd
Gaylord, MI 49735

RE: SUP

Pursuant to Article 27 of the Otsego County Zoning Ordinance/Township Participation in County Zoning, applications are being forwarded for a Special Use Permit for three (3) properties.

If you require the applicants to be present at your meeting, they can be notified at the following:

Applicant:

Brian Royce
2765 Hidden Ridge Ct
Grayling, MI 49738
989.370.9423

Owners:

Three M West Inc
316 W 2nd St
Gaylord, MI 49735
989.619.4905

S&H Properties LLC
PO Box 189
Gaylord, MI 49734
989.390.0362

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

HAYES TOWNSHIP, OTSEGO COUNTY
MARY SANDERS, SUPERVISOR/ASSESSOR
7200 HAYES TOWER ROAD
GAYLORD, MI 49735

LAND USE SERVICES DEPARTMENT
1322 HAYES ROAD
GAYLORD, MI 49735

OCTOBER 10, 2018

PZR 18-004	071-001-100-005-02	Doug Johnson
PZR 18-005	071-001-100-005-03	Doug Johnson
PZR 18-006	071-001-100-005-04	Craig Seidell

At the October 9, 2018 regular Hayes Township meeting, the new application for re-zoning and special use permit for M 32 W and South Townline Rd was reviewed, discussed, questions asked and answered, and a decision made. The current zoning is B1 (1996) and the request is to move to B 2 zoning.

This application is for 3 parcels which will be developed in 3 phases over perhaps a 10 year period. This application removed the commercial buildings of undetermined use, and also removed the outdoor storage for motorhomes, large boats, etc. The first phase will be Parcel D that is the furthest West and the current owner is Craig Seidell.

The township board made, as part of the motion, certain deed restrictions upon the property of uses that the board believes is not in the best interest of the township. Those **deed restrictions** were agreed to by Brian Royce and he will sign the letter with the agreement which will be given to the land use services department and to the planning commission. This was **vital to the success of the vote** that was taken.

At the end of the evening, the board members voted to approve the re-zoning of the 3 parcels with the special use permit with deed restrictions to be put with the land and that document will be recorded. The motion to move forward was made by Rich Ross and the second was made by Lisa Daly. The vote was a split vote but passed and thus the recommendation is now forwarded to the Otsego County Planning Commission for their consideration.

Sincerely,


Mary Sanders, Supervisor

HAYES TOWNSHIP, OTSEGO COUNTY
MARY SANDERS, SUPERVISOR/ASSESSOR
7200 HAYES TOWER ROAD
GAYLORD, MI 49735

Brian Royce
2765 Hidden Ridge Court
Grayling, MI 49735

October 10, 2018

Deed Restrictions for approved uses for the parcels being considered for B 2 re-zoning

As part of the motion made to re-zone the parcels, the uses that are not appropriate to Hayes Township were listed in discussion and is included with the motion that the deed restrictions are to be recorded in Otsego County and will stay with the land.

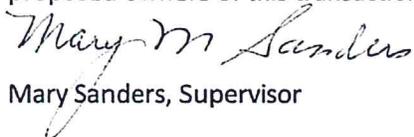
The following uses will not be allowed by deed restriction:
These were agreed to by letter 10/2/1996 by the current owners of said property

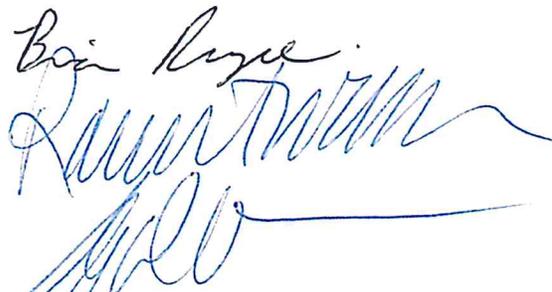
No tavern/night clubs
No public parking garages
No businesses with drive through sale of alcohol
No gas stations
No dry cleaners

Township board members asked that the following be included as per the current agreement to move forward:

No outdoor storage
No flea markets or open air merchants
No adult theaters or adult business ventures
No drive through services
No auto repair/auto shop business with outdoor storage
No solid waste hauler business
No service centers for vehicles, watercraft, mobile homes etc that can cause environmental harm

Please sign this letter as approval for the deed restrictions for the re-zoning that stays with the land. A copy will be kept with the township, a copy for the land use services department, and a copy for the proposed owners of this transaction.


Mary Sanders, Supervisor



Douglas C. Johnson

October 2, 1996

Re: Hayes Township
Section 1, East 1/2 of Northeast 1/4,
T30N, R4W

Dear Board Members:

Having received your letter dated September 30, 1996 regarding our request for B1 Zoning. We would ask that it be approved. Like you, we would like orderly pleasing growth throughout the county. We appreciate you working with us for the mutual benefit for all of us.

Although we can not change the county zoning ordinance we are willing to place certain Deed Restrictions for businesses that are considered not suitable or of concern to the township, on the property.

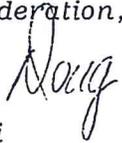
Those being NO:

- A. Tavern/Night Clubs
- B. Public Parking Garages
- C. Businesses with drive through sale of alcohol
- D. Gas Stations or Dry Cleaners

If there is any question with any business that would be coming in we would bring it to the township board.

Thank you for your consideration,

Doug Johnson/Joe Tomaski



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



Paid By:

NORTHBOUND OUTFITTERS -ROYCE, BRIAN

RECEIPT NUMBER

01315914

08/09/2018

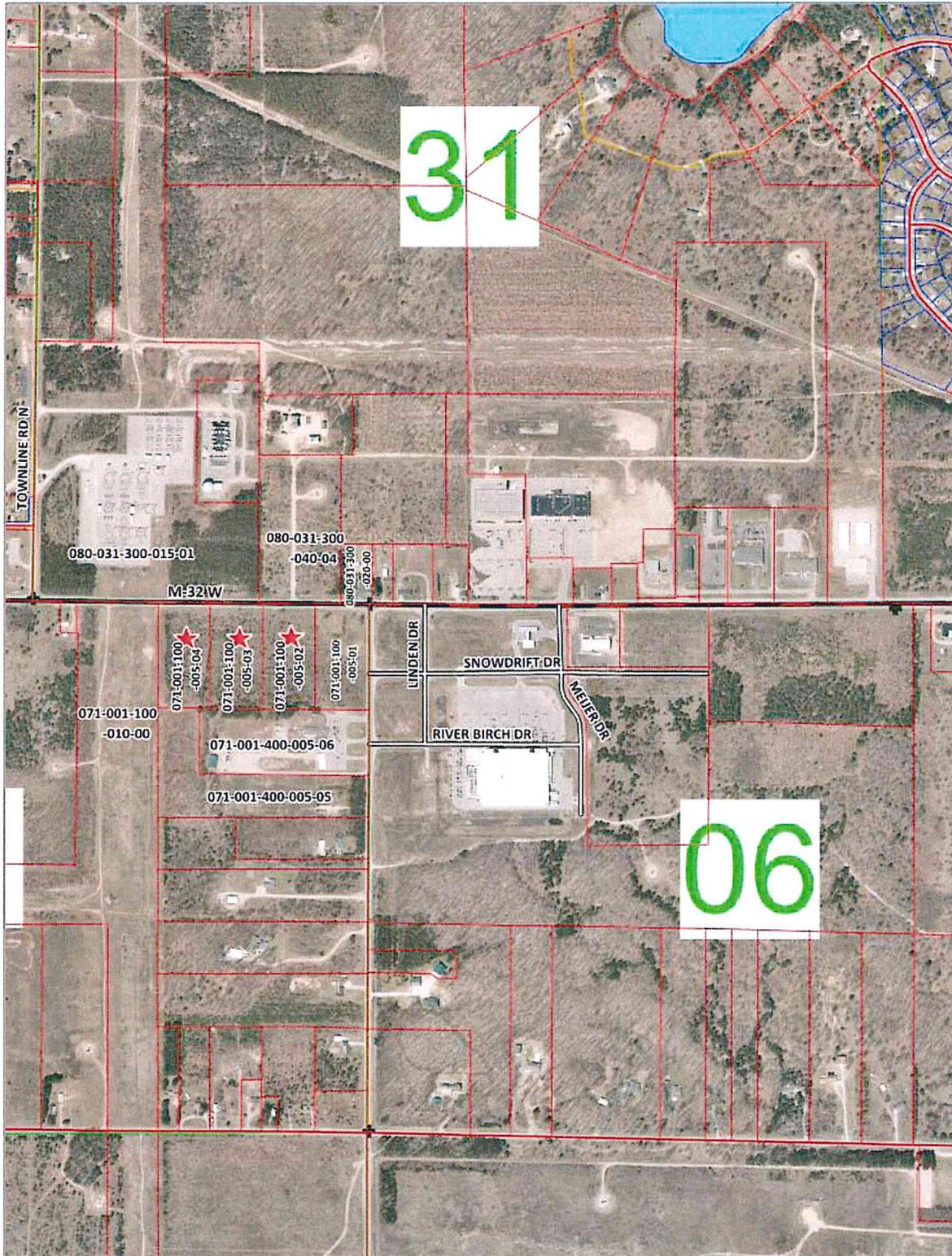
Type	Record	Category	Description	Amount
Permit	PZRZ18-004	ADMIN ZONING	REZONE	\$ 700.00

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.

PZSU18-008 071-001-100-005-02 M-32 WEST
 PZSU18-009 071-001-100-005-03 M-32 WEST
 PZSU18-010 071-001-100-005-04 M-32 WEST



- 071-001-100-005-01
- 071-001-100-005-02
- 071-001-100-005-03
- 071-001-100-005-04
- 071-001-100-010-00
- 071-001-400-005-05
- 071-001-400-005-06
- 080-031-300-015-01
- 080-031-300-020-00
- 080-031-300-040-04

PZSU18-008, -009, -010 M-32 WEST 071-001-100-005-02, 071-001-100-005-03, 071-001-100-005-04

OWNERS WITHIN THREE HUNDRED FEET (300')								
Parcel Number	Property Address	Owner	Mailing Address		Record Acres	Zoning Code	Class	
071-001-100-005-01		LUBNIK, NICHOLAS & DEBORAH A	5365 ADAM RD	BLOOMFIELD HILL	48304	MI	402	B1
071-001-100-005-02		THREE M WEST	316 W 2ND	GAYLORD	49735	MI	402	B1
071-001-100-005-03		THREE M WEST	316 W 2ND	GAYLORD	49735	MI	402	B1
071-001-100-005-04		S&H PROPERTIES, LLC	PO BOX 189	GAYLORD	49734	MI	402	B1
071-001-100-010-00		CONSUMERS POWER CO	ONE ENERGY PLAZA	JACKSON	49201	MI	302	FR
071-001-400-005-05	384 TOWNLINE RD S	GRACE BAPTIST CHURCH OF GAYLORD	PO BOX 177	GAYLORD	49734	MI	708	FR
071-001-400-005-06	232 TOWNLINE RD S	GRACE BAPTIST CHURCH	PO BOX 177	GAYLORD	49734	MI	708	FR
080-031-300-015-01	161 TOWNLINE RD N	CONSUMERS ENERGY COMPANY	ONE ENERGY PLAZA	JACKSON	49201-2357	MI	202	R3
080-031-300-020-00	2622 M-32 WEST	LIFE TABERNACLE UN PENTECOS CH	PO BOX 401	GAYLORD	49734	MI	702	B1
080-031-300-040-04		MCDONNELL, SOPHIA TRUST	851 ASA GRAY DR	ANN ARBOR	48105	MI	202	B1

**OTSEGO COUNTY
PLANNING COMMISSION**

PZSU18-008 071-001-100-005-02

PZSU18-009 071-001-100-005-03

PZSU18-010 071-001-100-005-04

Special Use Permit/Site Plan Review

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. Property was recently rezoned from a B1/Local Business Zoning District to a B2/General Business Zoning District with limited uses placed on the three (3) rezoned parcels; document to be filed with the Otsego County Register of Deeds. *Exhibit #9*
5. The proposed properties are 5.14 acres, 5.16 acres and 5.18 acres for a total of 15.48 acres. *Exhibit #4*
6. The property is currently under the ownership of Three M West Inc & S&H Properties LLC. *Exhibit #4+*
7. The owners are being represented by Brian Royce, applicant. *Exhibit #6*
8. Addresses have been obtained for the proposed site. *Exhibit #14*
9. The project will be completed in phases. *Exhibit #5*
10. The Public Hearing Notice was published in the Herald Times on November 30, 2018. *Exhibit #7*
11. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #8, Exhibit #9*
12. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
13. 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*
14. The required fees have been collected by Otsego County Land Use Services. *Exhibit #10*
15. Statements from the Otsego County EMS Department, Fire Department, Sheriff's Department, and Soil Conservation District have been received. *Exhibit #15, Exhibit #16, Exhibit #17, Exhibit #18*
16. 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 #12, Exhibit #13,...*

**OTSEGO COUNTY
PLANNING COMMISSION**

PZSU18-008 071-001-100-005-02
PZSU18-009 071-001-100-005-03
PZSU18-010 071-001-100-005-04

Special Use Permit/Site Plan Review

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](#)]

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

FINDINGS UNDER ARTICLE 20

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 be 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 PER MDOT 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 be 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	7.0 ft.
Side with front yard setbacks of 25 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: Decorative fencing to be installed along roadway / 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.

***Buffer Yard Required / Landscaping: Existing trees as buffer along south property line –
Landscaped buffer between right of way and parking - Conditional Approval**

**TABLE II
STANDARD PLANT MATERIAL REQUIREMENTS**

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

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 21.27

SECTION 21.27 PARKING

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

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

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

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

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

21.27.5 Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport, or combination thereof.

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

21.27.10 Off-street Parking Schedule

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

MINIMUM PARKING SPACES REQUIRED

<u>LAND USE</u>	<u>PER UNIT OF MEASURE</u>
<u>Commercial</u>	
Planned Shopping Center	1 per 200 sq. ft. of usable floor area
Auto Wash-Automatic	5 per wash stall plus 1 per employee
Auto Wash-Automatic-Drive-in	1 for each 2 employees
Auto Wash-Self Service	1 per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
...	
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self-Storage Rental Units	1 per 10 units
Personal Service Establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft. of usable floor area
Rental Shops	1 per 200 sq. ft. of usable floor area in addition to a loading and unloading area; and a vehicle turnaround drop-off area
Rifle or Pistol Range	2 per range plus 1 per employee

***Parking: Requirements met**

FINDINGS UNDER SECTION 21.38

SECTION 21.38 SIGNS AND BILLBOARDS

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

21.38.1 Signs Permitted

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

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

21.38.1.3 Accessory Signs in B, HX and I Districts

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

1. Accessory Signs in B1, [B2](#), B3, 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, road, highway or adjacent properties. Illumination shall be limited such that reflected luminance does not exceed one hundred (100) nits per square meter.

21.38.2 Signs Prohibited

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

21.38.2.2 Signs with moving or revolving parts.

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

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

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

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

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

21.38.3 Signs Not Requiring a Zoning Permit

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

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

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

21.38.3.4 Signs that have been approved in conjunction with a valid zoning permit for any principal use 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 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.

OTSEGO COUNTY EQUALIZATION DEPARTMENT

800 Livingston Blvd Ste 1-D
Gaylord, MI 49735

Phone: (989) 731-7410 Fax: (989) 731-7418

APPLICATION FOR STREET ADDRESS

THERE IS A \$25.00 CHARGE FOR A PROPERTY ADDRESS

Date 10/30/18

Property Owner THREE M WEST

Applicant or Contractors Name BRIAN ROYCE

Current 2765 HIDDEN RIDGE CT (989) 370-4423

Mailing Street Address GRAYLING MI 49738

Property Code Number 69-071-001-100-005-0a

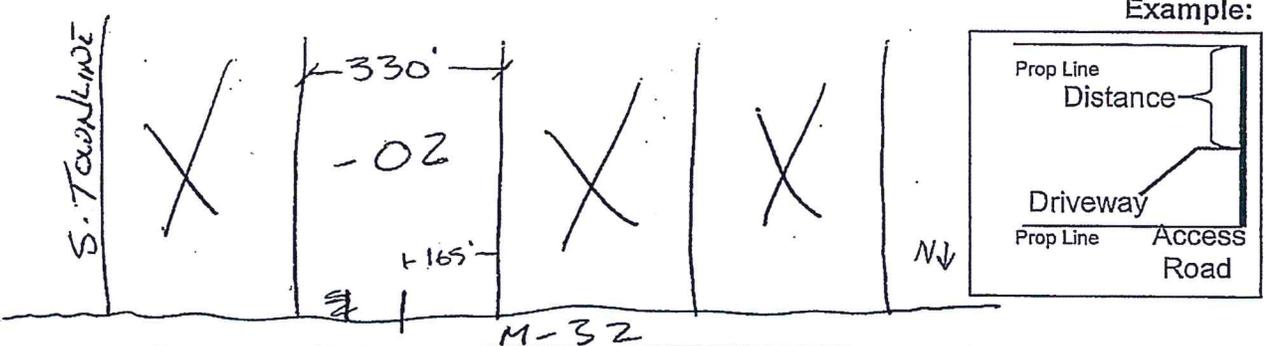
Is this parcel part of a property split occurring since the first of January?
Yes No If yes, please include date of land division approval _____

Type of Structure to be Built: (Check one) Home Pole Building Commercial/Industrial Garage Temporary Electrical Tower/Well Site Other _____
Approximate Start of Construction Date: 4 / 01 / 19

Name of Access Road M-32 WEST

Signature of Applicant [Signature]

BRIEFLY SKETCH PROPERTY BOUNDARIES AND LOCATION OF THE DRIVEWAY
PLEASE INCLUDE DISTANCE OF DRIVEWAY FROM PROPERTY LINES



OFFICE USE: rev.7/05
OFFICIAL HOUSE NUMBER ASSIGNED TO THIS PARCEL: 2691 M-32 W
DATE ASSIGNED: 10-30-18 DB POST OFFICE: Gaylord MI 49735

OTSEGO COUNTY EQUALIZATION DEPARTMENT

800 Livingston Blvd Ste 1-D

Gaylord, MI 49735

Phone: (989) 731-7410 Fax: (989) 731-7418

APPLICATION FOR STREET ADDRESS

THERE IS A \$25.00 CHARGE FOR A PROPERTY ADDRESS

Date 10/30/18

Property Owner THREE M WEST
Applicant or Contractors Name BRIAN ROYCE

Current 2765 HIDDEN RIDGE CT (989) 370-9423
Mailing Street Apt# Phone# Fax#

Address

Property Code Number 69-071-001-100-005-03

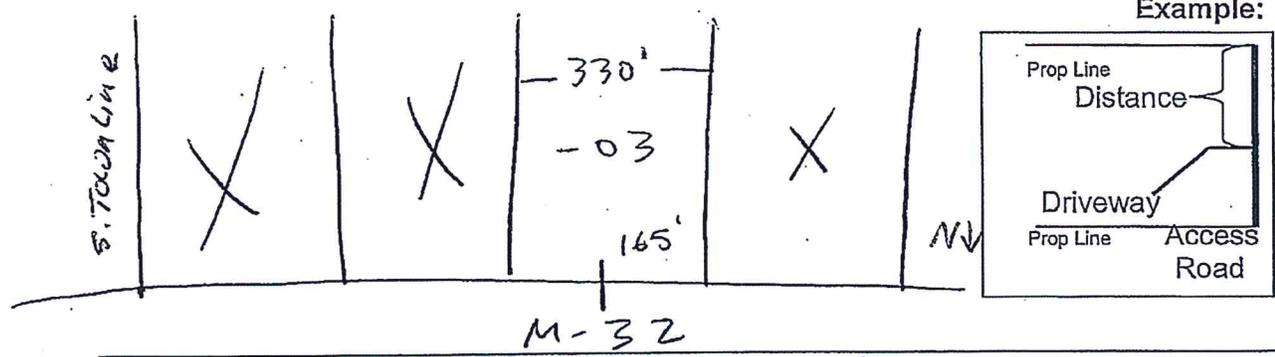
Is this parcel part of a property split occurring since the first of January?
Yes No X If yes, please include date of land division approval

Type of Structure to be Built: (check one)
Home Pole Building X Commercial/Industrial
Garage Temporary Electrical Tower/Well Site Other
Approximate Start of Construction Date: 4/01/18

Name of Access Road M-32 WEST

Signature of Applicant Brian Royce

BRIEFLY SKETCH PROPERTY BOUNDARIES AND LOCATION OF THE DRIVEWAY
PLEASE INCLUDE DISTANCE OF DRIVEWAY FROM PROPERTY LINES



OFFICE USE: rev. 7/05
OFFICIAL HOUSE NUMBER ASSIGNED TO THIS PARCEL: 2757 M-32 W
DATE ASSIGNED: 10-30-18 DB POST OFFICE: Gaylord MI 49735

OTSEGO COUNTY EQUALIZATION DEPARTMENT

800 Livingston Blvd Ste 1-D
Gaylord, MI 49735

Phone: (989) 731-7410 Fax: (989) 731-7418

APPLICATION FOR STREET ADDRESS

THERE IS A \$25.00 CHARGE FOR A PROPERTY ADDRESS

Date 10/30/18

Property Owner S & H PROPERTIES
Applicant or
Contractors Name BRIAN ROYCE

Current 2765 HIDDEN RIDGE CT 499 1370-9423 (Fax#)

Mailing Street GRAYLING Apt# Phone# MI Fax# 49738
Address City State Zip

Property Code Number 69-071-001-100-005-04

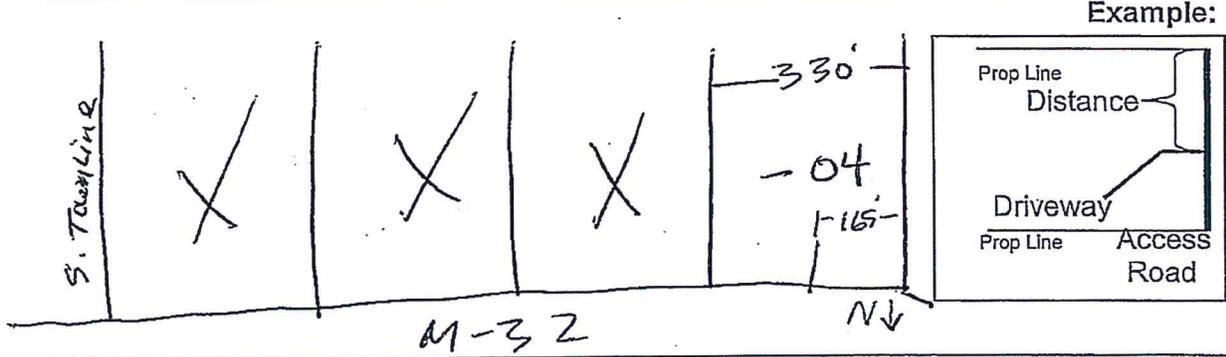
Is this parcel part of a property split occurring since the first of January?
Yes No If yes, please include date of land division approval _____
Date

Type of Structure to be Built: (check one) Approximate Start of Construction
 Home Pole Building Commercial/Industrial Date: 4/01/18
 Garage Temporary Electrical Tower/Well Site Other

Name of Access Road M-32 WEST

Signature of Applicant [Signature]

BRIEFLY SKETCH PROPERTY BOUNDARIES AND LOCATION OF THE DRIVEWAY
PLEASE INCLUDE DISTANCE OF DRIVEWAY FROM PROPERTY LINES



OFFICE USE: rev.7/06
OFFICIAL HOUSE NUMBER ASSIGNED TO THIS PARCEL: 2817 M-32 W
DATE ASSIGNED: 10-30-18 DB POST OFFICE: Gaylord MI 49735

RE Parcels:

071-001-100-005-02: 2691 M-32 W, Gaylord, MI 49735.

071-001-100-005-03: 2757 M-32 W, Gaylord, MI 49735.

071-001-100-005-04: 2817 M-32 W, Gaylord, MI 49735.

I have received a copy of the Site Plan and acknowledge the assigned addresses for each parcel as noted above. The Parcels meet the requirements of this Otsego County Department for the purpose of being considered for the Otsego County Planning Commission.

Signed,

Signature: Jon Demmey Date: 10-31-19

Name: Jon Demmey

Title: BMS Chief / Emergency Mgr.

RE Parcels:

071-001-100-005-02: 2691 M-32 W, Gaylord, MI 49735.

071-001-100-005-03: 2757 M-32 W, Gaylord, MI 49735.

071-001-100-005-04: 2817 M-32 W, Gaylord, MI 49735.

I have received a copy of the Site Plan and acknowledge the assigned addresses for each parcel as noted above. The Parcels meet the requirements of this Otsego County Department for the purpose of being considered for the Otsego County Planning Commission.

Signed,

Signature:  Date: 10-31-18

Name: DAVID M DUFFIELD

Title: Chief Otsego Co Fire Dept

RE Parcels:

071-001-100-005-02: 2691 M-32 W, Gaylord, MI 49735.

071-001-100-005-03: 2757 M-32 W, Gaylord, MI 49735.

071-001-100-005-04: 2817 M-32 W, Gaylord, MI 49735.

I have received a copy of the Site Plan and acknowledge the assigned addresses for each parcel as noted above. The Parcels meet the requirements of this Otsego County Department for the purpose of being considered for the Otsego County Planning Commission.

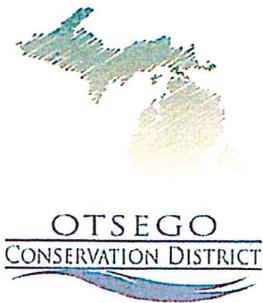
Signed,

Signature: Matt Muladone Date: 10/31/2018

Name: Matt Muladone

Title: Undersheriff

(A) Storage Units are prone to Breaking + Entenings.
Law Enforcement would handle these ie sheriffs' office.



**OTSEGO
CONSERVATION
DISTRICT**

800 Livingston Blvd.
Suite 4A
Gaylord, MI 49735

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

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

BOARD OF DIRECTORS

Jack Marlette
Chairperson

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Member

Keith Martell III
Member

DISTRICT STAFF

Patricia Osburn
District Manager
Soil Erosion Inspector
Native Plant Nursery Manager

Deborah Vargas
Assistant District Manager

Tabitha Campbell
District Forester

RE Parcels:

071-001-100-005-02: 2691 M-32 W, Gaylord, MI 49735
071-001-100-005-03: 2757 M-32 W, Gaylord, MI 49735
071-001-100-005-04: 2817 M-32 W, Gaylord, MI 49735

I have received a copy of the Site Plan and acknowledge the assigned address for each parcel as noted above. The Parcels meet the requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural resources and Environmental Protection Act 1994 PA 451, as Amended.

A Soil Erosion and Sedimentation Control Permit is required whenever a landowner engages in an earth change which disturbs 1 or more acres of land or which is within 500 feet of the water's edge.

Signed,

Signature: Patricia Osburn Date: 10-31-18

Name: Patricia Osburn

Title: District Manager

**OTSEGO COUNTY
PLANNING COMMISSION
PUBLIC HEARING NOTICE
December 17, 2018**

The Otsego County Planning Commission will hold public hearings on Monday December 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. Three M West Inc and S&H Properties LLC, property owners, being represented by Brian Royce, applicant, have requested a Special Use Permit for three (3) contiguous parcels located in Hayes Township on M-32 West Gaylord, MI 49735. The proposed purpose of the request is to permit construction of storage units for commercial purposes. The property is currently zoned B2/General Business. Storage units are a permitted use subject to special conditions in a B2 Zoning District.

Parcel identification number: **071-001-100-005-02**
M-32 West
Gaylord, MI 49735

Legal Description:

PARCEL B: BEG AT THE NE COR OF SEC 1, TH N89°48 '19"W 330.99 FT TO POB: TH S00°36'35"E 675.34 FT, TH S89°43'44"W 330.79 FT, TH N00°37'26"W 678.04 FT, TH S89°48'19"E 330.99 FT TO POB SEC 1 T30N/R4W CONT 5.14 ACRES L632/302 1997 SPLIT FROM 005-00

Parcel identification number: **071-001-100-005-03**
M-32 West
Gaylord, MI 49735

Legal Description:

PARCEL C: BEG AT THE NE COR, TH N89°48'19"W 661.98 FT TO POB; TH S00°37'26"W 678.04 FT, TH S89°43'44"W 330.79 FT, TH N00°38'17"W 680.73 FT, TH S89°48'19"E 330.99 FT TO POB SEC1 T30N/R4W CONT 5.16 ACRES L632/302 1997 SPLIT FROM 005-00

Parcel identification number: **071-001-100-005-04**
M-32 West
Gaylord, MI 49735

Legal Description:

PARCEL D: BEG AT THE NE COR OF SEC 1, TH N89°4 8'19"W 993.97 FT ALG THE N SEC LN TO THE POB; TH S00°38'17"E 680.73 FT, TH S89°43'44"W 330.79 FT, TH N00°39'07"W 683.42 FT, TH S89°48'19"E 330.99 FT TO POB SEC 1 T30N/R4W CONT 5.18 ACRES 1997 SPLIT FROM 005-00 L632/302

2. SECTION 21.46 WIRELESS COMMUNICATIONS / ARTICLE 5 R3/RESIDENTIAL ESTATES DISTRICT

The Otsego County Planning Commission is proposing text amendments to the above sections of the Otsego County Zoning Ordinance

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.

Note:

Amendment changes are highlighted in yellow

Amendment deletions are double strike through

SECTION 21.46 WIRELESS COMMUNICATIONS:

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

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

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

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

SECTION 21.46.1 DEFINITIONS:

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

1. Antenna means any exterior transmitting or receiving device mounted on a tower, building structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
2. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

3. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting (lattice) towers, guyed towers, or monopole towers (including telephone poles). The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.
4. Co-location shall mean the location by two (2) or more communication providers of wireless communication facilities on a common structure, tower or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the County.

SECTION 21.46.2 WIRELESS COMMUNICATIONS TOWERS OF ONE HUNDRED NINETY NINE (199) FEET OR LESS AND RELATED FACILITIES:

Construction of Wireless Telecommunication Antenna Towers of one hundred ninety (199) 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~~ two hundred percent (200%) of the tower's height from any property line or any residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 21.46.3 WIRELESS TELECOMMUNICATION ANTENNA TOWERS OVER ONE HUNDRED NINETY ~~NINE~~ ~~(190 199)~~ FEET AND RELATED FACILITIES:

Construction of Wireless Communications Towers over one hundred ninety ~~nine~~ ~~(190 199)~~ 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 (~~190-199~~) feet. Where the independent evaluation shows that service can be provided by a one hundred ninety nine (~~190-199~~) foot or lower tower no tower in excess of one hundred ninety nine (~~190-199~~) 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.

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 re-subdivided 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 ~~forty~~ **fifty ninety nine** (~~150~~ **199**) 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

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December 6, 2018

Mr. Christopher Churches
Director of Planning & Zoning
Capital Projects & Grants
Otsego County Planner
225 West Main Street
Gaylord, MI. 49735

Via Email
cchurches@otsegocountymi.gov

Re: Proposed Text Amendment to extend the height of Cell Towers

Dear Mr. Churches,

I write on behalf of my client, DCS Tower Sub, LLC, a wholly-owned subsidiary of American Tower Corporation (“American Tower”), in express opposition to the proposed text amendment that will raise the height of cell towers within the R-3 Zoning Districts throughout Otsego County.

By way of background, American Tower has over 170,000 towers worldwide and over 40,000 towers in the United States. American Tower is the industry leader and an expert in the industry. It has worked hard to develop working, transparent, and trusting relationships with jurisdictions across the county and wants to continue that with Otsego County. American Tower has 14 towers in Otsego County, three of which will be directly impacted by this text amendment, so we want to help Otsego County make an educated decision and one that would be in the best interest of the community.

We encourage the County to enforce their zoning ordinance as it stands now and begin drafting a comprehensive tower ordinance which is the Planning Director’s stated intention.

In this letter, we want to address several issues:

1. **Impact on Existing Towers.** To the knowledge of American Tower, there are currently 38 telecommunications towers in Otsego County. From comparing the County Zoning Map and the GIS map of the 38 towers, it appears that five of these towers are located in the R-3 zoning district and would thus be affected by the text amendment. By approving the text amendment, all five of these towers could and likely would be extended up to 199’ in height. However, the Otsego County zoning ordinance states that the intent of the R-3 district is “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.” By permitting towers up to 199’ in height in this district, the intent and orderly transition of the zoning district may be impacted in several ways.

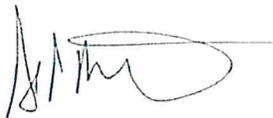
2. **Federal Law- 6409(a).** As referenced in the County’s September 28, 2018 subcommittee meeting document, there is a federal law that limits the jurisdictional authority to deny “eligible facility requests”. We refer to this law as 6409 because it is Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a). To quickly summarize 6409(a), existing towers may be extended 10% of the tower height or 20 ft (whichever is greater) *if* the tower’s extension qualifies as an eligible facility request (“EFR”). EFR requests include collocation, removal, or replacement of transmission equipment, which are common reasons for towers to be modified. If the intent of the County is to limit the height of towers to 199’, we encourage the County to only increase the height in the R-3 district to 179’, so that after a 6409 extension, towers would still only be at that 199’ height maximum.
3. **Lighting of Towers.** We agree with the County’s Planning Director that 199’ is an average permissible height for towers in other jurisdictions because the FAA requires towers 200’ in height and taller to be lit- something that rural jurisdictions generally do not favor. However, pursuant to 6409, towers can be extended 10% of the tower height of 20 ft, so by allowing towers up to 199’ in the original approvals, these 199’ towers could then become 219’ towers and require lighting. Consequently, the county could end up with multiple 200’+ towers with lighting in a residential district.

As experts in the industry, we want to help you make you an educated decision on this issue due to the number of telecommunications towers in the County and the impact the text amendment will have. We encourage the County to review the attached standards that contain sample 6409 language for local tower ordinances. The WIA (Wireless Infrastructure Association) and NATOA (National Association of Telecommunications Officers and Advisors) developed these documents in concert with local governments to be used as a model for local governmental entities, such as Otsego County.

We respectfully request that this letter, including its attachments, be included in the record for this application to be available for use by any and all aggrieved parties, such as American Tower, should this text amendment be approved. We urge Otsego County to deny this text amendment. Please do not hesitate to contact me should you have any questions. We look forward to discussing this issue with the Planning Commission at the December 17, 2018 meeting. I remain,

Very truly yours,

DALTON TOMICH, PLC



Daniel P. Dalton

Enc.

Exhibit A

Wireless Facility Siting: Section 6409(a) Checklist

Note: Use of this checklist is voluntary. It is meant to provide a framework for those jurisdictions needing assistance in complying with Federal timeframes to act on Eligible Facilities Requests for modifications to existing wireless towers or base stations that do not substantially change the physical dimensions of such towers or base stations. This document is not intended to provide legal guidance; jurisdictions are encouraged to consult an attorney on legal matters.

Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a), reads in pertinent part:

“...a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.” (emphasis added).

Initial Application Review

- A jurisdiction should contemplate three types of wireless facility applications:
 - o Collocation or modification that is not a substantial change (“Eligible Facilities Request”);
 - o Collocation or modification that is a substantial change; OR
 - o New facility
- If the application is for a collocation or modification, the documentation provided by the applicant must state whether the collocation or modification is a substantial change. – See Appendix A for definition of “substantial change.”
 - o Note: The FCC has clarified that “collocation” includes the first placement of transmission equipment on a wireless tower or base station.¹
- Appropriate application fee should be in place, if applicable.
- Check application for completeness
 - o Note: Must notify applicant in writing of incomplete application **within 30 days** of submission. This tolls the clock (i.e. stops 60 day deadline from running) provided it identifies the specific material missing from the application and cites the basis for requiring the submission of such material. Once applicant submits supplemental materials, the clock again may be tolled if the state or local government notifies applicant in writing **within 10 days** that supplemental submission is also incomplete. If the application is deemed incomplete, the written notice must specify the missing information and the code, provision, ordinance, application instruction or other publically-stated procedures that requires the information.

¹ See 2014 Infrastructure Order ¶ 179.

Site/Attachment Information

- Summary of site location (address) and ownership of structure to which collocation or modification applies
 - o Examine: Ownership of support structure, dimensions of support structure prior to collocation (to measure whether collocation or modification would constitute a “substantial change”)
 - o Property boundaries, setbacks, elevation and dimensions of collocation or modification project
- Summary and scope of work to be completed on site
- Changes to current site
 - o Examine: Will collocation or modification defeat the effect of existing concealment elements? Concealment elements include, but are not limited to, artificial tree branches or painting to match a supporting façade.²

Equipment Specifications

- Equipment type
- Equipment specifications (Example: dimensions and weight)
- Installation status: E.g., removing, updating, collocating
- Equipment mount type
- FCC antenna structure registration number (if applicable)
- Will collocation equipment require lighting?

Compliance with Federal, State and Local Ordinances and Codes

- Conformance with local zoning and building and safety codes should be reviewed by the jurisdiction’s building or planning department
 - o Examine: E.g., setback requirements, electrical power safety, wind resistance safety
 - o Ensure that facility was lawfully constructed
- Post-installation maintenance schedule
- Any required certifications
 - o Example: Applicant will comply with all applicable federal, state, and local building codes supported by structural analysis

Legal

- Ensure jurisdiction’s applicable insurance/surety bond/other financial requirements are satisfied for installation

Contact Information

- Primary and secondary contact information for wireless facility project coordinators (local government and industry)

² See 2014 Infrastructure Order ¶ 200.

- Emergency contact information in case of tower/collocation disruption

Timeframe³

- Within 60 days of the application filing, accounting for tolling, a state or local government shall approve the application if covered by Section 6409(a).
- Tolling period may commence by (1) mutual agreement, or (2) upon written notice to applicant that application is incomplete within the first 30 days following an application submission, as long as notice identifies the missing information, as well as the code provision, ordinance, or application instruction that requires the submission of the information.
- Local jurisdictions have 10 days to notify the applicant that the supplemental submission (after notification of incomplete application) did not provide the information identified in the original notice that specified the missing information.
- The failure to approve an application within the time for action will result in a deemed grant of the application.
 - o A state or local authority may challenge an applicant's written assertion of a deemed grant in any court of competent jurisdiction when it believes the underlying application did not meet the criteria in Section 6409(a) for mandatory approval, would not comply with applicable building codes or other non-discretionary structural and safety codes, or for other reasons is not appropriately "deemed granted."

³ The rule implementing the 2014 Infrastructure Order, 47 CFR § 1.40001 ("Wireless Facilities Modifications") becomes effective April 8, 2015; however, §§ 1.40001(c)(3)(i), 1.40001(c)(3)(iii), and 1.140001(c)(4) (reproduced below), which have new information collection requirements, will not be effective until approved by the Office of Management and Budget (OMB). The FCC will publish a document in the Federal Register announcing OMB approval and the relevant effective date.

47 CFR 1.40001(c)(3)(i)—To toll the 60-day review timeframe on grounds that an application is incomplete, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of Section 1.140001.

47 CFR 1.140001(c)(3)(iii)—Following a supplemental submission from the applicant, the State or local government will have 10 days to notify the applicant in writing if the supplemental submission did not provide the information identified in the State or local government's original notice delineating missing information. The timeframe for review is tolled in the case of second or subsequent notices of incompleteness pursuant to the procedures identified in paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

47 CFR 1.140001(c)(4)—If a request is deemed granted because of a failure to timely approve or deny the request, the deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

APPENDIX A

How does the FCC define “substantial change”?

The FCC has determined that a modification substantially changes the physical dimension of a wireless tower or base station if it meets ANY of the following criteria:

- ❖ Towers outside public rights of way⁴
 - Increases height by more than 20 feet or 10 percent, whichever is greater;
 - Protrudes from edge of tower more than 20 feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater;

- ❖ Towers in public rights of way and for all base stations
 - Increases height of tower or base station by more than 10 percent or 10 feet, whichever is greater;
 - Protrudes from the edge of the structure more than 6 feet;

- ❖ Involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;

- ❖ Entails any excavation or deployment outside the current site of the tower or base station;

- ❖ Would defeat existing concealment elements of the tower or base station; or

- ❖ Does not comply with conditions associated with the prior approval of the tower or base station unless non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

⁴ Section 6409(a) applies only to state and local governments acting in their role as land use regulators and does not apply to such entities acting in their proprietary capacities, e.g., as owners of support structures or real property. *See* 2014 Infrastructure Order ¶ 239.

APPENDIX B

Application Elements that May Voluntarily be Adopted by Local Jurisdictions

A jurisdiction should review whether existing application processes meet the requirements of the FCC's 2014 Infrastructure Order. A jurisdiction may consider including the following elements in its application form for an Eligible Facilities Request:

1. Applicant's certification that they have the legal authority to collocate/modify support structure which may include approvals from the jurisdiction authorizing the initial placement of transmission equipment on the tower or other structure.
2. The identity of the owner of the parcel.
3. Detailed site plan. Except where the facility will be located entirely within an existing structure or an existing building, a detailed site plan should show:
 - (a) Existing and proposed improvements. The location and dimensions of the existing facility and the maximum height above ground of the facility (also identified in height above sea level).
 - (b) Elevation. The benchmarks and datum used for elevations.
 - (c) Design. The design of the facility, including the specific type of support structure and the design, type, location, size, height and configuration of applicant's existing and proposed antennas and other equipment. The method(s) by which the antennas will be attached to the mounting structure should be depicted.
 - (d) All existing setbacks.
 - (e) Location of accessways. The location of all existing accessways and the location and design of all proposed accessways.

Exhibit B

Wireless Facility Siting: Model Chapter Implementing Section 6409(a)

Note: Use of this model chapter is voluntary. It is meant to provide a framework for those jurisdictions needing assistance in complying with Federal timeframes to act on Eligible Facilities Requests for modifications to existing wireless towers or base stations that do not substantially change the physical dimensions of such towers or base stations. This document is not intended to provide legal guidance; jurisdictions are encouraged to consult an attorney on legal matters.

I. PURPOSE

This Chapter implements Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (“Spectrum Act”),¹ as interpreted by the Federal Communications Commission’s (“FCC” or “Commission”) Acceleration of Broadband Deployment Report & Order,² which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

II. DEFINITIONS³

For the purposes of this Chapter, the terms used have the following meanings:⁴

- a. *Base Station*. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:
 - i. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - ii. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks).
 - iii. Any structure other than a tower that, at the time the relevant application is filed with [jurisdiction] under this section, supports or houses equipment described in paragraphs (a)(i)-(a)(ii) that has been reviewed and approved

¹ Middle Class Tax Relief and Job Creation Act of 2012, 112 Pub. L. 96, *codified at* 47 U.S.C. 1455.

² Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, *Report and Order*, 29 FCC Rcd 12865 (2014) (“2014 Infrastructure Order”).

³ These definitions were adapted from the FCC’s own definitions. *See generally* 47 CFR § 1.40001(b). For a discussion of these definitions, see 2014 Infrastructure Order ¶¶ 145-204.

⁴ A jurisdiction may wish to incorporate these definitions, which are specific to Section 6409(a), into its wireless facilities ordinance more broadly; alternatively, these can be stand-alone definitions solely for Eligible Facilities Requests under Section 6409(a).

under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

The term does not include any structure that, at the time the relevant application is filed with [jurisdiction] under this section, does not support or house equipment described in (a)(i)-(ii) of this section.

- b. *Collocation.* The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- c. *Eligible Facilities Request.* Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:
 - i. Collocation of new transmission equipment;
 - ii. Removal of transmission equipment; or
 - iii. Replacement of transmission equipment.
- d. *Eligible support structure.* Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with [jurisdiction] under this section.
- e. *Existing.* A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and reviewed because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this section.
- f. *Site.* For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted t that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- g. *Substantial Change.* A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
 - i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;⁵

⁵ Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act. 47 CFR § 1.40001(b)(7)(i)(A).

- ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
 - iv. It entails any excavation or deployment outside the current site;
 - v. It would defeat the concealment elements of the eligible support structure;
or
 - vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraphs (g)(i)-(g)(iv) of this section.⁶
- h. *Transmission Equipment.* Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- i. *Tower.* Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

⁶ See 2014 Infrastructure Order ¶ 200. This section identifies the limited number of prior conditions of site approval that may not be used to determine whether a modification qualifies as a substantial change. *Id.*

III. APPLICATION REVIEW⁷

- a. *Application.* [Jurisdiction] shall prepare and make publicly available an application form which shall be limited to the information necessary for [jurisdiction] to consider whether an application is an Eligible Facilities Request. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- b. *Type of Review.* Upon receipt of an application for an Eligible Facilities Request pursuant to this Chapter, [identify appropriate department– e.g., Public Works, Planning] shall review such application to determine whether the application so qualifies.⁸
- c. *Timeframe for Review.* Within 60 days of the date on which an applicant submits an application seeking approval under this Chapter, [jurisdiction] shall approve the application unless it determines that the application is not covered by this Chapter.
- d. *Tolling of the Timeframe for Review.* The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement by [jurisdiction] and the applicant, or in cases where [jurisdiction’s reviewing body] determines that the application is incomplete. The timeframe for review is not tolled by a moratorium on the review of applications.
 - i. To toll the timeframe for incompleteness, [jurisdiction] must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - ii. The timeframe for review begins running again when the applicant makes a supplemental submission in response to [jurisdiction’s] notice of incompleteness.
 - iii. Following a supplemental submission, [jurisdiction] will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- b. *Interaction with Section 332(c)(7).*⁹ If [jurisdiction] determines that the applicant’s request is not covered by Section 6409(a) as delineated under this Chapter, the

⁷ This section was adapted from the FCC’s rules. *See generally* 47 CFR § 1.40001(c). For a discussion of application review processes, see 2014 Infrastructure Order ¶¶ 205-236.

⁸ The jurisdiction may wish to review whether existing processes meet the requirements of the 2014 Infrastructure Order. *See, e.g.*, 47 CFR § 1.40001(c)(1); 2014 Infrastructure Order ¶ 214.

⁹ *See* 47 U.S.C. § 332(c)(7); *In re* Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify

presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of [jurisdiction's] decision that the application is not a covered request. To the extent such information is necessary, [jurisdiction] may request additional information from the applicant to evaluate the application under Section 332(c)(7)¹⁰, pursuant to the limitations applicable to other Section 332(c)(7) reviews.¹¹

- c. *Failure to Act.* In the event [jurisdiction] fails to approve or deny a request seeking approval under this Chapter within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
- d. *Remedies.* Applicants and [jurisdiction] may bring claims related to Section 6409(a) to any court of competent jurisdiction.

All Wireless Siting Proposals as Requiring a Variance, *Declaratory Ruling*, 24 FCC Rcd 13994 (2009) ("Shot Clock Ruling"), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-99A1_Rcd.pdf.

¹⁰ See 2014 Infrastructure Order ¶ 220. For example, an applicant may submit a request for review under Section 6409(a) asserting the modification does not substantially change the physical dimensions of the facility, when in fact the application proposes a substantial change and is therefore not covered under Section 6409(a). *See id.*

¹¹ See 2014 Infrastructure Order ¶¶ 258-260 (prescribing limits on application review and tolling for applications under Section 332(c)(7)).

Bagley Township Planning Commission

Bagley Township, Michigan

Established 1868

October 3, 2018

Subject: Meeting Minutes and record of decisions for Scheduled Special Meeting on October 2, 2018.

Items: 1. Pending zoning changes/additions to certain subdivision zoning from R-2 to R-3 and discussion of changes to potential R-3 zoning once in place in these identified subdivisions.

2. Recommendation of changes to certain changes allowing increased communication tower height.

Members Present:

*Ken Arndt
Brian Goebel
Wally Loney
Celeste Szymanski
Larry Beckett*

Other Attendees:

*Michelle Noirot, Supervisor
Celeste Szymanski, Voting Trustee, Excused by Super after meeting began (illness)*

Citizens Attending: None

Meeting Opened at 7:00PM by Arndt

Item 1. Rezone of subdivisions in Bagley Township primarily oriented to manufactured housing from R-2 to R-3. This is an ongoing case with numerous re writes of the R-2 zoning regulation with changes and additions. After the last recommendations by the planning commission, the R-2 zoning with changes was referred to counsel for an opinion. The opinion suggested that, since the R-3 classification was already approved in a current form and that the R-3 zoning classification allows manufactured housing, that the commission should consider and recommend the manufactured subdivisions should be rezoned to R-3. This is now proposed as step 1 to support further accommodations to the subdivisions to be rezoned with changes to R-3 to better accommodate the citizens in these areas in the future.

Bagley Planning Commission moved by consensus supports rezoning to R-3 in preparation for a formal vote. The areas impacted are:

- 1.0 Gaylord Mobile Home Estates
- 2.0 Maple Grove 1
- 3.0 Maple Grove 2
- 4.0 Hidden Pines
- 5.0 Parkwood
- 6.0 Arbutus Beach Highlands

There being no further discussion the question on the table is the rezoning of certain mobile home parks from R-2 to R-3.

Loney offers a motion, Burkett seconds: Chair records a vote all in favor, none opposed.

Motion passes.

Item 1, Part 2. For study only as a basis for further changes going forward to adoption to R-3. The commission discussed the R-3 district as now in place and proposed certain changes which would, if adopted, specifically accommodate replacement of manufactured housing units after casualty losses when not the fault of the owner and set limits on the age of the units either installed on a vacant lot not before occupied by a unit or as a replacement. Discussion also studied lot width and recommended a change to the allowed lot width narrower than is currently in the ordinance. The future changes recommended to R-3 are:

Item 1, Part 2: Bagley Recommendations for modifications to R3, once adopted as currently written:

Article 17 (Dimensions)

R3:

Minimum Width of Principal Structure: Now 11 Feet

Change to read: 14 Feet

(Potentially also FR and AR Districts)

Minimum Square Feet of Living Area above ground: No change

Site Width Minimum: Now 100 Feet,

Change to Read: 80 Feet

Minimum site Size: Now 40,000 Square feet

Change to: 10,000 Square feet, .23 Acres

Setbacks: No change

Section 21.22, Manufactured or Site Built Dwelling Less than 16 feet wide:

Now reads: Manufactured prior to 1976 (title Date) Shall not be installed.

Change to read: Units manufactured more than 15 years (title Date) prior to the date of proposed install shall not be installed under any circumstances.

Add Section: 21.23.1: Replacement of unit losses from Reasonably Non-Preventable hazards or accidents.

Units lost to fire, damaging weather, terrorism, vehicle accident or other conditions not caused intentionally by the owner may be replaced by a similar unit subject to the following conditions:

- a. The unit must comply with a manufacture date as noted in 21.22.
- b. The unit must comply with Article 17 with a minimum width of 14 feet and 720 square feet of total, above ground living area.
- c. The District Health Department must certify the adequacy of the Well, septic and drain field prior to the replacement installation.

Item 1, Part 2. The commission developed and carefully studied the items in part 2. Chair recorded 100% consensus, but no formal vote was taken since the changes will have to attach to the R-3 zoning in the above subdivisions once passed. The recommendations are included for reference and potential input from interested parties.

Item 2: This item deals with the proposed changes to tower height for communications towers (unlighted). Sections 21.46.2, 21.46.3, and 21.46.3.2 and 21.46.2. All except the last item change the maximum tower height at 199 feet, where the former limit was 190 feet. The last items changes the tower standoff from its base to a property line or building from 100% of the tower height to 200% of the tower height to enhance the safety factor in the event a tower falls in a high wind or damaged causing a fall.

These are the only changes to the tower height limits. The commission discussed the changes briefly and were favorably impressed with the enhanced standoff. After several minutes of discussion, a **motion was made by Goebel to approve the changes and seconded by Burkett.**

Chair records a vote all in favor, none opposed.

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

*By: Michelle Noirot
Supervisor
Separate approval recorded by Supervisor on behalf of the board. KA*

=====

Narrative supported by meeting recording Erase data 11/15/18

June 11, 2018

Bagley Township Board Action-Continued from June 1 Bagley Township Planning Commission Meeting.

Addendum to Special Use Permit Application Resolution, Eagle Commerce Park, Section 22, Bagley Township.

Planning Commission Chairman Arndt contacted the owner of the proposed project and was thoroughly briefed on the use of the project. Based on his requested application clarification, the planned use for the project is light industrial, compatible with B-3, including warehousing, light assembly and manufacturing, storage and distribution. Residential uses will not be permitted.

The project is service by a common utility arrangement (presumed Class A) and is accessed by Chestnut Court, a private road accessed from Old 27 South.

The chairman appeared at the Township Board meeting on 11 June and admitted to insufficient research prior to bringing the matter the Planning Commission. He then briefed all present on the project essentials.

In order to move the project forward, the Chairman first suggested that, since there were 3 active PC members present, in a short recess, they could meet validly as a quorum and take action which could then be forwarded to the full board. The township clerk indicated that the meeting would have to have been posted in advance which would not be possible.

He next suggested that the project be voted directly by the Township Board, as the township's official recommending authority. There was agreement on this strategy.

Fred Burns moved that the board approve the special use permit and Celeste Szymanski seconded the motion. Board Chair Michelle Noirot called for a vote which passed the motion unanimously.

The Planning Commission Chairman thanked the board for their somewhat unorthodox help in moving this project forward and the items on the Planning Commission agenda being complete, the chairman returned to his seat.

Respectfully Submitted,

Kenneth R. Arndt
Chairman
Planning Commission.

This matter approved by voice vote of the Township Board

CHARLTON TOWNSHIP
OTSEGO COUNTY

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

To: James Mouch
1322 Hayes Rd.
Gaylord, MI 49735

09 October 2018

From: Ivan H. Maschke, Clerk

Dear Mr. Mouch,

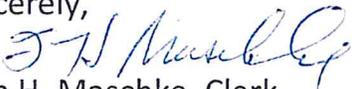
At the last regular meeting of the Charlton Township Board, there was discussion regards to two (2) items received from the Charlton Township Planning Commission.

After discussion, a motion was passed unanimously to recommend approval to the Otsego County Land Use Services of a request to rezone six (6) properties in Bagley and Otsego Lake Townships from R2 to R3 for trailer parks.

Also, a motion was passed to recommend approval to change **Wireless Communication Towers** height to 199 ft. and that they cannot be placed closer than 200% of the towers' height from any property line or any residence.

Thank you very much for your time and consideration.

Sincerely,


Ivan H. Maschke, Clerk

Cc: Charlton Planning Commission
File

James Mouch

From: Kelloggs <thelogs@gmail.com>
Sent: Tuesday, October 30, 2018 9:08 AM
To: James Mouch
Cc: Judi Jarecki; Debbie Whitman; Vern Kassuba
Subject: Corwith Township review, Article 6, and Section 21.46

At its regular meeting on 10-29-2018, the Corwith Township Planning Commission reviewed proposed changes in Article 6 and Section 21.46 regarding Wireless Communications Towers and Facilities.

The Corwith Township Planning Commission concurs with the proposed changes.

Tom Kellogg, Secretary
Corwith Township Planning Commission

November 8, 2018

Mr. James Mouch
Otsego County Director Land Use Services
1322 Hayes Road
Gaylord, Mi 49735

Dear Jim,

The Otsego Lake Township Planning Commission does not recommend approval the proposed text changes to Section 21.46 Wireless Communications and Article 6 R3 Residential Estates District. The definition for wireless tower height should include the distance between the finished grade of the parcel to the highest point on the tower which includes base pad, any antenna, lightning rods and any other appurtenances on the tower. The Commission also recommends the security required in 21.46.2.10 is retained to cover the cost of removal for the tower.

Sincerely,
Nora Corfis
Secretary
Otsego Lake Township Planning Commission

COMMITTEE MEMBER VOLUNTEERS:

SECTION	VOLUNTEERS
Section 21.46 Wireless Communications	Mr. Arndt, Mr. Hartmann, Mr. Brown, Mr. Hilgendorf, Mrs. Jarecki
Section 21.26 Non-Conforming Structures / Article 17 / Schedule of Dimensions	Mr. Arndt, Mr. Hartmann, Mr. Klee
Article 27 / Township Participation	Mr. Hartmann, Mrs. Jarecki, Mr. Arndt, Mr. Hilgendorf, Mrs. Norton
Section 21.29 Pets and Other Animals	Mr. Hartmann, Mrs. Jarecki, Mr. Arndt, Mr. Hilgendorf, Mrs. Norton
Section 20.5 Access Private Roads / Emergency Vehicle Access	Mr. Arndt, Mr. Brown
Article 18 / Lots Near Water	Mr. Hartmann, Mrs. Jarecki, Mr. Arndt, Mr. Hilgendorf, Mrs. Norton
Section 21.10 / Accessory Buildings	
Article 23 / Site Plan Review	Mr. Hartmann, Mrs. Jarecki, Mr. Arndt, Mr. Hilgendorf, Mr. Caverson
Article 12 / B3 Business, Light Manufacturing – Overlay District	



PLANNING COMMISSION 2019 MEETING DATES

Meetings are held in the conference room at the
Otsego County Land Use Services / Building Department facility, *1322 Hayes Road*, Gaylord, Michigan

**ALL MEETINGS BEGIN AT 6:00 PM
THIRD MONDAY OF EACH MONTH**

MONDAY EVENINGS

JANUARY 21, 2019

FEBRUARY NO MEETING SCHEDULED/PRESIDENT'S DAY

MARCH 18, 2019

APRIL 15, 2019

MAY 20, 2019

JUNE 17, 2019

JULY 15, 2019

AUGUST 19, 2019

SEPTEMBER 16, 2019

OCTOBER 21, 2019

NOVEMBER 18, 2019

DECEMBER 16, 2019

**.ANY CHANGES TO THE MEETING DATES, TIMES OR LOCATIONS SHALL BE MADE PUBLIC
AT LEAST EIGHTEEN (18) HOURS PROIR TO THE MEETING IN QUESTION.**

Visit the County Website Events Calendar for any updates to meeting postings: <http://www.otsegocountymi.gov/events-calendar-9/>

In compliance with the Americans Disabilities Act, persons with physical limitation that may tend to restrict access to or participation in this meeting should contact the Land Use Services office (989-731-7420) at least twelve (12) hours prior to the scheduled start of the meeting.

Table 1. Total County zoned conforming and non-conforming parcels (City of Gaylord excluded).

Zoning District	# of Conforming Parcels	# of Non-Conforming Parcels	Total Number of Parcels	Percent Conforming	Percent Non-Conforming
AR	1977	464	2441	81%	19%
B-1	45	0	45	100%	0%
B-2	386	0	386	100%	0%
B-3	210	0	210	100%	0%
FR	4080	1279	5359	76%	24%
HX	33	0	33	100%	0%
I	93	0	93	100%	0%
MUZ	105	0	105	100%	0%
N/A	922	0	922	100%	0%
PUD	2232	0	2232	100%	0%
R-1	1096	326	1422	77%	23%
R-2	625	512	1137	55%	45%
R-3	732	550	1282	57%	43%
RR	4960	4559	9519	52%	48%
Grand Total	17496	7690	25186	69%	31%

Table 2. Total County tax receipts per zoning district (City and County zoned parcels included).

Zoning District	Percent Total Tax Value	2017-18 Taxed Value	County Tax Receipts
AR	11%	\$ 139,675,961.07	\$ 565,715.58
B-1	1.0%	\$ 12,430,840.41	\$ 50,347.39
B-2	1.7%	\$ 21,226,448.28	\$ 85,971.36
B-3	1.7%	\$ 21,004,532.99	\$ 85,072.56
C-1	0.5%	\$ 5,651,517.79	\$ 22,889.78
C-2	4.0%	\$ 50,452,906.88	\$ 204,344.36
FR	18.3%	\$ 229,215,554.32	\$ 928,368.84
HX	0.2%	\$ 2,576,449.82	\$ 10,435.14
I	0.4%	\$ 4,541,838.94	\$ 18,395.36
MUZ	1.3%	\$ 16,100,788.82	\$ 65,211.41
N/A	4.4%	\$ 54,942,620.81	\$ 222,528.60
PUD	6.5%	\$ 81,845,369.30	\$ 331,490.11
R-1	7.8%	\$ 96,948,512.19	\$ 392,660.86
R-2	5.0%	\$ 62,271,764.93	\$ 252,213.10
R-3	3.7%	\$ 46,059,762.45	\$ 186,551.25
RR	32.4%	\$ 405,678,250.00	\$ 1,643,078.05
Grand Total	100%	\$ 1,250,623,119.00	\$ 5,065,273.76

Table 3. Total number of County parcels per Zoning District (parcels with N/A zoning code in GIS not listed)

Zoning District	Number of Parcels	Percent of Total Parcels
AR	2441	10.06%
B-1	45	0.19%
B-2	386	1.59%
B-3	210	0.87%
FR	5359	22.09%
HX	33	0.14%
I	93	0.38%
MUZ	105	0.43%
PUD	2232	9.20%
R-1	1422	5.86%
R-2	1137	4.69%
R-3	1282	5.28%
RR	9519	39.23%
Grand Total	24264	100.00%

Table 4. Bagley Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	79	1.55%	0.35%
B-1	15	0.29%	0.00%
B-2	171	3.35%	0.00%
B-3	54	1.06%	0.00%
FR	235	4.61%	0.39%
I	70	1.37%	0.00%
PUD	542	10.63%	0.00%
R-1	667	13.08%	1.39%
R-2	848	16.63%	8.51%
R-3	276	5.41%	3.35%
RR	2142	42.01%	20.75%
Grand Total	5099	100.00%	34.75%

Table 5. Charlton Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	259	9%	0.76%
B-2	39	1%	0.00%
FR	701	23%	1.55%
R-1	43	1%	0.83%
R-2	2	0%	0.03%
RR	1986	66%	31.58%
Grand Total	3030	100%	35%

Table 6. Chester Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	334	18%	3%
B-2	6	0%	0%
FR	564	30%	3%
R-3	43	2%	0%
RR	907	49%	24%
Grand Total	1854	100%	30%

Table 7. Corwith Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	245	16%	5%
B-1	3	0%	0%
B-2	31	2%	0%
B-3	9	1%	0%
FR	1099	74%	13%
I	23	2%	0%
R-1	48	3%	0%
R-2	34	2%	0%
Grand Total	1492	100%	18%

Table 8. Dover Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	331	49.4%	13.7%
FR	331	49.4%	5.7%
R-2	8	1.2%	0.3%
Grand Total	1854	100%	19.7%

Table 9. Elmira Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	255	17.5%	1.2%
B-1	1	0.1%	0.0%
B-2	3	0.2%	0.0%
B-3	6	0.4%	0.0%
FR	448	30.8%	5.4%
MUZ	105	7.2%	0.0%
R-1	1	0.1%	0.1%
R-2	3	0.2%	0.0%
R-3	274	18.8%	8.9%
RR	359	24.7%	7.1%
Grand Total	1455	100.0%	22.7%

Table 10. Hayes Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	316	7.3%	2.2%
B-1	4	0.1%	0.0%
FR	1585	36.8%	18.6%
R-3	274	6.4%	0.0%
RR	2125	49.4%	28.5%
Grand Total	4304	100.0%	49.2%

Table 11. Livingston Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	620	33.9%	4.9%
B-1	22	1.2%	0.0%
B-2	76	4.2%	0.0%
B-3	112	6.1%	0.0%
FR	59	3.2%	0.3%
PUD	29	1.6%	0.0%
R-1	663	36.2%	12.5%
R-2	57	3.1%	1.0%
R-3	65	3.6%	0.0%
RR	126	6.9%	2.2%
Grand Total	1829	100.0%	20.9%

Table 12. Otsego Lake Township Zoning District data

Zoning District	Number of Parcels	Percent of Total Parcels	Percent Non-Conforming
AR	2	0.0%	0.0%
B-2	60	1.3%	0.0%
B-3	29	0.6%	0.0%
FR	337	7.4%	1.1%
HX	33	0.7%	0.0%
PUD	1661	36.7%	0.0%
R-2	185	4.1%	1.2%
R-3	350	7.7%	5.3%
RR	1874	41.4%	16.0%
Grand Total	4531	100.0%	23.7%