OTSEGO COUNTY
PLANNING COMMISSION
May 20, 2019
6:00 PM

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

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES: From April 15, 2019 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. ***Daystar Properties,*** *owner, represented by Northern Michigan Engineering Inc, David Drews, requests a Special Use Permit/Site Plan Review for property located in Elmira Township:*
      4422 M-32 W
      Gaylord, MI 49735
      060-035-400-005-01
      Property is located in a R3/Residential Estates Zoning District
      PZSU19-002– Proposed use of the property is to create a site condominium for the construction of sixteen (16) single family dwellings.
      a. *Open Public Hearing*
      b. *Applicant Summary*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

   2. ***Hugo A Noeske,*** *owner, requests a Special Use Permit/Site Plan Review for property located in Corwith Township:*
      7290 Old 27 North
      Vanderbilt, MI 49795
      042-027-300-005-04
      Property is located in a B2 / General Business Zoning District
      PZSU19-003 – Proposed use of the property is to construct a forty (40) unit mini storage building.
      a. *Open Public Hearing*
      b. *Applicant Summary*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

   3. ***Stephen Reckker*** *owner, represented by LCC Telecom, Mike Bienick, requests a Special Use Permit/Site Plan Review for property located in Elmira Township:*
      4754 Waldrast Dr
      Gaylord, MI 49735
      060-026-200-015-05
      Property is located in a R3 / Residential Estates Zoning District
      PZSU19-004 – Proposed use of the property is to construct a 179' wireless communication tower
      a. *Open Public Hearing*
      b. *Applicant Summary*
      c. *Public Comment (3 minute limit)*
      d. *Close Public Hearing*
      e. *Planning Commission Discussion – Motion*

9. ADVERTISED CASES:

1. *Daystar Properties, owner, represented by Northern Michigan Engineering Inc, David Drews, request a Special Use Permit/Site Plan Review for property located in Elmira Township:*
   4422 M-32 W
   Gaylord, MI 49735
   060-035-400-005-01
   Property is located in a R3/Residential Estates Zoning District
   ***PZSU19-002** – Proposed use of the property is to create a site condominium for the construction of sixteen (16) single family dwellings.*

2. *Hugo A Noeske, owner, has requested a Special Use Permit/Site Plan Review for property located in Corwith Township:*
   7290 Old 27 North
   Vanderbilt, MI 49795
   042-027-300-005-04
   Property is located in a B2 / General Business Zoning District
   ***PZSU19-003** – Proposed use of the property is to construct a forty (40) unit mini storage building.*

3. ***Stephen Reckker** owner, represented by LCC Telecom, Mike Bienick, requests a Special Use Permit/Site Plan Review for property located in Elmira Township:*
   4754 Waldrast Dr
   Elmira, MI 49730
   060-026-200-015-05
   Property is located in a R3 / Residential Estates Zoning District
   ***PZSU19-004** – Proposed use of the property is to construct a 179' wireless communication tower*

10. UNFINISHED COMMISSION BUSINESS:

1. ***PZSU18-004** – proposed use of the property is for a new mining operation*
   ***PZSU18-005**—proposed use of the property is for a new mining operation*
   Thomas & Cynthia Prusakiewicz, Alan & Sharon Wescoat, owners, being represented by J&N LLC, William Mason, applicant, has requested Special Use Permits/Site Plan Reviews for properties located in Livingston Township:

Martindale Rd	*Martindale Rd*
Gaylord, MI 49735	*Gaylord, MI 49735*
080-006-300-010-01	*080-006-300-010-02*

   Properties located in an AR / Agricultural Resource Zoning District
2. ***Site Plan Review** – Scott Property Management LLC, owner – Bagley Township*

011-600-000-002-01	*011-600-000-004-00*
011-600-000-003-00	*011-600-000-006-00*

   Maximum building height review for proposed apartment buildings in a R2 / General Residential Zoning District

11. NEW BUSINESS

12. REPORTS AND COMMISSION MEMBER'S COMMENTS:
    1. Otsego County Parks & Recreation report / Judy Jarecki
    2. Land Use Services
       Chris Churches: Text Amendments pending: *Family Care Facilities, Pet & Other Animals, Accessory Structures, Restricted Uses*
       Jim Mouch:

13. ADJOURNMENT

Otsego County Planning Commission

Proposed Minutes for April 15, 2019

Call to Order: 6:00pm by Chairperson Hartmann

Pledge of Allegiance

Roll Call:

Present: Mr. Hartmann, Mrs. Jarecki, Mr. Arndt, Mr. Borton, Mr. Hilgendorf, Mr. Brown, Mrs. Norton, Mr. Caverson, Ms. Corfis

Absent: Mr. Bauman

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

Public Present: Mike. Bienick, LCC Telecom Communications representative, Larry Opalewski, American Tower, Dave Drews, Northern Michigan Engineering Inc, Bill Mason, J&N LLC, Thomas Prusakiewicz, Leroy Prusakiewicz, Martindale Rd residents, Robert & Margaret Sheen, John Kurth, Mike & Jane Scott, Noirot's Airport Subdivision residents, Randy Stults

Others Present: Chuck Klee, Dover Township former representative, Steve Scott, Dover Township new PC representative

Approval of minutes from: January 21, 2019

Chairperson Hartmann requested discussion on the minutes.

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

Motion approved unanimously.

Consent Agenda: None

Other: None

Public participation for items not on the agenda:

Mr. Stults referred to the recent rezone case in Hayes Township and the contracted restrictions between the Township and property owner that were placed on it and stated the Marketable Records Act 200 of 1945 was recently amended; he understood it to mean that deed restrictions needed to be rerecorded every forty (40) years or they would expire. He questioned how this would be addressed because the County was not an interested party to this.

Chairperson Hartmann stated they would notify Hayes Township of the amended Act for their review.

Chairperson Hartmann requested the audience members introduce themselves and state their reason for attending the meeting. Each introduced themselves stating their purpose.

Public Hearing:

1. *MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

   4855 West Otsego Lake Dr
   Gaylord, MI 49735
   011-800-000-018-02

Property located in a B2 / General Business Zoning District
PZSU19-001 – proposed use of the property is to add an addition to the previously existing storage units

a. *Open Public Hearing*
b. *Applicant Summary*
a. *Public Comment (3 minute limit)*
b. *Close Public Hearing*
c. *Planning Commission Discussion – Motion*

Chairperson Hartmann stated the case before them, opened the public hearing and requested comment from Dave Drews, applicant.

Public hearing opened: 6:03pm

Mr. Drews stated the existing cold storage building was 40'x100' and they proposed an addition of the same size; the addition would be on the north end of the building. The property was zoned B2 as were all the adjoining properties. It was currently fenced with outdoor storage and another driveway was approved by the Road Commission on West Otsego Lake Dr. Storm water was not part of the original building plan but was added to the proposed plan; storm water would be stored on site. He stated it was basically just an enlargement of the current use.

Chairperson Hartmann asked for further comments from the public; hearing none, closed the hearing.

Public hearing closed: 6:06pm

Advertised Case:

1. *MD Oil Field Services LLC, owner, being represented by Northern Michigan Engineering Inc, Dave Drews, applicant, has requested a Special Use Permit/Site Plan Review for property located in Bagley Township:*

   4855 West Otsego Lake Dr
   Gaylord, MI 49735
   011-800-000-018-02

Property located in a B2 / General Business Zoning District
PZSU19-001 – proposed use of the property is to add an addition to the previously existing storage units

Chairperson Hartmann requested comment from Bagley Township representative, Ken Arndt.

Mr. Arndt stated Bagley Township did not have a problem with the addition and had approved the special use. They did have questions concerning water retention and access but they were answered. The property was well maintained and they felt it was a good use of the site.

Mr. Borton asked if the existing gate would remain.

Mr. Drews stated there was only one entrance currently and the existing gated drive off Henry Dr. would remain.

Mr. Caverson questioned the lighting referenced on the site plan stating it was especially important not to have it interfere with traffic along West Otsego Lake Dr.

Mr. Drews stated wall pack lighting was referenced for installation but the illumination area was not shown; the existing building had the referenced lighting and that would be a continuation of the same. He would provide the information requested with a conditional approval.

Chairperson Hartmann questioned if all criteria had been met; Mr. Churches stated yes. *SEE ATTACHMENT I*

Chairperson Hartmann requested a motion.

Motion made by Mr. Arndt to approve Special Use Permit PZSU19-001for an addition to the existing cold storage units located at 4855 West Otsego Lake Dr in Bagley Township with the condition of providing the lighting requirements requested; Seconded by Mr. Borton.

Motion approved unanimously.

Public Hearing:

2. *Thomas & Cynthia Prusakiewicz, Alan & Sharon Wescoat, owners, being represented by J&N LLC, Bill Mason, applicant, has requested Special Use Permits/Site Plan Reviews for properties located in Livingston Township:*

Martindale Rd	*Martindale Rd*
Gaylord, MI 49735	*Gaylord, MI 49735*
080-006-300-010-01	*080-006-300-010-02*

Properties located in a AR / Agricultural Resource Zoning District
PZSU18-004 – proposed use of the property is for a new mining operation
PZSU18-005—proposed use of the property is for a new mining operation

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

Chairperson Hartmann stated the case before them, opened the public hearing and requested comment from Bill Mason, applicant.

Public hearing opened: 6:10pm

Mr. Mason stated J&N was trying to establish a new gravel pit primarily in an attempt to keep prices down on their bids to the townships and counties; they currently had to buy from their competitors and their pricing more or less controlled the bids. They would not be selling to the general public; material would be used for projects. The mining operation would be located on Martindale Rd next to the existing mining operation by Rieth Riley. Setting up their own mining operation would allow them to be more competitive.

Larry Prusakiewicz, neighboring property owner, stated he did not oppose the mining operation; he lived with the existing operation currently but felt it should be up to the two road building companies to fix the deterioration caused by their truck traffic. The two miles of Martindale and Townline Roads should be brought up to grade A without costing taxpayers money. He suggested that each company repair a mile of the two roads used.

Thomas Prusakiewicz, site owner, stated he agreed that purchasing materials elsewhere and traveling for those materials added wear and tear to the roads. Townline Rd ended at the entrance to the current gravel pit and was extremely bad but he was in need of permit approval for financial purposes.

Chairperson Hartmann questioned if it was realistic to ask these companies to repair the roads.

Mr. Churches stated the Planning Commission could not condition a special use approval on off-site work; there was case law concerning that very issue.

Chairperson Hartmann stated Livingston Township had not approved the special use and Livingston's representative was not available to address the reasons. There was no additional information in their packets to clarify and asked if further correspondence had been received.

Mr. Churches stated the only correspondence received from Livingston Township was the email concluding two gravel pits were unnecessary and would adversely affect their community. He continued saying the Michigan Zoning Enabling Act had certain criteria to base approval on and if those criteria were met, the use could not be denied. He stated he had gone through the criteria and had not found any blatant concerns. His 'Memo' was included in the commissioners' packet.

Ms. Corfis stated the Road Commission had determined the road entrance should be hard surfaced.

Chairperson Hartmann stated that could definitely be a condition placed on the special use.

It was suggested that the case be sent back to Livingston Township to be reviewed for conditional approval of the special use permit seeing no substantial reason for denial had been found.

Chairperson Hartmann stated he thought that was the route the Planning Commission should take. The neighboring property owners did not object to the mining operations.

Mr. Stults stated it was worth pointing out that gravel pits could not be set up just anywhere; they had to be mined where gravel was located.

Mr. Drews stated he thought two mining operations side by side was more of a benefit because less people and less roads were impacted.

Chairperson Hartmann asked for further comments from the public; hearing none, closed the hearing.

Public hearing closed: *6:27pm*

Advertised Case:

2. *Thomas & Cynthia Prusakiewicz, Alan & Sharon Wescoat, owners, being represented by J&N LLC, BillMason, applicant, has requested Special Use Permits/Site Plan Reviews for properties located in Livingston Township:*

Martindale Rd	*Martindale Rd*
Gaylord, MI 49735	*Gaylord, MI 49735*
080-006-300-010-01	*080-006-300-010-02*

Properties located in a AR / Agricultural Resource Zoning District
PZSU18-004 – proposed use of the property is for a new mining operation
PZSU18-005—proposed use of the property is for a new mining operation

Chairperson Hartmann requested further discussion on the restoration plan and performance guarantee.

Mr. Churches stated he planned to contact a few excavating companies and provide them with a site plan to establish a dollar amount for restoration and prorate it out five years for the performance guarantee.

Chairperson Hartmann requested clarification on what the restoration consisted of.

Mr. Arndt stated the restoration would pertain to the restoring of the property to resemble what it looked like before the mining began. The topsoil would be replaced and sloped along with any trees and grass. After the mining issues with a previous case, countless meetings and court appearances, that section of the Zoning Ordinance had been overhauled and amended for prevention of future court cases. It was important to have these things laid out beforehand for that purpose.

Vice Chairperson Jarecki questioned if the restoration plan was the same as the reclamation plan.

Mr. Churches stated it was; he said he had reviewed the restoration plan and the specifics were highlighted but some items depended on the pit itself. Because of the previous case, he had the property owners review the restoration plan and sign a letter stating they approved it.

Mr. Hilgendorf stated the reclamation plan should err on the side of detail considering all the work that went into the revision of the mining section.

Mr. Arndt stated the Planning Commission worked on the mining section during the litigation and the section was discussed at length at each meeting and seemed to grow and grow. He felt they were pushed into a corner when the issue was having the people involved come to an agreement of what would be sufficient.

Mr. Caverson questioned if the Zoning Ordinance provided restoration guidelines and stated that was what needed to be followed.

Mr. Churches stated guidelines were provided and they were followed. Patricia Osburn at the Soil Conservation District had reviewed and approved the plan as well.

Mr. Drews stated he had seen restoration models but mining was not an exact science; depths change, veins run out and locations are moved but with slope limitations, vegetation buffers and depths in place you have a rough idea of what it would look like reclaimed. The model could be updated over time.

Chairperson Hartmann stated Livingston Township would be contacted and informed of the discussion including the restoration plan and they would see what their response was.

Ms. Corfis questioned if the surety amount would be better defined based on the detail of the reclamation plan.

Mr. Churches requested clarification on the specifics being requested.

Chairperson Hartmann stated they were requesting more detail on the restoration plan and dollar figures for the performance guarantee.

Special Use Permits PZSU18-004 and PZSU18-005 were postponed allowing Livingston Township the opportunity to consider placing conditions on the mining operation. Land Use will look into costs for recommendation of a performance guarantee.

Public Hearing:

3. *Otsego County Zoning Ordinance – Wireless Communications – Section 21.46 - Text amendments – Proposed language to allow wireless towers up to 179' in Residential Zoning Districts listed as a permitted use subject to special conditions and a permitted use in remaining Zoning Districts*
   - a. *Open Public Hearing*
   - b. *Land Use Introduction*
   - c. *Public Comment (3 minute limit)*
   - d. *Close Public Hearing*
   - e. *Planning Commission Discussion – Motion*

Chairperson Hartmann stated the case before them, opened the public hearing and requested comment from Mr. Bienick.

Public hearing opened: 6:41pm

Mr. Bienick, LCC Telecom Services representative of Tillman Infrastructure, stated the amendments looked good from their perspective but thought a statement should be added allowing the planning commission the option of approving a lesser fall zone area with a written request based on the individual site. He went on to explain that the towers are designed to collapse upon themselves as opposed to falling over and the engineer's license was on the line if the design failed.

Mr. Oplalewski, American Tower representative, stated they had fourteen (14) towers throughout the County and were originally opposing the amendments but with the reduction in the height, they no longer were. As far as the setbacks were concerned, he thought this was a significant change and should be discussed further prior to its addition. He was not aware of any county that did not have setbacks specified.

Mr. Bienick responded that almost every ordinance allows the ability to provide a fall zone letter.

Chairperson Hartmann stated American Tower had brought the recent State amendment to their attention and thanked them for that. He continued saying the amendments came about because a tower was originally proposed in a R3 Zoning District in Elmira Township and they felt it was quite necessary for the area. The proposed tower will not be lit; it will be under the two hundred feet (200') requirement for lighting.

Chairperson Hartmann asked for further comments; hearing none, closed the hearing.

Public hearing closed: 6:50pm

Advertised Case:

3. *Otsego County Zoning Ordinance – Wireless Communications – Section 21.46 - Text amendments – Proposed language to allow wireless towers up to 179' in Residential Zoning Districts listed as a permitted use subject to special conditions and a permitted use in remaining Zoning Districts*

Chairperson Hartmann stated he had a motion from the County Attorney and would make that motion.

Motion made by Mr. Hartmann to submit recommendations for proposed amendments to Sections 21.46.2, 21.46.3, 6.2.8, 8.1.16, 8.2.18, 9.1.24, 9.2.21, 10.2.6, 11.1.13, 11.2.11, 12.1.23, 12.2.12, 13.1.10, 13.2.18, 14.1.19 of the Otsego County Zoning Ordinance pertaining to Wireless Communications Towers and Facilities, and a summary of the comments received at the meeting held on January 21, 2019, to the Otsego County Board of Commissioners pursuant to Section 308(1) of the Michigan Zoning Enabling Act; Seconded by Mr. Brown.

Motion approved unanimously.

Public Hearing:

4. *Otsego County Zoning Ordinance – Article 27 Township Participation in County Zoning – Text amendments – Proposed language to amend Township notifications and timeframes*
    a. *Open Public Hearing*
    b. *Land Use Introduction*
    c. *Public Comment (3 minute limit)*
    d. *Close Public Hearing*
    e. *Planning Commission Discussion – Motion*

Chairperson Hartmann stated the case before them, opened the public hearing and requested comment from Land Use Services.

Public hearing opened: 6:55pm

Mr. Churches stated the amendments consisted of general text edits and grammar changes, distribution to townships via email and a response from townships within seven (7) days of the approval by the governing body.

Mr. Stults cautioned the Planning Commission on moving too quickly and to allow enough time for review of proposed changes to the Ordinance.

Mr. Arndt questioned implementation of the system.

Mr. Churches stated information would still be mailed out in addition to email and responses would be accepted by email as well as mail.

Chairperson Hartmann asked for further comments; hearing none, closed the hearing.

Public hearing closed: 7:03pm

Advertised Case:

4. *Otsego County Zoning Ordinance – Article 27 Township Participation in County Zoning – Text amendments – Proposed language to amend Township notifications and timeframes*

Chairperson Hartmann stated Township response was positive and asked for discussion. Hearing none, he requested a motion.

Motion made by Mr. Brown to submit recommendation for proposed amendments to Article 27 Township Participation in County Zoning pertaining to the type of notifications, persons notified, response timeframe, and a summary of the comments received at the meeting held on January 21, 2019 to the Otsego County Board of Commissioners; Seconded by Mr. Borton.

Motion approved unanimously.

Unfinished Commission Business: None

New Business:

1. Chairperson Hartmann stated a letter was received requesting an extension for PZSU17-002 the Residential Cluster on Porcupine Shores. He requested comment from Mr. Drews.

Mr. Drews, representative for PZSU17-002 explained improvements had begun on the property such as test well drilling and water logs, road improvements, the setting of some monuments and preparing documents but due to the winter weather, they had been unable to complete the project. They were requesting the one year extension for completion. The Health Department requested some additional items and once approved, the Exhibit B drawings and Master Deed would be submitted and the physical improvements would be completed as well.

Chairperson Hartmann made the following motion for the one year extension.

Motion made by Mr. Hartmann to extend the Special Use Permit PZSU17-002 located on Porcupine Shores for one year from its expiration date of April 16, 2019; Seconded by Mrs. Norton.

Motion approved unanimously.

2. Site Plan Review – *Scott Property Management LLC, owner – Bagley Township*
   011-600-000-002-01
   011-600-000-003-00
   011-600-000-004-00
   011-600-000-006-00

   Maximum building height review for proposed apartment buildings in a R2 / General Residential Zoning District

Chairperson Hartmann requested comment from Mr. Churches.

Mr. Churches stated the case was for a height variance and invited Mr. Drews, representative of Scott Property Management LLC to explain further.

Mr. Drews stated four (4) apartment buildings were proposed for property along Dickerson Rd and would be annexed into the City of Gaylord for municipal services after completion but the City was requiring a prior approval from the County. A site plan was submitted depicting the location of the buildings and requirements of the Zoning Ordinance but a height allowance in excess of the maximum thirty-five feet (35') was being requested for approval by the Planning Commission. A height variance of up to fifty percent (50%) could be granted. The four (4), four-story (4) apartment buildings were proposed at fifty-two and a half feet (52½'); FAA approval had been sought along with approval from the Gaylord Regional Airport.

Mr. Arndt stated Bagley Township felt it was a good use of the property and there was a need for housing.

Neighboring residents of Noirot's Airport Subdivision attended the meeting and spoke out about not being notified of the project. They did not want the apartment buildings built; they felt buildings that tall would be an invasion of privacy for anyone in the subdivision. They also stated the deed restrictions for the Noirot Subdivision were for single family dwellings only.

Mr. Drews stated the apartment buildings were a permitted use in a R2 Zoning District and they were already allowed a height up to thirty-five feet (35'); they were at the meeting only because they were requesting an increase in that height. If they weren't allowed the height increase, they would increase the number of buildings to six (6). He continued stating housing is the best use for that property but no one wants to build a single family dwelling along that strip of road; multiple family housing would fit the use.

Mr. Arndt stated Bagley Township had held hearings but they were not required to notify anyone. The meetings were posted on the bulletin board outside the Township Hall. He suggested they come to the next Bagley Township Board meeting to discuss it.

The Commission postponed making a decision allowing Bagley Township a chance to hear residents of the Subdivision voice their concerns as well as a review by the County Attorney.

3. Steve Scott – New member representing Dover Township – recommendation
   Chuck Klee resigning – *Plaque presentation*

Chairperson Hartmann stated Mr. Klee had resigned as Dover Township's representative to the Otsego County Planning Commission and Steve Scott was recommended as replacement per Dover Township. He requested a motion to recommend Mr. Scott to the Board of Commissioners.

Motion made by Mr. Hartmann recommending to the Otsego County Board of Commissioners Steven Scott as representative of Dover Township to the Otsego County Planning Commission; Seconded by Mrs. Norton.

Motion approved unanimously.

Reports and Commission Member's Comments:

1. Otsego County Parks & Recreation report/Judy Jarecki

Mrs. Jarecki stated the Park & Recreation Commission was working with NEMCOG (Northeast Michigan Council of Government) on a Master Plan and Forest Stewardship Plan to include a trail inventory for the Groen Preserve; NEMCOG was applying for a Forest Stewardship Program Grant on behalf of the County; the ranger station project would begin mid-April; Campground pricing at the County Park would be increased for the 2020 camping season following the completion of the electrical upgrade.

2. Land Use Services report

Chris Churches: Master Plan, Private Roads & Restricted Uses Committee meetings rescheduled

Mr. Churches stated the Master Plan was in need of its five year review for updates and revisions and requested a committee be assembled.

Chairperson Hartmann requested volunteers for that committee. They are as follows:

Mr. Hartmann
Mr. Borton
Mr. Scott

A meeting will be scheduled with committee members notified.

Mr. Churches also stated a couple of committee meetings needed to be rescheduled.

The committee meeting for Private Roads was rescheduled for Wednesday, May 1st and the meeting for Restricted Uses was rescheduled for Monday, May 6th both at 9:00am. Emails will be sent as a reminder.

Mr. Scott introduced himself and offered some background information.

Mr. Borton stated the Iron Belle Trailhead in downtown Gaylord was finally approved; it was a building similar to the pavilion with restrooms and a parking area. This was a joint effort with Rails to Trails, MEDC and the Michigan Natural Resources Trust Fund. They had a local match of $60,000 to come up with - the Tourism Bureau contributed $30,000, Otsego County contributed $10,000, the City of Gaylord contributed $10,000 and the DDA contributed $10,000. They were waiting on final design approval from the State and will go out for bids within the next few weeks.

Mr. Hilgendorf stated the Groen Visionary Committee was scheduled to meet the week of the 6th; the bidding went out for the parking lot and upgrade project off of Heatherton Rd, once it was begun, the project wouldn't take too long to complete.

Mrs. Jarecki stated work on the Trailhead in Vanderbilt would continue; they had part of the project done.

Mr. Hartmann stated he was on the steering committee for Accelerate Otsego held at the Gornick Auditorium on April 11th and they had given away $35,000 to new businesses – first prize was for $10,000 and went to Bensus, a software firm for small and medium sized gas and oil companies, second prize was for $7500 and went to White Birch Outfitters, a company offering guided tours in Northern Michigan, they received another $7500 from the Tourism Bureau as well, third prize was for $5000 for a company in Johannesburg making ice hockey sleds developed for the handicapped, and the People's Choice Award went to a bakery called Desserts First.

Mr. Arndt stated Bagley Township had discussed the apartment complex at multiple meetings; the Township is growing and in need of more space to accommodate another voting precinct, they are weighing their options but have not made a decision as of yet.

Ms. Boyak-Wohlfeil stated she chaired the Otsego Lake Township Parks & Recreation Advisory Committee and had submitted a grant application to the DNR for the construction of a trailhead in Waters at the old Trading Post site. They were waiting for the result.

With no further comments, Chairperson Hartmann adjourned the meeting.

Adjournment: 7:50pm by Chairperson Hartmann

Ken Arndt; Secretary

Christine Boyak-Wohlfeil; Recording Secretary

ATTACHMENT 1:

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-001
Special Use Permit/Site Plan Review
011-800-000-018-02

GENERAL FINDINGS OF FACT

1. This is a proposal for a 40'x120' addition for mini storage units added to an existing business. *Exhibit #1, Exhibit #5, Exhibit #6*
2. The property is located in a B2/General Business Zoning District. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
4. The property is currently under the ownership of MD Oil Field Services LLC. *Exhibit #4*
5. The owners are being represented by Northern Michigan Engineering Inc, Dave Drews. *Exhibit #7*
6. The Public Hearing Notice was published in the Herald Times on March 29, 2019 *Exhibit #8*
7. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
8. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
9. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
10. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*
11. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #6, Exhibit #13, Exhibit #14*
12. An application for a Driveway Permit from the Otsego County Road Commission has been submitted. *Exhibit #16*
13. An Inter-Agency Letter has been received from the Health Department of Northwestern Michigan Agency dated March 20, 2019. *Exhibit #17*
14. An Inter-Agency Letter has been received from the Otsego County EMS dated March 19, 2019. *Exhibit #18*
15. An Inter-Agency Letter has been received from the Otsego County Soil Conservation District dated March 22, 2019. *Exhibit #19*

Exhibit 13

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.

***Motion made by Mr. Arndt to approve Special Use Permit PZSU19-001for an addition to the existing cold storage units located at 4855 West Otsego Lake Dr in Bagley Township with the condition of providing the lighting requirements requested; Seconded by Mr. Borton.

Motion approved unanimously.

Exhibit 14

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-002
Special Use Permit/Site Plan Review
060-035-400-005-01

Exhibit List

Exhibit #1: Applications for case PZSU19-002 submitted by Applicant/Representative

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 April 23, 2019

Exhibit #4: Copy of Otsego County Equalization Department record card/Warranty Deed 1378/700

Exhibit #5: *Revised* Site Plan/PZSU19-002 submitted by Applicant /Representative...*pending*

Exhibit #6: Site Plan Narrative

Exhibit #7: Statement of representation dated March 1, 2019

Exhibit #8: Public Hearing Notice

Exhibit #9: Letter to Elmira Township Planning Commission dated March 20, 2019

Exhibit #10: Response from Elmira Township dated May 9, 2019

Exhibit #11: Map and list of parties notified

Exhibit #12: Receipt #01317298

Exhibit #13: General Finding of Fact/PZSU19-002

Exhibit #14: Specific Finding of Fact/PZSU19-002

Exhibit #15: 'Burdo Pines' Site Condominium Use and Occupancy Restrictions

Exhibit #16: Zoning Permit – Sign – PZ19-022

Exhibit #17: Agency Letter dated March 20, 2019 from Otsego County Health Department

Exhibit #18: Agency Letter dated March 26, 2019 from Otsego County EMS

Exhibit #19: Agency Letter dated March 22, 2019 from Otsego County Soil Conservation District

Exhibit #20: Agency Letter dated..., 2019 from Otsego from Otsego County Road Commission...*pending*

OTSEGO COUNTY
LAND USE SERVICES

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

APPLICATION FOR SPECIAL USE PERMIT

Date: 3-1-19	Parcel Number: 060 - 035 - 400 - 005-01

PROPERTY LOCATION: *(REQUIRED)*

Address: 4422 M-32 West		City: Gaylord	Zip Code: 49735
Township: Elmira	Zoning District: R-3	Section: 35	T 31 N/R 4 W

APPLICANT:

Name: Northern Michigan Engineering, Inc.		Owner/Agent/Other Interest *(circle one)*	
Address: 114 N. Court Ave, Suite 203	City: Gaylord	State: MI	Zip Code: 49735
Phone: (989) 217-3177	Fax: (888) 893-9761		

PROPERTY OWNER: *(If different from Applicant)*

Name: Dave & Cynthia Chaffin		Phone: (989) 858-0866	
Address: 1456 Arrowhead Trail	City: Gaylord	State: MI	Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE:
16 Unit Residential Site Condominium

SIGNATURE OF APPLICANT: David W. Chaffin	**DATE:** 2-13-19

***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: March 6, 2019	Permit Number: PZ3019-002	
Date Application Complete:	Fee: $700	Receipt Number: 01317298

Exhibit 1

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: Northern Michigan Engineering Inc.	Owner/Agent/Other Interest *(circle one)*
Address: 114 N Court Ave, Suite 203 Gaylord, MI 49735	
Phone: (989)217-3177	Fax: (888)893-9761

PROPERTY OWNER: *(If different from Applicant)*

Name: Dave & Cynthia Chaffin	
Address: 1456 Arrowhead Trail Gaylord, MI 49735	
Phone: (989)858-0866	Fax: ( ) -

PROPERTY LOCATION:

Township: Elmira	Section: 35	T 31 N/R 4 W	Zoning District: R-3
Site Address: 4422 M-32 West Gaylord, MI 49735			
Parcel Number: 060 - 035 - 400 - 005 - 01			
Description of Project and Proposed Use: 16 Unit Residential Site Condominium			

Signature of Applicant: David W. Chaffin	**Date:** 2-13-19

***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: Spring / Summer 2019

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: All land is wooded

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: None

18. Location of existing and proposed buildings and intended uses thereof, as well as the length, width and height of each building and typical elevation views of proposed structures.

Yes ___ No ✓ if "No" explain: NA

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: NA

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: NA

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

Yes ____ No ✓ if "No" explain: NA

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

Yes ____ No ✓ if "No" explain: NA

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: NA

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

Yes ____ No ✓ if "No" explain: NA

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: NA

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: NA

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

Yes ____ No ✓ if "No" explain: NA

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: NA

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

Yes ____ No ✓ if "No" explain: NA

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: NA

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: _____

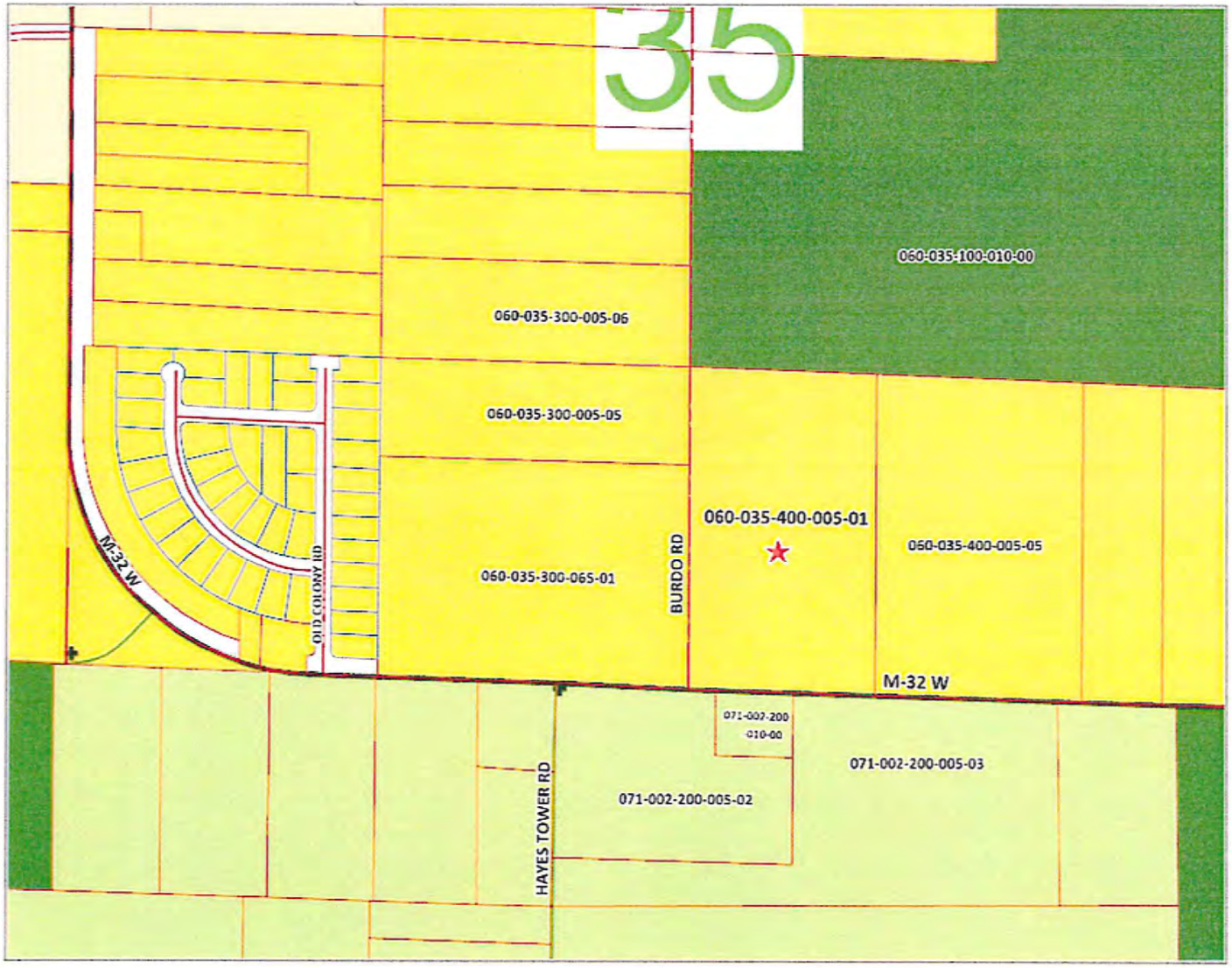
Or

> 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:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

PZSU19-002 **DAYSTAR PROPERTIES**
4422 M-32 W **060-035-400-005-01**



OTSEGO COUNTY ZONING MAP

LEGEND

- R-1 - RESIDENTIAL
- R-2 - GENERAL RESIDENTIAL
- R-3 - RESIDENTIAL ESTATES
- RR - RECREATION RESIDENTIAL
- FR - FORESTRY RECREATION
- AR - AGRICULTURAL RESOURCE
- B-1 - LOCAL BUSINESS
- B-2 - GENERAL BUSINESS
- B-3 - BUSINESS, LIGHT MANUFACTURING
- I - INDUSTRIAL
- HX - HIGHWAY INTERCHANGE
- MUZ MAIN - MULTIPLE USE ZONING MAIN STREET
- MUZ TWN CN - MULITPLE USE ZONING TOWN CENTER
- PUD - PLANNED UNIT DEVELOPMENT
- STATE LAND

Exhibit 2

OTSEGO COUNTY
TREASURER'S OFFICE
Gaylord, Mich., 12/6/18

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

Lisa Finnerty, Deputy COUNTY TREASURER

OTSEGO COUNTY MICHIGAN
RECEIVED
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
12/06/2018 3:21:52 PM

LIBER 1480 PAGE 853

OTSEGO COUNTY MICHIGAN
RECORDED
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
12/06/2018 3:22:41 PM

OTSEGO COUNTY
DECEMBER 6, 2018
RECEIPT #30610

STATE OF MICHIGAN
REAL ESTATE TRANSFER TAX $ 51.15-CO
$ 348.75-ST
STAMP # 13080

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That C. James Palmer, Roland K. Kottong and Vicki L. Kottong, as tenants in common whose addresses are 5318 Stow Road, Fowlerville, MI 48836, 1284 Long Rapids Rd., Alpena, MI 49707 and 1285 Long Rapids Rd., Alpena, MI 49707, respectively, convey(s) and warrant(s) to Daystar Properties, d/b/a David & Cynthia K. Chaffin, whose address is PO Box 385, Gaylord, MI 49734, the following described premises:

Land situated in the Township of Elmira, County of Otsego, Michigan, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Commonly known as: 4422 M-32 West, Gaylord, MI 49735
Parcel ID No(s).: 69-060-035-400-005-01

For the full consideration of Forty-Six Thousand Five Hundred And No/100 Dollar(s) ($46,500.00) subject to easements and restrictions of record, if any, and further subject to liens, encumbrances and other matters subsequent to the date of this notice.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right of Farm Act.

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

SUBJECT to easements and restrictions of record, zoning laws and ordinances affecting the premises, and rights of the public and of any governmental entity in any part thereof taken, used or deeded for street, road, right of way, or highway purposes, and subject to taxes and future installments of special assessments payable hereafter.

The Grantors herein convey to Grantees all rights of division under Section 108 of the Michigan Land Division Act.

Dated this 30th day of November, 2018.

C. James Palmer

STATE OF Michigan

COUNTY OF Livingston

The foregoing instrument was acknowledged before me this day by C. James Palmer.

Witness my hand and official seal, this the 30th day of November, 2018.

Notary Public

PAUL J. HARMON
Notary Public, State of Michigan
County of Livingston
My Commission Expires Apr. 15, 2024
Acting in the County of Livingston

My Commission Expires: _____

(SEAL)

Prepared by:
C. James Palmer
5318 Stow Road
Fowlerville, MI 48836

Assisted By:
Otsego County Title, a member of Lighthouse Group
120 East Main Street
Gaylord, MI 49735

Otsego County Title, a member of Lighthouse Group
120 East Main Street
Gaylord, MI 49735

399.90
DCA 30

GYL18-11257993

Deed (Warranty-Farmland)

Exhibit 4

Dated this 30 day of November, 2018

Roland K. Kottong

STATE OF Michigan

COUNTY OF Acting in Alpena County

The foregoing instrument was acknowledged before me this day by Roland K. Kottong.

Witness my hand and official seal, this the 30 day of November, 20 18.

Notary Public Paul Momrick

My Commission Expires: 8 · 8 · 2019

(SEAL)

Dated this 30th day of November, 2018

Vicki L Kottong

Vicki L. Kottong

STATE OF Michigan

COUNTY OF Acting in Alpena Count

The foregoing instrument was acknowledged before me this day by Vicki L. Kottong.

Witness my hand and official seal, this the 30 day of November, 2018.

Paul Momrick

Notary Public Paul Momrick

My Commission Expires: 8-8-19

(SEAL)

EXHIBIT "A"

Parcel A:
Part of the South 1/2 of the Southeast 1/4 of Section 35, Town 31 North, Range 4 West, Elmira Township, Otsego County, Michigan, described as:

Beginning at the South 1/4 corner of said Section 35; thence North 00 degrees 46 minutes 04 seconds West 1346.81 feet along the North-South 1/4 line of said Section 35; thence South 89 degrees 09 minutes 07 seconds East 780.93 feet along the South 1/8 line of said Section 35; thence South 00 degrees 51 minutes 27 seconds East 1345.72 feet; thence North 89 degrees 14 minutes 10 seconds West 783.01 feet along the South line of said Section to the point of beginning.

R1480 856 4

Parcel Number: 69-060-035-400-005-01 Jurisdiction: ELMIRA TOWNSHIP County: OTSEGO Printed on 03/06/2019

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
PALMER - KOTTONG - KOTTONG	DAYSTAR PROPERTIES	46,500	11/30/2018	WD	ARMS LENGTH	1480/853	AGENT	0.0
LAND HOLDINGS LLC	PALMER-KOTTONG	34,100	06/20/2013	QC	TBD	1324/713	Deed	100.0
INDEPENDENT BANK	LAND HOLDINGS LLC	0	09/28/2012	QC	Bank to Bank	1300/977	Deed	100.0
OTSEGO COUNTY	INDEPENDENT BANK	0	08/25/2011	ShD	FORECLOSURE (MORTG)	1265/640	Deed	0.0

Property Address

4422 M-32 WEST

Owner's Name/Address

DAYSTAR PROPERTIES
D/B/A CHAFFIN, DAVID & CYNTHIA K
PO BOX 385
GAYLORD MI 49735

Tax Description

PART OF THE SE 1/4 BEG AT THE S 1/4 CORNER, TH N 00 DEG 46 MIN 04 SECONDS W 1346.81 FEET ALONG THE N/S 1/4 LINE, TH S 89 DEG 09 MIN 07 SECONDS E 780. 93 FEET ALONG S 1/8 LINE OF SEC, TH S 00 DEG 51 MIN 27 E 1345.72 FEET, TH N 89 DEG 14 MIN 10 SECONDS W 783.01 FEET ALONG THE S LINE TO POB SEC 35 T31N-R4W PARCEL A 1994 SPLIT FROM 060-035-400-005-00

Comments/Influences

Class: 402 RES VACANT Zoning: R-3

School: Gaylord Community

P.R.E. 0%

: 0.00

2019 Est TCV 37,000(Value Overridden)

Building Permit(s)	Date	Number	Status

Improved X Vacant

Public Improvements

Dirt Road
Gravel Road
Paved Road
Storm Sewer
Sidewalk
Water
Sewer
Electric
Gas
Curb
Street Lights
Standard Utilities
Underground Utils.

Topography of Site

Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
Waterfront
Ravine
Wetland
Flood Plain

Land Value Estimates for Land Table .

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

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	18,500	0	18,500			18,500S
2018	18,500	0	18,500			18,500S
2017	18,300	0	18,300			18,300S
2016	18,300	0	18,300			18,300S

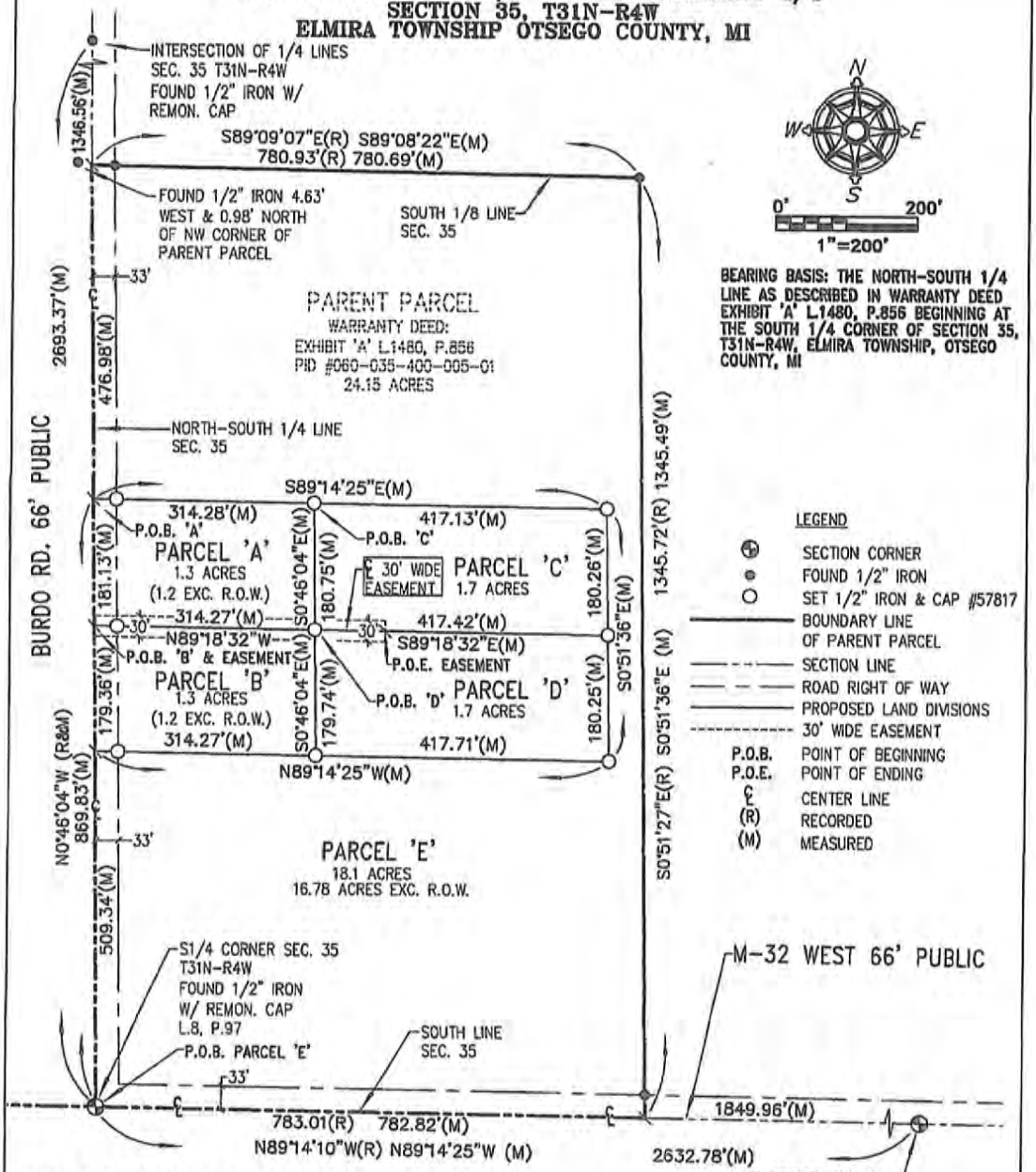
Who When What

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

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

Exhibit 4

CERTIFICATE OF SURVEY
PROPOSED LAND DIVISIONS
PART OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4
SECTION 35, T31N-R4W
ELMIRA TOWNSHIP OTSEGO COUNTY, MI



I, Scott D. McLain, a Professional Surveyor in the State of Michigan, do hereby certify that I have surveyed and mapped the hereon described parcel(s) of land; that the ratio of closure of the unadjusted field observations is within the accepted limits; and that I have fully complied with the requirements of P.A. 132 of 1970 as amended. All corners shown have a Relative Positional Precision of 0.07' + 50 ppm, unless noted otherwise.

Scott D. McLain, PS#57817

CLIENT: DAVE CHAFFIN
JOB # 18-170

NME
NORTHERN MICHIGAN ENGINEERING INC.

114. N. Court Ave.
Gaylord, MI 49735
(989)217-3177
534 E. Eighth Street
Traverse City, MI 49686

FIELD BY:	DATE:	SURVEYOR APPROVAL:
EJD	12/05/18	SDM 01/31/19
DRAWN BY: SFB	DATE: 02/13/19	SHEET: 1 OF 3

CERTIFICATE OF SURVEY
PROPOSED LAND DIVISIONS
PART OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4
SECTION 35, T31N-R4W
ELMIRA TOWNSHIP OTSEGO COUNTY, MI

LEGAL DESCRIPTION PROVIDED:

PARENT PARCEL (PID # 060-035-400-005-01)
EXHIBIT 'A' FROM WARRANTY DEED L.1480, P.856

A PARCEL OF LAND SITUATED IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 35, TOWN 31 NORTH, RANGE 4 WEST, ELMIRA TOWNSHIP, OTSEGO COUNTY, STATE OF MICHIGAN, DESCRIBED AS:
BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 35; THENCE NORTH 00 DEGREES 46 MINUTES 04 SECONDS WEST 1346.81 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 35; THENCE SOUTH 89 DEGREES 09 MINUTES 07 SECONDS EAST 780.93 FEET ALONG THE SOUTH 1/8 LINE OF SAID SECTION 35; THENCE SOUTH 00 DEGREES 51 MINUTES 27 SECONDS EAST 1345.72 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 10 SECONDS WEST 783.01 FEET ALONG THE SOUTH LINE OF SAID SECTION TO THE POINT OF BEGINNING.

PARCEL 'A'
A PARCEL OF LAND COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35, T31N-R4W; THENCE NORTH 0°46'04" WEST 869.83 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING OF PARCEL "A"; THENCE SOUTH 89°14'25" EAST 314.28 FEET; THENCE SOUTH 0°46'04" EAST 180.75 FEET; THENCE NORTH 89°18'32" WEST 314.27 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE NORTH 0°46'04" WEST 181.13 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING. CONTAINING 1.3 ACRES OF LAND, MORE OR LESS, SUBJECT TO A 30 FOOT WIDE EASEMENT FOR INGRESS/ EGRESS AND THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35 T31N-R4W; THENCE NORTH 00°46'04" WEST 688.70 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING OF CENTERLINE OF SAID EASEMENT; THENCE SOUTH 89°18'32" EAST 414.27 FEET TO THE POINT OF ENDING OF CENTERLINE OF SAID EASEMENT, AND SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND REQUIREMENTS OF RECORD, IF ANY.

PARCEL 'B'
A PARCEL OF LAND COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35, T31N-R4W; THENCE NORTH 0°46'04" WEST 688.70 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING OF PARCEL "B"; THENCE SOUTH 89°18'32" EAST 314.27 FEET; THENCE SOUTH 0°46'04" EAST 179.74 FEET; THENCE NORTH 89°14'25" WEST 314.27 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE NORTH 0°46'04" WEST 179.36 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING. CONTAINING 1.3 ACRES OF LAND, MORE OR LESS, SUBJECT TO A 30 FOOT WIDE EASEMENT FOR INGRESS/ EGRESS AND THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35 T31N-R4W; THENCE NORTH 00°46'04" WEST 688.70 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING OF CENTERLINE OF SAID EASEMENT; THENCE SOUTH 89°18'32" EAST 414.27 FEET TO THE POINT OF ENDING OF CENTERLINE OF SAID EASEMENT, AND SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND REQUIREMENTS OF RECORD, IF ANY.

PARCEL 'C'
A PARCEL OF LAND COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35, T31N-R4W; THENCE NORTH 0°46'04" WEST 869.83 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE SOUTH 89°14'25" EAST 314.28 FEET TO THE POINT OF BEGINNING OF PARCEL "C"; THENCE CONTINUING SOUTH 89°14'25" EAST 417.13 FEET; THENCE SOUTH 0°51'36" EAST 180.26 FEET; THENCE NORTH 89°18'32" WEST 417.42 FEET; THENCE NORTH 0°46'04" WEST 180.75 FEET TO THE POINT OF BEGINNING. CONTAINING 1.7 ACRES OF LAND, MORE OR LESS, SUBJECT TO A 30 FOOT WIDE EASEMENT FOR INGRESS/ EGRESS AND THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35 T31N-R4W; THENCE NORTH 00°46'04" WEST 688.70 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING OF CENTERLINE OF SAID EASEMENT; THENCE SOUTH 89°18'32" EAST 414.27 FEET TO THE POINT OF ENDING OF CENTERLINE OF SAID EASEMENT, AND SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND REQUIREMENTS OF RECORD, IF ANY.

PARCEL 'D'
A PARCEL OF LAND COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35, T31N-R4W; THENCE NORTH 0°46'04" WEST 688.70 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE SOUTH 89°18'32" EAST 314.27 FEET TO THE POINT OF BEGINNING OF PARCEL "D"; THENCE CONTINUING SOUTH 89°18'32" EAST 417.42 FEET; THENCE SOUTH 0°51'36" EAST 180.25 FEET; THENCE NORTH 89°14'25" WEST 417.71 FEET; THENCE NORTH 0°46'04" WEST 179.74 FEET TO THE POINT OF BEGINNING. CONTAINING 1.7 ACRES OF LAND, MORE OR LESS, SUBJECT TO A 30 FOOT WIDE EASEMENT FOR INGRESS/ EGRESS AND THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35 T31N-R4W; THENCE NORTH 00°46'04" WEST 688.70 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING OF CENTERLINE OF SAID EASEMENT; THENCE SOUTH 89°18'32" EAST 414.27 FEET TO THE POINT OF ENDING OF CENTERLINE OF SAID EASEMENT, AND SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND REQUIREMENTS OF RECORD, IF ANY.

Scott D. McLain, PS#57817

CLIENT: DAVE CHAFFIN
JOB # 18-170

NME
NORTHERN MICHIGAN ENGINEERING INC.

114. N. Court Ave.
Gaylord, MI 49735
(989)217-3177
534 E. Eighth Street
Traverse City, MI 49686

FIELD BY:	DATE:	SURVEYOR APPROVAL:	
EJD	12/05/18	SDM	01/31/19
DRAWN BY:	DATE:	SHEET:	
SFB	02/13/19	2 OF 3	

CERTIFICATE OF SURVEY
PROPOSED LAND DIVISIONS
PART OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4
SECTION 35, T31N-R4W
ELMIRA TOWNSHIP OTSEGO COUNTY, MI

PARCEL 'E'

BEGINNING AT THE SOUTH 1/4 CORNER, SECTION 35, T31N-R4W; THENCE NORTH 0°46'04" WEST 509.34 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE SOUTH 89°14'25" EAST 731.98 FEET; THENCE NORTH 0°51'36" WEST 360.51 FEET; THENCE NORTH 89°14'25" WEST 731.41 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE NORTH 0°46'04" WEST 476.98 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE SOUTH 89°08'22" EAST 780.69 FEET ALONG THE SOUTH 1/8 LINE OF SAID SECTION; THENCE SOUTH 0°51'36" EAST 1345.49 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE NORTH 89°14'25" WEST 782.82 FEET ALONG THE SOUTH LINE OF SAID SECTION TO THE POINT OF BEGINNING. CONTAINING 18.1 ACRES OF LAND, MORE OR LESS, SUBJECT TO A 30 FOOT WIDE EASEMENT FOR INGRESS/ EGRESS AND THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES, COMMENCING AT THE SOUTH 1/4 CORNER, SECTION 35 T31N-R4W; THENCE NORTH 00°46'04" WEST 688.70 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE POINT OF BEGINNING OF CENTERLINE OF SAID EASEMENT; THENCE SOUTH 89°18'32" EAST 414.27 FEET TO THE POINT OF ENDING OF CENTERLINE OF SAID EASEMENT, AND SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND REQUIREMENTS OF RECORD, IF ANY.

Scott D. McLain, PS#57817

CLIENT: DAVE CHAFFIN
JOB # 18-170

NME NORTHERN MICHIGAN ENGINEERING INC.

114. N. Court Ave.
Gaylord, MI 49735

(989)217-3177

534 E. Eighth Street
Traverse City, MI 49686

FIELD BY:	DATE:	SURVEYOR APPROVAL:
EJD	12/05/18	SDM 01/31/19
DRAWN BY: SFB	DATE: 02/13/19	SHEET: 3 OF 3

Application for Special Use Permit

"Burdo Pines" Site Condominium

Article 19 Submittal Requirements, Summary and Narrative

- 19.2 – Application and fee
  Submitted

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

- 19.3.2 – Property Description
  PID#060-035-400-005-01
  4422 M-32 West (Burdo Road)
  Legal description – See Site Plan

- 19.3.3 – Applicant Statement
  I, David C. Drews, President of Northern Michigan Engineering Inc.(NME), hereby certify that the property owner, David & Cynthia Chaffin, have authorized NME to act as their representative for purposes of applying for a Special Use Permit and Site Plan submittal for the proposed ~~"West Otsego Lake Storage Addition" project~~.
  Site Condominium

  Date 3/1/2019

- 19.3.4 – Site Plan
  See attached

- 19.3.5 – Detail Description – Proposed Land Use

  The land is zoned R-3. In the R-3 district, the minimum parcel size is 40,000 SF and 100' minimum lot width. The proposed land use will be limited to (16) single family residential home sites use only.

  The project boundary contains 18.1 acres. The west side of the parcel adjoins Burdo Road (county maintained gravel road) and the south side adjoins M-32. All units in the project will have frontage on a private road with access to Burdo Road. None of the proposed units will be allowed to access M-32 directly.

There is a gas well and gas collection pipe lines on the property. There is also a natural gas pipe line crossing the property. The existing gas well and pipelines will not adversely impact the development of the project as proposed.

The projected will be developed as a residential Site Condominium. Each condominium unit be be served by on-site well and sanitary disposal systems as approved by the Health Department of Northwest Michigan. The condominium bylaws will include use and occupancy restrictions equal or greater than those required by the zoning ordinance.

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

The zoning of adjacent properties is shown on the Site Plan.

"Burdo Pines" will be designed, constructed, operated and maintained so as not to have any impact or diminish the opportunity for the surrounding properties to be used and developed as zoned.

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

The proposed special land use will be adequately served by the public road, Burdo Road.

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
May 20, 2019

The Otsego County Planning Commission will hold five public hearings on Monday, May 20, 2019 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. Daystar Properties, owner, represented by Northern Michigan Engineering Inc, David Drews, request a Special Use Permit/Site Plan Review for property located in Elmira Township at 4422 M-32 W Gaylord, MI 49735. The proposed use of the property is to create a site condominium for the construction of sixteen (16) single family dwellings. The property is located in a R3/Residential Estates Zoning District.

Parcel identification number: **060-035-400-005-01**
4422 M-32 W
Gaylord, MI 49735

Legal Description:
PART OF THE SE1/4 OF SEC 35: BEG AT THE S1/4 COR, TH N00°46'04" W 1346.81FT ALG THE N/S1/4 LN; TH S89°09'07" E 780.93FT ALG S1/8 LN OF SEC; TH S00°51'27" E 1345.72FT; TH N89°14'10" W 783.01FT ALG THE S LN TO POB. SEC 35 T31N R4W PARCEL A OF 1994 SPLIT FROM 060-035-400-005-00

2. Hugo A Noeske, owner, has requested a Special Use Permit/Site Plan Review for property located in Corwith Township at 7290 Old 27 North Vanderbilt, MI 49795. The proposed use of the property is to construct a forty (40) unit mini storage building. The property is located in a B2 / General Business Zoning District. Mini-storage buildings consisting of separate storage rooms rented or leased by the month is a permitted use subject to special conditions in the B2 Zoning District.

Parcel identification number: **042-027-300-005-04**
7290 Old 27 North
Vanderbilt, MI 49795

Legal Description:
PARCEL A: COMM AT S¼ COR OF SEC 27, TH N00°03'24"W 1315.20FT ALG N-S¼ LN TO POB; TH N88°13'32"W 1170FT ALG S⅛ LN, TH N00°03'24"E 304FT, TH S88°13'32"E PAR TO S⅛ LN 1170FT, TH S00°03'24"W 304FT ALG N-S¼ LN TO POB. SEC 17 T32N-R3W CONT 8.26 ACRES M/L ***AND***
PARCEL B: COMM S¼ COR OF SEC 27, TH N00°03'24"W 1315.20FT ALG N-S¼ LN, TH N88°13'32"W 1170FT ALG S⅛ LN TO POB; TH N88°13'32"W 540.16FT ALG S⅛ LN, TH N03°22'07"E 533.93FT, TH S88°13'32"E 358.24FT, TH S00°03'24"E 230FT, TH S88°13'32"E 150FT, TH S00°03'24"W 304FT TO POB. SEC 17 T32N-R3W CONT 5.53 ACRES M/L 1998 SPLIT OF 042-027-300- 005-01

3. Stephen Reckker, owner, represented by LCC Telecom, Mike Bienick, request a Special Use Permit/Site Plan Review for property located in Elmira Township at 4754 Waldrast Dr Gaylord, MI 49735. The proposed use of the property is to construct a 179' wireless communication tower. The property is located in a R3/Residential Estates Zoning District.

Parcel identification number: **060-026-200-015-05**
4754 Waldrast Dr
Gaylord, MI 49735

Legal Description:
NW¼ **EXC:** COM AT N¼ COR, TH S00°12'28"W 1341.14 FT ALG N-S ¼ LN, TH N88°04'21"W 634 FT ALG N⅛ LN TO POB; TH S01°55'39"W 297 FT, TH N88°04'21"W 297 FT, TH N01°5'39"E 297 FT, TH S88°04'21"E 297 FT TO POB. SEC 26 T31N-R4W 99 SPLIT OF 060-026-200-015-02

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

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

Exhibit 8

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

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

March 20, 2019

Elmira Township
7252 Alba Rd
Gaylord, MI 49735

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

If you require the applicant's representative, David Drews, be present at your meeting, he can be notified at the following address:

Daystar Properties
c/o David Drews
114 N Court Ave Ste 203
Gaylord, MI 49735
989.217.3177

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

Sincerely,

Chris Churches
Planning & Zoning Director

cbw

encl

Exhibit 9

May 9, 2019

Christine Boyak-Wohfeil
Zoning Officer - Otsego County

RE: PZSU19-002
060-035-400-005-01
Special Use Permit
Burdo Pines

Dear Christine:

Dave Chaffin appeared before the Elmira Township Planning Commission on April 23, 2019 to present his proposed project, Burdo Pines, a 20-unit, 25 acre site condo development at West M-32 and Burdo Road.

The Elmira Township board members reviewed the minutes of the ETPC and their recommendation to the Township Board.

A motion was made at the regular meeting of the Elmira Township Board on May 8, 2019 to recommend to the Otsego County Planning Commission that they approve the Special Use Permit requested for the project known as Burdo Pines with the following conditions:

1) That the drawing of layout of Parcel E as depicted in Exhibit 5 has the pipelines depicted as full width of the right of way rather than the single line to help clarify the impacts upon the individual unit sites at to area that is actually buildable.
2) As nothing in Exhibit 15 excludes mobile homes other than the requirement of 5/12 pitched Roof, and as Parcel E is in total a jointly owned parcel and under control of the developer or when relinquished the Condo Association Board acting as one entity, it can only have a total of three manufactured homes without being a Manufactured Housing Park and subject to Applicable State statutes.

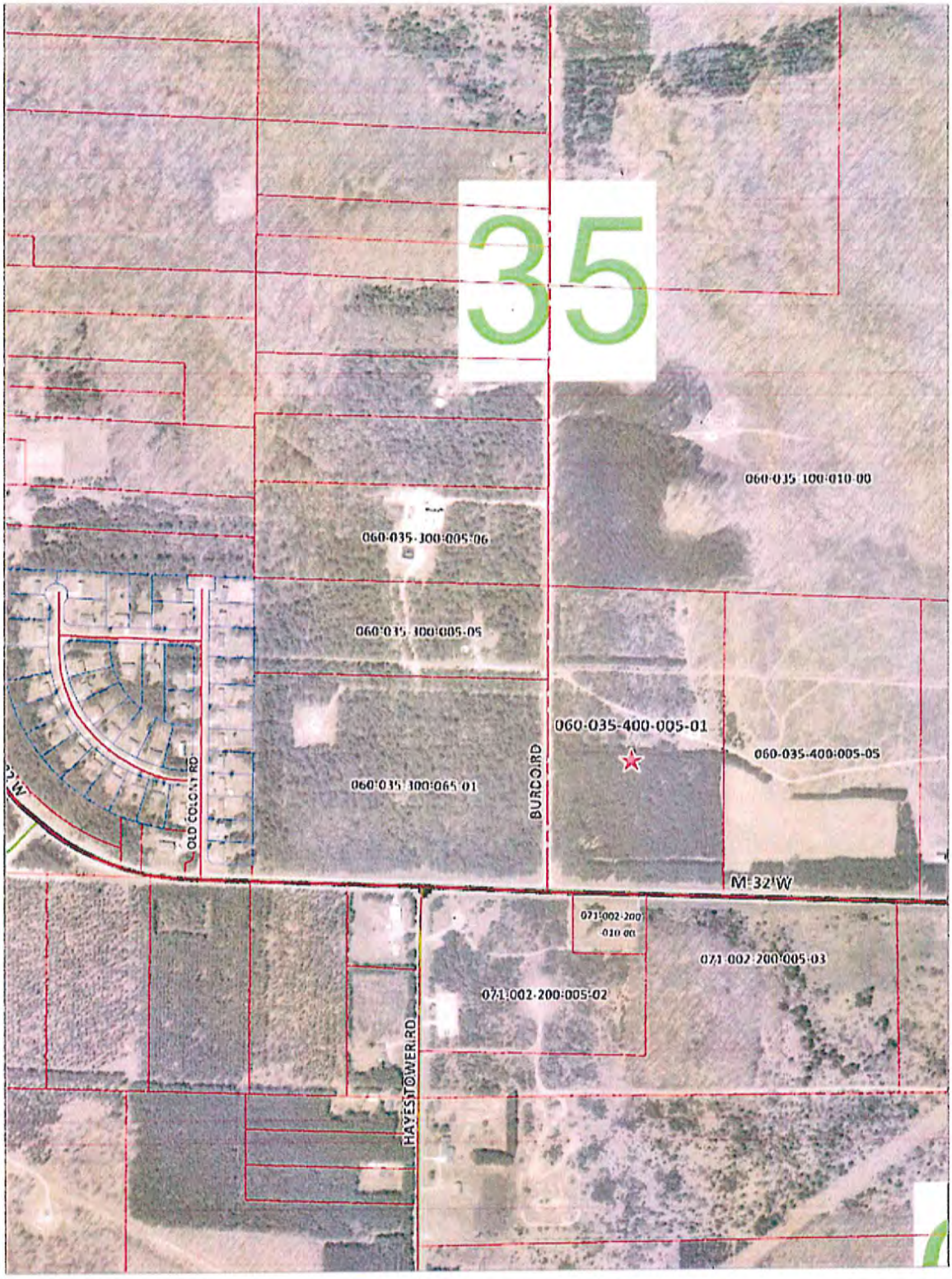
Sincerely,
Susan Schaedig
Elmira Township Clerk

PZSU19-002 060-035-400-005-01 4422 M-32 W

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code	Class
060-035-100-010-00		STATE OF MICHIGAN	PO BOX 30028	LANSING	MI	48909	121.40	FR	702
060-035-300-005-05	182 BURDO RD	PACE, JIMMY D & NATASHA	182 BURDO RD	GAYLORD	MI	49735	12.61	R-3	401
060-035-300-005-06		TERRA ENERGY LTD	PO BOX 1256	GAYLORD	MI	49734	12.90	R-3	201
060-035-300-065-01		TEMPLE, KAREN K TRUST	653 ACORN RD	GAYLORD	MI	49735	28.42	R-3	402
060-035-400-005-01	4422 M-32 WEST	DAYSTAR PROPERTIES	PO BOX 385	GAYLORD	MI	49735	24.93	R-3	402
060-035-400-005-05		CORBIN, TYLER D	4138 W M-32	GAYLORD	MI	49735	27.46	R-3	402
071-002-200-005-02	71 HAYES TOWER RD	HAYES TOWNSHIP HALL	7200 HAYES TOWER RD	GAYLORD	MI	49735	14.81	FR	703
071-002-200-005-03		HAYES TOWNSHIP OTSEGO COUNTY	7200 HAYES TOWER RD	GAYLORD	MI	49735	27.26	FR	703
071-002-200-010-00	4421 M-32 WEST	HAYES TOWNSHIP CEMETERY		GAYLORD	MI	49735	2.07	FR	703

Exhibit 11

PZSU19-002 DAYSTAR PROPERTIES
4422 M-32 W 060-035-400-005-01



060-035-100-010-00
060-035-300-005-05
060-035-300-005-06
060-035-300-065-01
060-035-400-005-01
060-035-400-005-05
071-002-200-005-02
071-002-200-005-03
041-002-200-010-00

Exhibit 11

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

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Paid By:

NMEI / WESLEY CONSTRUCTION

RECEIPT NUMBER

01317298

03/01/2019

Type	Record	Category	Description	Amount
Permit	PZSU19-002	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

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

Exhibit 12

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-002
Special Use Permit/Site Plan Review
060-035-400-005-01

GENERAL FINDING OF FACT

1. This is a proposal for a residential site condominium to construct sixteen (16) single family dwellings. *Exhibit #1, Exhibit #5, Exhibit #6*

2. The property is located in a R3/Residential Estates Zoning District. *Exhibit #2*

3. The proposed use is a permitted use in a R3/Residential Estates Zoning District with the approval of a special use permit for the development. *Exhibit #3, Exhibit #14*

4. The proposed property is 24.15 acres. *Exhibit #4*

5. The proposed project area is 18.1 acres. *Exhibit #5*

6. All remaining 6.0 acres are reserved as common area – open space. *Exhibit #5*

7. The sixteen (16) proposed units meet the 0.92 acre requirements of the R3 Zoning District. *Exhibit #3, Exhibit #5*

8. The property is currently under the ownership of Daystar Properties. *Exhibit #4*

9. The owner is being represented by David Drews, Northern Michigan Engineering Inc per letter dated March 1, 2019. *Exhibit #7*

10. Individual Unit addresses will be obtained from the Equalization Department with Special Use Permit approval. *Exhibit #5*

11. Site Condominium Use and Occupancy Restrictions for the residential development have been provided. *Exhibit #15*

12. The Public Hearing Notice will be published in the Herald Times on May 3, 2019. *Exhibit #8*

13. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*

14. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*

15. 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*

16. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

17. A sign permit was submitted and approved for the installation of a sign on the property. *Exhibit #16*

18. Letters from the Otsego County Health Department, Otsego County EMS and Otsego County Soil Conservation District have been received with a letter pending from the Otsego County Road Commission. *Exhibit #17, Exhibit #18, Exhibit #19, Exhibit #20*

19. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant/Representative. *Exhibit #4, Exhibit #5, Exhibit 8, Exhibit #11, Exhibit #13, Exhibit #14...*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-002
Special Use Permit/Site Plan Review
060-035-400-005-01

SPECIFIC FINDING OF FACT

FINDINGS UNDER ARTICLE 21/SECTION 21.6

SECTION 21.6 DEVELOPMENT REGULATIONS

21.6.1 Definition

For purposes of this section and as used in the Otsego County Zoning Ordinance a Development shall be defined as Platted Subdivisions, Condominium Developments or any division of land that creates more lots or parcels on a parent parcel than is permitted under the Land Division Act.

21.6.2 Regulations

A development shall be reviewed pursuant to the Special Land Use regulations of Article 19 and shall conform to the following provisions in addition to all other applicable district provisions, except that the Planning Commission may waive the requirements of this Section for developments with fewer than ten (10) lots, parcels or units provided the Planning Commission makes a finding that doing so will not cause any significant public harm or harm to adjacent properties.

21.6.3 A development, shall comply with the applicable site development standards contained in Article 17 SCHEDULE OF DIMENSIONS, unless developed as a Planned Unit Development (PUD) subject to all regulations of Article 24.

21.6.4 Developments shall comply with all federal, state and county regulations regarding the provision of a potable water supply and waste disposal facilities.

21.6.5 Developments shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including Conveyance of sewage, potable water and Storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.

21.6.6 In addition to the materials required by Article 19 and Article 23 or Article 24 for PUDs if applicable, an application for a development shall include a development plan containing the following information:

21.8.6.1 Proposed use and occupancy restrictions as will be contained in the Deed Restrictions or the Master Deed.

21.8.6.2 All proposed deed restrictions which are conditions of the special use permit.

21.6.7 All provisions of the approved development plan shall be incorporated in the Deed Restrictions or in the Master Deed for the development, unless exceptions are permitted by the Planning Commission. Any proposed changes to the approved development plan shall be subject to review and approval by the County Planning Commission as a major amendment to a permit, subject to the procedures of Article 19 and Article 23 or Article 24 for PUDs if applicable.

21.6.8 All lots, parcels or units within a development project shall be marked with monuments as provided by State and County regulations.

21.6.8.1 The County Board of Commissioners may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the County Clerk cash or a certified check, or irrevocable bank letter of credit naming to the municipality, whichever the proprietor selects, in an amount not less than one hundred dollars ($100.00) per monument and not less than five hundred dollars ($500.00) in total, except that lot corner markers shall be at the rate of not less than fifty dollars ($50.00) per marker. The performance guarantee shall be returned to the proprietor pursuant to the provisions of Section 25.6 upon receipt of a certificate by a licensed professional surveyor that the monuments and markers have been placed as required within the time specified.

***Permitted Use Subject to Special Conditions in R3 Zoning District**

FINDINGS UNDER ARTICLE 24/SECTION 24.3

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 he required.

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

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

Driveway Spacing and corner clearance requirements shall be PER MDOT MANUAL

SECTION 20.4 SIGHT DISTANCE

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

SECTION 20.5 ACCESS

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

20.5.1 Interconnections of Parking Areas

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

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

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

SECTION 20.6 ROAD STANDARDS

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

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

***SEE Site Plan**

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING
21.18.1 PURPOSE

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

21.18.2 General Performance Standards:

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

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

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

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

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

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

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

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

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

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

21.18.2.3 Existing Vegetation:

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

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

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

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

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

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

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

21.18.3 Buffer Yards:

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

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

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

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

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

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

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

21.18.4 Roadside Greenbelt Buffers:

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

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

21.18.5 Screening of Unsightly Areas:

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

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

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

21.18.6 Parking Lot Screening:

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

Landscaping design standards:

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

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

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

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

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

***No Buffer Yard Required/See Table I**

***Existing Tree Cover**

***No landscaping planned for project – SEE Burdo Pines Use and Occupancy Restrictions 1.4 (m)**

21.18 TABLE I : Planting Buffer Yard

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

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

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

***Lighting: No lighting planned for project itself. SEE Burdo Pines Use and Occupancy Restriction 1.4 (p)**

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 LAND USE	PER UNIT OF MEASURE
Residential	
Dwellings	2 per dwelling
Multiple-Family Dwelling	2 per dwelling
Elderly Housing	1 per 4
Rooming House, Fraternity, or Sorority	1 per 2 occupants at maximum capacity
Trailer Court	2 per unit

***Parking: SEE Burdo Pines Use and Occupancy Restrictions 1.4 (j, k, l)**

FINDINGS UNDER SECTION 21.38

Section 21.38
Signs and Billboards
Amended 3.29.2018

Intent:

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Otsego County.

It is the intent of this regulation to insure a degree of standardization in signage throughout the county, to insure the safety of pedestrians and motorists who must drive or otherwise negotiate installed signage and motorists who depend on the visibility of a sign's message to safely arrive at an intended destination. Standardization will preserve the aesthetics, appearance and functionality of all installed signage.

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:

Sign plans shall be reviewed for approval, conditional approval or rejection by the Zoning Administrator. For disagreements with the rulings of the Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals, who in such instances has final authority on the sign plan.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes. Compliance with this Section does not relieve the applicant from the responsibility of compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the County Zoning Ordinance.

Section 21.38.01
Signs Authorized and Requiring a Permit

All applications for a Sign Permit shall first be submitted to the Zoning Administrator. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Zoning Administrator showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises

upon which the sign is to be erected and by engineering calculations signed by a registered design professional. The Zoning Administrator may issue such permits when all applicable provisions of this Ordinance have been met.

Section 21.38.01.01
Accessory Signs

Section 21.38.01.01.01
Districts: R1, R2, R3, RR

Number Allowed:	1
Maximum Height:	8 ft.
Measured:	From the average grade at the base of the sign to the top of the sign support.
Maximum Size:	15 sq. ft.

Section 21.38.01.01.02
Districts: AR, FR

Number Allowed:	1
Maximum Height:	8 ft.
Measured:	From the average grade at the base of the sign to the top of the sign support.
Maximum Size:	32 sq. ft.

Section 21.38.01.01.03
Districts: B1, B2, B3, HX, I

Number Allowed:	Two (2) with the following **four (4) regulations**:
Regulation 01:	One (1) sign shall be affixed to or be within 2 feet of and be parallel with the wall of the main building.
Maximum Size:	Signs mounted on and parallel with the wall of the main building shall not exceed a total surface area of 15% of the mounting wall. If a premise contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.
Regulation 02:	One (1) Sign may be a freestanding sign.
Maximum Height:	12 ft.
Maximum Size:	56 sq. ft. and length shall not be longer than three (3) times its width.
Regulation 03:	One (1) Sign may be a pylon sign.
Maximum Height:	35 ft.
Maximum Size:	Sign Specifications must be prepared by a design professional and must comply with any Airport Zoning Ordinance and the Tall Structures Act. Pylon Signs approved and installed before the date of this ordinance change shall be allowed provided they exhibit structural integrity, are safe and well maintained.
Regulation 04:	All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window 100% restricting all visibility from the interior and exterior. Signage may cover no more than 50% of the window on the horizontal and vertical dimension. Total coverage for multiple window panels will not change.

Section 21.38.01.01.04
Signs for shopping centers or other commercial developments with Two (2) or more units developed as offices, office service units, research facilities, manufacturing facilities, retail spaces with multiple stores, commercial PUD's, large retail stores with a building area over 100,000 sq. ft. or other commercial developments requiring Special Use Approval and which have a common off street parking and a common entrance or entrances may install accessory signs in accordance with the following **six (6) regulations:**

Regulation 01: Signs which direct traffic movement within a property and which do not exceed 4 sq. ft. in area for each sign are permitted.

Regulation 02: One (1) free-standing identification sign for each street that the development faces.

a. The freestanding 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 100 sq. ft.
c. Freestanding signs shall not exceed a height of 30 feet measured from the average grade at the base of the sign to the top of the horizontal sign frame supporting the sign face.
d. Tenants of the shopping center or the owner of outlets included with the development plan or PUD shall not be permitted individual freestanding signs, except gas stations as noted below:

Regulation 03: Businesses within the development or PUD shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed 20% of the area of the signage wall.

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Regulation 04: All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window 100% restricting all visibility from the interior and exterior. Signage may cover no more than 50% of the window on the horizontal or vertical dimension.

Regulation 05: An automobile service station located on an outlet or an individual lot within the development or PUD may have 1 freestanding sign in addition to the freestanding sign utilized for the development. The freestanding 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 21.38.01.01.03 above.

Regulation 06: Signs proposed for installation along MDOT regulated highways designed to advertise a specific business location must be permitted in accordance with current MDOT Regulation 225. A specific time requirement for the developed site is required and is usually 2 years. A business sign is a sign designed to advertise a particular business location rather than being used for general outdoor advertising not necessarily specific to a particular business.
Billboards or signage also referred to as outdoor advertising or outdoor highway advertising are permitted and controlled by MDOT under sections of MDOT Regulation 225. A valid permit and sign approval is required prior to construction of a billboard designed for general outdoor advertising

Section 21.38.02
Non-Accessory Signs and Billboards

Section 21.38.02.01
Billboards, poster boards and non-accessory signs may be permitted in B2, B3 and I Districts provided the area of the sign does not exceed an area of 200 sq. ft. in B2 and B3 Districts and 300 sq. ft. in I Districts. A non-accessory sign or billboard shall not measure longer than 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.

Section 21.38.03
Sign Lighting (also see Section 21.19 Lighting Outdoor)

Section 21.38.03.01
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 set back a minimum of 10 feet from all road right-of-ways and 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 1 hour after sunrise and continuing until 1 hour before sunset, shall not exceed (10278 Lumens) (685W Incandescent light bulb) (114W Florescent/LED) per square meter, or does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter at all other times.

Signs that are externally illuminated shall have the light mounted on 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 such that reflected luminance does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter.

Section 21.38.04
Signs Prohibited

Section 21.38.04.01 No signs or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

Section 21.38.04.02 No signs shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

Section 21.38.04.03 No signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

Section 21.38.04.04 No signs containing flashing, intermittent or moving lights.(A sign with messages or images accomplished by instantaneous re-pixilation not more often than 1 time in 60 seconds shall not be considered flashing, intermittent or moving and shall be allowed.)

Section 21.38.04.05 No signs with moving or revolving parts.

Section 21.38.04.06 No signs attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following **3 Regulations**:

Regulation 01: The primary purpose of such a vehicle or trailer is not the display of signs.

Regulation 02: The signs are magnetic, decals or painted upon an integral part of the vehicle or

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equipment as originally designed by the manufacturer, and does not break the silhouette of the vehicle.

Regulation 03: The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.

Section 21.38.04.07 Vehicles and trailers are not to be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

Section 21.38.04.08 A sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign covered or removed within 14 days after written notification from the Zoning Administrator.

Section 21.38.05
Signs Authorized and Not Requiring a Permit

Section 21.38.05.01 Official notices, authorized by a court, public body or public safety official

Section 21.38.05.02 Directional, warning or information signs authorized by federal, state or municipal governments

Section 21.38.05.03 Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.

Section 21.38.05.04 The flag of a government or noncommercial institution, such as a school

Section 21.38.05.05 Religious symbols and seasonal decorations within the appropriate public holiday season

Section 21.38.05.06 Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain

Section 21.38.05.07 Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 sq. ft. in area

Section 21.38.05.08 The changing or maintenance or components of an approved existing sign that is designed for such changes, or the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

Section 21.38.05.09 Bulletin Boards that do not exceed 15 sq. ft. for churches, public and semi-public institutions and/or school

Section 21.38.05.10 Temporary signs not exceeding 10 sq. ft. advertising a premises being for rent, for lease and/or for sale in any district All such signs shall be removed within 14 days of the consummated lease or sale of the premises.

Section 21.38.05.11 Accessory directional signs affixed to the building and not exceeding 2 sq. ft., such as but not necessarily limited to: Boiler Room, Entrance, Exit, Garage, Loading Dock, Low Clearance, Office, Service, Warehouse and the like.

Section 21.38.05.12 Maximum of 2 accessory properties directional signs each not to exceed 2 sq. ft. identifying or directing to the following: Entrance, Exit, No Parking, Visitors Parking, Other Traffic Flow Directions, and similar Functional Signs

Section 21.38.05.13 Temporary advertising banners that are flexible (made of canvas, plastic composite etc.) meant to be attached to a fixed commercial building structure which is currently occupied. All banners may not exceed 32 sq. ft. and must be maintained in good condition while displayed.

Section 21.38.05.14 Political signs shall be permitted in all zoning districts with the following **3 Regulations**:

Regulation 01: Such signs shall follow the Accessory Signs restrictions as it relates each individual Zoning District.

Regulation 02: Such signs for election candidate or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.

Regulation 03: Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

Section 21.38.06
Placement of Signs and Setbacks

Section 21.38.06.01
Signs in rights-of-way
No sign other than an official traffic sign shall be erected within any public right-of-way unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

Section 21.38.06.02
Sign and Setbacks
Signs in any zoning district must be placed at least 2 feet back from any right of way and any lot line.

Section 21.38.07
Off-Premises Directory Sign – Private

Section 21.38.07.01
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-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 15 sq. ft. Community directional signs serving more than one (1) use may be permitted to a maximum size of 32 sq. ft.

Section 21.38.08
Approval Authority

Section 21.38.08.01
The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site Plans for a Special Use Permit shall be forwarded by the Zoning Administrator to the Planning Commission for review and action. In addition, at the request of the Zoning Administrator or Planning Commission, a site plan for a Principal Permitted Use may be submitted for Planning Commission review before final action by the Zoning Administrator. The Zoning Administrator and Planning Commission have the authority to approve, deny or grant conditional approval for any site plan submitted under the provisions of this ordinance. The Zoning Administrator may hold or the Planning Commission may table a site plan, pending further information or addition, reasonably needed to complete a site plan or comply with requirements of this Ordinance.

***Signage: Signage application proposed along M-32 – PZ19-022**

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 Receptacles: No trash receptacle planned for project itself. SEE Burdo Pines Use and Occupancy Restrictions 1.4 (o)**

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.

***Underground Utilities: Planning Commission input**

Exhibit 14

FINDINGS UNDER ARTICLE 23

ARTICLE 23 SITE PLAN REVIEW

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to provide for consultation and cooperation between the land developer and the Zoning Administrator so that beneficial utilization of the land is achieved at the same time that adverse effects upon the surrounding land uses are minimized consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Otsego County will be assured and its communities will develop in an orderly fashion.

SECTION 23.1 SITE PLAN REVIEW REQUIRED

Site plan review is required for the following uses:

23.1.1 Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

23.1.2 Any development for which off-street parking areas in excess of five (5) spaces are provided as required in this Ordinance.

Any use in a B1, B2, B3 and Industrial zone.

Any Special Land Use (See Article 19).

(Note: An application for a zoning permit for a land use not requiring Site Plan Review shall contain a Plot Plan as outlined in Article 25.3.3.)

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with fifteen (15) copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of Article 27 Township Participation in County Zoning. The application for site plan review and the site plan shall contain the following information:

23.2.1 The application shall, at a minimum, include the following information:

23.2.1.1 The applicant's name, address and phone number in full

23.2.1.2 Proof of property ownership and whether there are any options on the property or any liens against it

23.2.1.3 A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf

23.2.1.4 The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s)

23.2.1.5 The address and or parcel number of the property

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

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

23.2.1.8 Project title

23.2.1.9 Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance

23.2.1.10. A vicinity map drawn to with North point indicated

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

23.2.1.12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels

23.2.1.13. Project completion schedule/development phases

23.2.2 The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than three (3) acres and 1"= 100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

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

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

23.2.2.3 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.

23.2.2.4 Location and type of significant existing vegetation

23.2.2.5 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

23.2.2.6 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

23.2.2.7 Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable

23.2.2.8 Location of existing public roads, rights-of-way 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.

23.2.2.9 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.

23.2.2.10 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

23.2.2.11 Location, size and characteristics of all loading and unloading areas

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

23.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves and 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

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

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

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

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

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

23.2.2.19 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.

23.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities

23.2.2.21 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.

23.2.2.22 Identification of any significant site amenities or unique natural features

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

23.2.2.24 North arrow, scale and date of original submittal and last revision

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

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 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 _____, except for the following items: (list known variations from the ordinance)

23.2.3 All projects requiring a site plan shall also require that the professional in charge of the project inspect and certify that the project has been constructed in accordance with the approved plans. The following format shall be used:

FORM FOR CONSULTANT'S CERTIFICATE

Date_____

Project name_____

Section _____, T____N, R____W, _____Township,

Otsego County, Michigan.

I hereby certify that construction of

_____

is complete and that:

1. I have personally directed the supervision or inspection of the construction.

2. To the best of my professional knowledge, understanding and information, all improvements to date have been installed in accordance with the special use permit.

3. The project meets all requirements of the Otsego County Zoning Ordinance.

Signed_____

Registered Professional Engineer (or Surveyor, Architect or Landscape Architect)

(seal)

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

23.2.5 Application fees must be paid when the application is submitted and sufficient escrow accounts may be established to cover the projected review costs.

SECTION 23.3 PRE-APPLICATION CONFERENCE

A pre-application conference is not mandatory, but it is strongly advised. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Zoning Administrator and such other representatives as described in the Planning Commission bylaws. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

SECTION 23.4 AGENCY REVIEW

The applicant shall submit a copy of required site plans and a blank comment form supplied by the Otsego County Zoning Administrator to designated Federal, State and Local agencies and departments for review as determined and requested by the Planning Commission or Zoning Administrator.

The applicant may be requested to submit site plans to one or more of the following agencies: the Otsego County Road Commission; the Michigan Department of Transportation; the Michigan State Police, the Otsego County Sheriff; the Otsego County Conservation District; the District Health Department; the Fire Department having jurisdiction; the Michigan Department of Natural Resources; the Michigan Department of Environmental Quality; the Otsego County Airport; or any other agency or department deemed necessary. After delivery of the application, site plans and comment forms the applicant should submit proof of delivery to the Otsego County

Zoning Administrator. Comments not received from reviewing agencies by the Zoning Administrator within fifteen (15) of days of delivery shall be considered approved without comment.

SECTION 23.5 APPROVAL AUTHORITY

The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If he/she determines that all required information has not been supplied, a written notification to the applicant will be sent, citing the deficiencies. The application for site plan review cannot proceed until all requirements have been satisfied.

The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site plans for Special Use Permit shall be forwarded by the Zoning Administrator to the Planning Commission for review and action. In addition, at the request of the Zoning Administrator or Planning Commission, a site plan for a Principal Permitted Use may be submitted for Planning Commission review before final action by the Zoning Administrator. The Zoning Administrator and Planning Commission have the authority to approve, deny or grant conditional approval for any site plan submitted under the provisions of this ordinance. The Zoning Administrator may hold or the Planning Commission may table a site plan, pending further information or addition, reasonably needed to complete a site plan or comply with requirements of this Ordinance.

SECTION 23.6 CONDITIONAL APPROVALS

23.6.1 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of this ordinance.

23.6.2 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county or state agency, including a Water and Sewer Department, County Drain Commission, County Road Commission, State Highway Commission or Natural Resources Department. They may do so when such conditions:

23.6.2.1 Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;

23.6.2.2 Would protect the natural environment and conserve natural resources and energy;

23.6.2.3 Would insure compatibility with adjacent uses of land, and would promote the use of land in a socially and economically desirable manner.

23.6.3 The Planning Commission and/or Zoning Administrator may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of Article 21.10 and 21.18of this Ordinance and may collect a performance guarantee consistent with the requirements of Article 23.8, to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:

23.6.3.1 That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;

23.6.3.2 that absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 23.7 DISTRIBUTION OF APPROVED SITE PLAN

When a site plan is reviewed and approved or disapproved by the Planning Commission or Zoning Administrator, and all steps completed, two (2) copies of the site plan will be marked by the Planning Commission for the following distribution.

23.7.1.1 One (1) copy returned to the applicant signed by the Chairperson of the Planning Commission or by the Zoning Administrator including any conditions of approval.

23.7.1.2 One (1) copy forwarded to the Zoning Administrator including any conditions of approval.

SECTION 23.8 CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following final approval of a site plan by the Zoning Administrator or the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan.

Failure to do so is a violation of this ordinance and subject to the sanctions provided herein.

SECTION 23.9 SITE PLAN EXPIRATION AND REVOCATION

23.9.1 Failure to initiate construction of an approved site plan within three hundred sixty-five (365) days of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After this appearance the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:

23.9.1.1 An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;

23.9.1.2 Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;

23.9.1.3 A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;

23.9.1.4 Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

23.9.2 Thirty (30) days prior to expiration of an approved site plan, an applicant may make application for a one year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. If the original approval of the site plan was by the Planning Commission, the applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission.

23.9.3 Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The Building Inspector shall also be notified to withhold any building permit until a new site plan is approved.

23.9.4 Any subsequent re-submittal shall be processed as a new request with new fees, except for minor amendments pursuant to Subsection 23.11 below.

SECTION 23.10 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Otsego County and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as regulated by Article 25.6. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping and any other required improvements.

SECTION 23.11 MINOR AMENDMENTS TO APPROVED SITE PLANS

Minor Amendments to a site plan may be approved by the Zoning Administrator provided that such changes conform to the Zoning Ordinance and the applicant agrees. No additional fees will be charged for minor amendments. Minor changes to an approved site plan may be approved by the Zoning Administrator before or after construction has begun provided no such change results in any of the following:

23.11.1.1 A change in the use or character of the development

23.11.1.2 An increase in overall coverage of structures

23.11.1.3 An increase in the intensity of use

23.11.1.4 A reduction in required open space

23.11.1.5 A reduction in required off-street parking and loading

23.11.1.6 A reduction in required pavement widths or utility pipe sizes

23.11.1.7 An increase in traffic on public streets or an increase in the burden on public utilities or services

23.11.2 The following are minor amendments:

23.11.2.1 Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s) - Relocation of building entrances or exits, or shortening of building canopies

23.11.2.2 The changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided

23.11.2.3 Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or a reduction of aisle width below ordinance requirements

23.11.2.4 Moving of ingress and egress drives a distance of not more than one hundred (100) feet if required by the appropriate state, county or other local road authority with jurisdiction

23.11.2.5 Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects

23.11.2.6 Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary

23.11.2.7 Increase peripheral yards

23.11.2.8 Changing the location of an exterior building wall or location not more than ten (10) feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected

23.11.3 If a proposed amendment to an approved site plan does not qualify as a minor change, a new site plan and application and fees in accordance with the provisions of Article 23 must be submitted. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

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

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

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

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

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

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

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

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

Exhibit 14

SECTION 19.8 - CONDITIONS

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

19.8.1 Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use and the community as a whole.

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

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration and be necessary to insure compliance with those standards.

Exhibit 14

"Burdo Pines" Draft
Use And Occupancy Restrictions

1.1 Residential use restriction. The Condominium is intended to be a pleasant, well-maintained, residential community. Units shall be used exclusively for single-family residential occupancy, and only one single-family will be permitted on each Unit.

1.2 Design control committee. No building, structure or other improvement, Including earthwork and landscaping, shall be constructed on a Unit, nor shall any exterior modification, including, but not limited to, re-painting, re-siding, re-roofing, the addition or alteration of patios, decks, porches, patios, landscaping, or other changes in the exterior appearance, be make to any existing building, structure or improvement upon a Unit, unless plans and specifications therefor, containing such detail as the Design Control Committee (the "Committee") may reasonably require, have first been approved in writing by the Committee. The existence, composition, authority and responsibility of the Committee shall be as follows:

a. Until such time as the Developer has conveyed by deed all of the Units in the Condominium, the Developer retains the right to designate the members of the Committee, including the number of members, and to exercise all the rights, power, and privileges of the Committee. From and after the time the Developer has conveyed by deed all of the Units in the Condominium, or from and after such earlier time as the Developer may relinquish its rights hereunder, the Association will have the right to constitute and direct the Committee.
b. The Purpose of these controls is to assure the development of the Condominium as a harmonious residential development. The Committee will have the right, in its sole discretion, to determine what materials and designs are compatible and appropriate.
c. In making its decisions, the Committee will have the broadest discretion permitted by law.
d. If a Co-owner submits plans and specifications as required the Committee will act with reasonable diligence to review the same and either approve or reject them. It is to be expected that the Committee

May, in lieu of express acceptance or rejection, make suggestions as to the changes it desires before giving approval and Co-owners are encouraged to review their preliminary plans with the Committee before proceeding to final drawings. In order to enhance a thorough review of plans and specifications, no specific time for approval or rejection will be required, but, based on the complexity of the plans and specifications submitted and the workload of the Committee at the time, approval or rejection can be expected within a reasonable time.

1.3 Building Restrictions. In addition to the provisions for design control and The provisions which restrict the use of Units within the Condominium, the Following building restrictions will apply to all Units in the Condominium.

a. All homes constructed or located within a Unit shall include a paved or gravel driveway. And not more than one (1) outbuilding. Any such outbuilding must be located to the rear of the home, shall not exceed a maximum size of 16' x 16', shall have a minimum roof pitch of 5/12, and shall in all respects be subject to the provisions of this Article.
b. Each single-story residence shall have a minimum of 720 square feet of above-grade, finished living area, excluding any garage basement, breezeway, or entranceway.
c. Each two-story residence shall have a minimum of 1100 square feet of above-grade, finished living area, excluding any garage, basement, breezeway, or entranceway, not less than 720 square feet of which shall be on the first floor.
d. Each bi-level, quad-level or one and one-half story residence shall have a minimum of 1100 square feet of finished living area, excluding any garage, basement, or entranceway, not less than 720 square feet of which shall be on the ground floor, above grads.
e. All buildings shall be limited to thirty five (35) feet in height above the mean ground level of the building foundation area.
f. Campers, basement, tents, shacks, garages, barns or outbuildings shall not be used as a temporary or permanent residence. No exterior cinder block or cement block buildings shall be permitted.

g. All wood exteriors will be properly stained or painted. The exterior siding may be of such other textures as may be approved by the Committee. Colors will be natural, earth-tone, hues with flat finishes preferred. No aluminum siding will be allowed except for such uses as gutters, trim and soffits.
h. All roofing will be of high quality roofing materials approved by the Committee. The minimum roof pitch shall be 5/12 pitch.
i. All garages and outbuildings must be constructed of the same exterior materials permitted for the construction of residences and maintained, i.e., painted, stained, etc. in an attractive manner. Outbuildings must match the overall color scheme of the residence and may not have metal exteriors.
j. Buildings must be located within Unit boundaries, and the exact location must be approved in advance by the Committee, which may require larger set backs than those required by zoning. All buildings must be permanently attached to foundations or basements.
k. The interior and exterior of all structures must be completed within one (1) year after construction commences, except where such completion is impossible or would result in great hardship to the Co-owner or structure due to strikes, fires, national emergencies, natural calamities, or the like. No structure may be temporarily or permanently occupied until the exterior is complete and the remainder is complete to the point that a certificate of occupancy has been obtained. During construction, the Co-owner shall require the contractor(s) to maintain the Unit in a reasonable clean and uncluttered condition, to do no more damage to the site than is necessary for construction, and to not permit debris on adjoining land.
l. All construction shall be performed by a licensed, qualified contractors.
m. All Units shall have street-side mail boxes of uniform design and construction as prescribed by Developer to be purchased and installed by the Co-owner.

1.4 Use restrictions. Without limiting the generality of the forgoing provisions, use of Units shall be subject to the following restrictions:

a. No Co-owner shall make any additions, alterations or modifications to any of the Common Elements, or make changes to the exterior appearance of the home or other improvements located within the perimeters of the Co-owners Unit without prior approval of the Committee. All Co-owners will be expected to keep their Units, homes , and any outbuildings in good repair and condition; provided, however, that nothing in this paragraph shall require prior approval for maintenance and repair, nor will prior approval be required for repainting, re-roofing, residing, and the like where such work will renew or restore the premises to their original condition, including the original color and finished appearance.
b. In order to minimize annoyance and nuisance to Co-owners and their pets, no appliance or device may be installed which is designed to kill or repel insects or other animals by light or by humanly audible sound, except as otherwise approved by the Committee.
c. No Co-owner shall in any way restrict access to any utility line, easement, or other element that serves any Common Element or any Unit.
d. No nuisances shall be permitted, nor shall any use or practice be permitted which is a source of annoyance to residents, or which interferes with the peaceful possession or proper use of any Unit.
e. No immoral, improper, offensive or unlawful use will be permitted on any Unit.
f. No signs or other advertising devices shall be displayed on a Unit which are visible from the exterior of any residence or upon the Common Elements, except standard real estate broker's "for sale" sign.
g. No Co-owner shall use, or permit the use by any occupant, agent, tenant, invitee, guest or member of his family of any firearms, air rifles, pellet guns, B-B guns, bows and arrows, fireworks or other dangerous weapons, projectiles or devices anywhere on or about the Condominium.
h. No dangerous animals shall be kept on any Unit and no animal may be kept or bred for any commercial purpose. Household pets, which will be limited to domesticated cats and dogs (and other animals which must be kept indoors), shall be kept only in compliance with rules and

regulations adopted by the Board of Directors of the Association from time to time, and must at all times be kept under care and restraint to the extent necessary to prevent them from becoming a nuisance and unreasonable annoyance to other residents of the Condominium. No animal shall be permitted to run loose on the Condominium, and the Co-owner of the Unit at which a pet is located, whether or not such Co-owner owns the pet, shall be responsible for cleaning up after it and for any damage done by the pet. In addition, o pet will be chained or otherwise tethered outside and left unattended, nor may pets be left unattended outdoors in cages, pens, or other enclosures.

i. No van, trailer, tent, shack, or other structure of a temporary character shall be erected, occupies or used at any time on any Unit. Notwithstanding the foregoing, temporary use of tents and similar structures will be allowed on a limited basis for wedding and similar parties and temporary and periodic use by children for play purposes, subject to such rules and regulations as the Association may adopt for such purposes, provided there is a permanent residence on the Unit.

j. Automobiles, trucks, and similar vehicles shall be kept only in driveways or in garages or other outbuildings.

k. Automobiles and other vehicles which are not in operating condition shall not be stored or kept on any Unit in the Condominium unless they are inside a garage or other outbuilding. Residents may perform maintenance and repair work on their own vehicles, but only inside a garage or outbuilding, with the exception of washing, waxing, and cleaning, and minor maintenance and repairs which is/are completed in one day, which may be performed in the driveway.

l. Boats, snowmobiles, motorcycles, dirt bikes, off-road vehicles, and other similar vehicles may be kept, provided that noise and speed shall be kept to a minimum while such vehicles are within the Condominium. Except as may be specifically authorized by Rule adopted pursuant to Section 1.8, all such vehicles shall be kept inside a garage or approved outbuilding while not in use. The Association may reasonably regulate and limit their use and storage to protect the peace and enjoyment of the residents of the Condominium, and the appearance to the Condominium.

m. All units including yards surrounding residences shall be regularly maintained in a neat and presentable condition by the Co-owner thereof.
n. Fences may be constructed with the prior approval of the Committee, which may withhold permission entirely, and/or establish such design, appearance, and construction criteria as it considers appropriate in its discretion.
o. Trash, garbage and rubbish shall be disposed of in trash containers maintained by Co-owners out of view from the roadways and adjoining Units except on trash pickup day. Trash, garbage, and rubbish must be regularly removed from the Units at least once a week.
p. Any outdoor lights will be of low intensity and shall be so located, designed and directed as not to cast light directly on any adjoining Unit, subject to such rules and guidelines as may be established by the Committee. No "barnyard" or similar night lights will be allowed. This restriction will not prohibit the use of customary outdoor lights during a holiday season.
q. No Unit may be divided, partitioned or sub-divided.
r. No residence shall be used for transient rentals.
s. No fuel or storage tanks will be permitted above or below the surface of the ground, except such tanks as are necessary for water and heating fuel for a residence.
t. No mining, drilling (other than for water wells), quarrying or similar activities for the exploration or for extrication of oil, gas, or minerals will be permitted at any time on the surface of the land in the Condominium.
u. No satellite dishes or other outdoor antennas will be allowed without the prior approval of the Committee, which may allow dishes of 18 inches or less in diameter if screened from view by landscaping, fencing or other methods acceptable to the Committee. The Committee may also allow television and radio antennas if they are modest in size and located or screened so they are neither obtrusive nor unsightly in the sole judgment of the Committee.
v. Any dispute or question as to whether a violation of any specific regulation or restriction contained in this section 1.4 has occurred shall be submitted to the Board of Directors, which shall conduct a hearing

and render a decision thereon in writing, which decision shall be binding
upon all Co-owners and other parties having an interest in the Condominium, except that the Developer reserves the sole right to determine and resolve any dispute with respect to any act of the Developer or an affiliate provided that such determination shall be reasonable under all the circumstances. The Association may adopt rules and regulations for the conduct of any such hearing, which rules and regulations need not comply with any requirements of due process of law.

1.5 Sewer and water. Sewer and water will be provided by individual wells and Septic systems, to be constructed and thereafter maintained by each Co-Owner, subject to the following:

a. At the time construction plans are submitted for Committee approval, the site plan must show the intended location of the water well and septic system, including the septic tank, drainbed, and any other septic facilities, as well as any storm water retention areas or devices on the Unit.
b. Before clearing, placement of driveways, excavating, or otherwise beginning construction of a residence, the Co-owner must obtain appropriate permits to construct on-site water wells and on-site sewage disposal facilities from the Northwest Michigan Community Health Agency ("NMCHA"), and comply with all requirements imposed by the NMCHA, including such excavation and soil sampling as the NMCHA may require. The Developer has no obligation to obtain either well or septic system approvals or permits, or to do any excavation or other work in connection with the establishment or approval of water wells, septic systems, or storm water runoff or retention with regard to any Unit.
c. Wells and septic systems shall be adequately sized and designed for the proposed residence and intended use. Construction, connection, and completion of wells and septic systems shall be done only by qualified contractors licensed to do such work in the State of Michigan.
d. A minimum isolation distance as may be prescribed by the NMCHA

shall be maintained between all wells and sewage systems, including those on adjoining Units. Location of wells and sewage systems may be prescribed by the NMCHA.

e. No residence shall be occupied until it is connected to functional, governmentally approved sewer and water systems.

f. Each Co-owner will be solely responsible for maintaining his, her, or their well and septic system in good working order and in compliance with all applicable laws and government regulations. Neither the Association nor the Developer will have any responsibility for the installation or maintenance of wells or septic systems.

1.6 Drainage and erosion control. In order to prevent needless erosion each Co-owner shall be responsible for the control of erosion and surface water on his or her Unit and shall take such measures as are approved or required by the Committee and governmental authorities with jurisdiction to prevent and/or control erosion. In the case of Units prone to erosion because of topography or other causes, the Committee or governmental authority may require erosion control analysis and plans before or after approving plans and specifications. The Co-owner will be responsible for the maintenance, repair, and replacement of such measures and/or devices as may be required by the County Drain Commissioner or other authorities with jurisdiction.

1.7 Common elements. The use, maintenance and operation of the Common Elements shall not be obstructed, damaged or unreasonable interfered with by any Co-owner.

1.8 Rules of conduct. Reasonable rules and regulations concerning the use of Units may be promulgated and amended by the Board of Directors. Copies of such rules and regulations shall be furnished by the Board of Directors to each Co-owner at least ten (10) days prior to their effective date, and may be revoked any time by the affirmative vote of Co-owners owning more than 66% of the Units.

1.9 Developer's reserved rights.

a. Until such time as the Developer has conveyed by deed all of the Units

in the Condominium, and notwithstanding any provision in Section 1.2 hereof to the contrary, no buildings , fences, walls, retaining walls, drives, walks or other structures or improvements shall be commenced, erected or maintained, nor shall any addition to, or change or alteration to any structure be made (including color and design) except interior alterations, nor shall any hedges, trees, or substantial plantings or landscaping modifications be made, until plans or specifications acceptable to the Developer, showing the nature, kind, shape, height, materials, color scheme, location and approximate cost of such structure or improvement and the grading or landscaping plan of the area to be affected, shall have been submitted to and approved in writing by Developer, its successors or assigns, and a copy of said plans and specifications, as finally approved, lodged permanently with the Developer. The Developer shall have the right to refuse to approve any such plan or specification, or grading or landscaping plans which are not suitable or desirable in their opinion for aesthetic or other reasons; and in passing upon such plans, specifications, grading or landscaping, it shall have the right to take into consideration the suitability of the proposed structure, improvement or modification, the site upon which it is proposed to erect the same, and the degree of harmony thereof with the Condominium as a whole. The purpose of this section is to assure the continued maintenance of the Condominium as a harmonious residential development, and shall be binding upon both the Association, the Committee, and upon all Co-owners.

b. Until such time as the Developer has conveyed by deed all of the Units in the Condominium, none of the restrictions contained in this Article shall apply to the commercial activities or signs or billboards, if any, of the Developer, or to the Association acting in furtherance of its power and purposes set forth herein and in its Articles of Incorporation, as the same may be amended from time to time. Notwithstanding any to the contrary elsewhere herein contained, Developer shall have the right to maintain a sales office, model units, advertising display signs, storage areas and reasonable parking incident to the foregoing and such access to, from and over the Condominium as may be reasonable to enable development and sale of the entire Condominium by the Developer until all Units of the Condominium have been conveyed by the Developer.

c. The Condominium shall at all times be maintained in a manner consistent with the highest standards of a private, residential community for the benefit of the Co-owners and all persons interested in the Condominium. The Developer shall have the right to enforce these Bylaws so long as it owns any Unit, which right of enforcement shall include, without limitation, an action to restrain the Association or any Co-owner from any activity prohibited thereby.

PERMIT NUMBER: PZ19-000

OTSEGO COUNTY
LAND USE SERVICES

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

APPLICATION FOR SIGN PERMIT-ZONING ONLY

Date: 08/02/2019		Parcel Number: ____-____-____-____	
Township:	Zoning District:	Section:	T____N/R____W

PROPERTY LOCATION: ***(REQUIRED)***

Address: 4422 M-32 W	City: Gaylord Michigan	Zip Code: 49735

PROPERTY OWNER :

Name: David & Cynthia Chuffin		Phone: ( ) -	
Address: 1456 Arrowhead Trail	City: Gaylord	State: MI	Zip Code: 49735

CONTRACTOR:

Name: Wesley Construction		Phone: (989) 858-0866	
Address: 1456 Arrow Headtrail	City: Gaylord	State: MI	Zip Code: 49735

DESCRIPTION OF WORK TO BE DONE:

3'x5' Sign

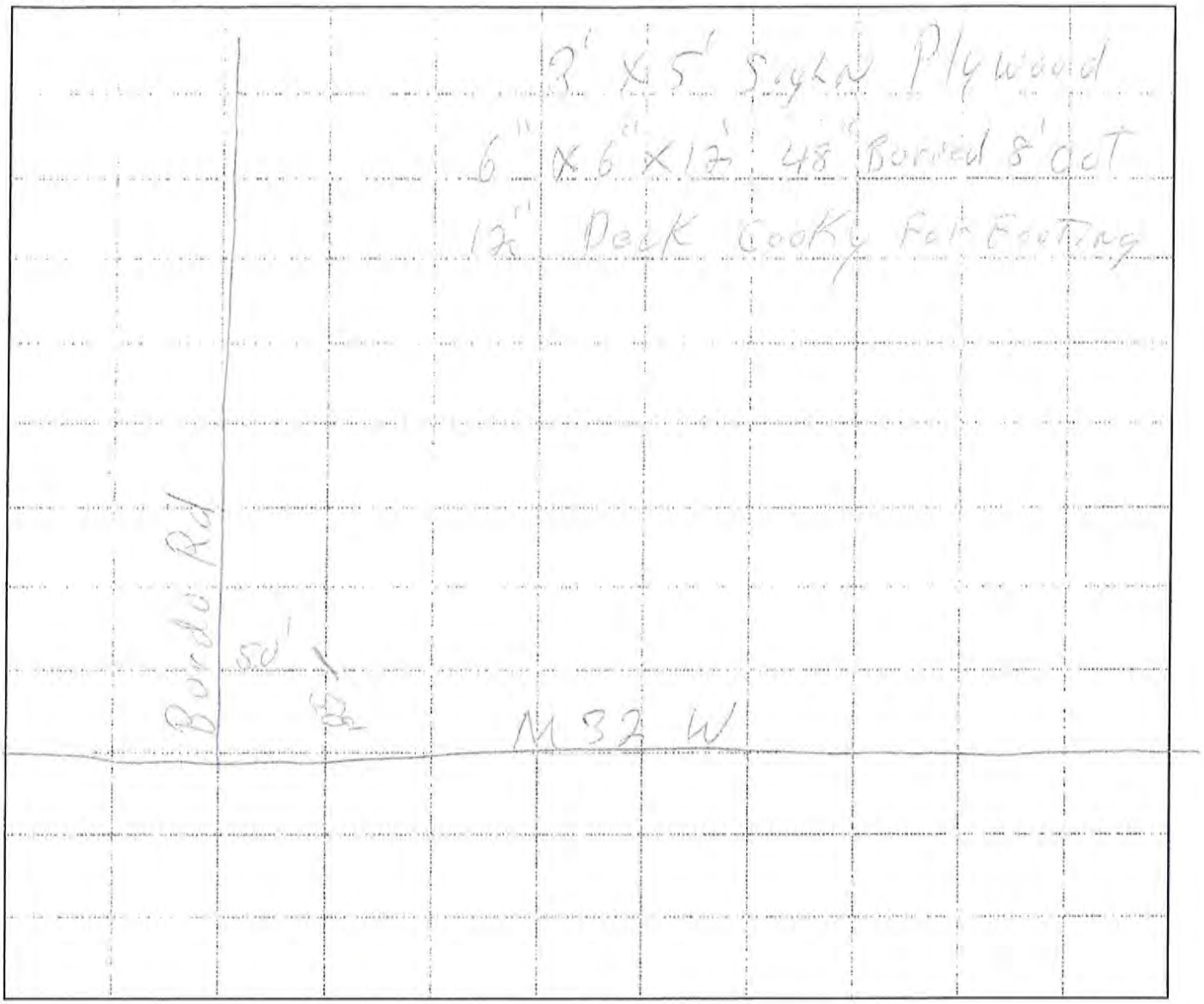
PLOT PLANS SHALL CONTAIN ALL OF THE FOLLOWING:

Plot Plan: Two (2) copies of an accurate, readable, scale drawing showing the following shall be required except in the case of minor alterations, repair and demolitions as determined by the Zoning Administrator.

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

TURN SHEET OVER FOR DRAWING AREA AND SIGNATURE LINE

Plot Plan Drawing Area:



Applicant Signature: David W. Chaffin	Date: 3/7/2019

OFFICE USE ONLY

Zoning District: RB	Parcel Size: 34.16	Type of Sign Structure: signage		
Setback Requirements:	Front: 25'	~~Side~~ Front 25'	Side: 10'	Rear: 30'
Size of Sign:	Width: 3'	Length: 5'	Height: 8'	Footing: 4' buried
[ ] Not required	[✓] Approved		[ ] Denied	
[ ] Soil Erosion		[ ] Soil Erosion Waiver		
Notes:				
Zoning Permit Number : PZ19.022		Soil Erosion Permit Number :		
Zoning Administrator:			Date: 3.7.19	

Otsego County
ESTABLISHED 1875 MICHIGAN

Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

Application for

Inter-Agency Zoning Compliance

Commercial Construction and SUP

Application #

PZSU19-002

Site Information

Site Address

4422 M-32 W, Gaylord, MI 49735

Parcel #: 060-035-400-005-01

Applicant Name

Daystar Properties

Inter-Agency Review (check applicable agency)

☐ **Otsego Co. Road Commission** 669 W McCoy Rd Gaylord, MI 49735 (989) 732-5202	☐ **Otsego Co. Emergency Management** 800 Livingston Blvd Gaylord, MI 49735 (989) 731-0290	☐ **Otsego Co. Conservation District** 800 Livingston Blvd Gaylord, MI 49735 (989) 732-4021	☑ **Health Dept. of Northwest Michigan** 95 Livingston Blvd Gaylord, MI 49735 (800) 432-4121
☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☑ Approval

☑ Subject to conditions listed below

☐ Disapproval

Conditions / Staff Comments

To date this office has only received a preliminary site planApproval is conditional upon Health Department site evaluations, document review, test well and/or water sampling, as part of the site condominium review process in accordance with Section 71a of Act 59, PA of 1978.

Agency Representative Signature	Printed Name	Date
Chuck Edwards Digitally signed by Chuck Edwards Date: 2019.03.20 15:43:04 -04'00'	Chuck Edwards, R.S.	3/20/2019

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christopher Churches, Director of Planning & Zoning	(989) 731-7515	cchurches@otsegocountymi.gov

Otsego County
ESTABLISHED 1875 MICHIGAN

Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

Application for

Inter-Agency Zoning Compliance

Commercial Construction and SUP

Application #

PZSU19-002

Site Information

Site Address

4422 M-32 W, Gaylord, MI 49735

Parcel #: 060-035-400-005-01

Applicant Name

Daystar Properties

Inter-Agency Review (check applicable agency)

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☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☑ Approval

☐ Subject to conditions listed below

☐ Disapproval

Conditions / Staff Comments

Agency Representative Signature	Printed Name	Date
Jon Deming — Digitally signed by Jon Deming Date: 2019.03.26 10:44:29 -04'00'	Jon Deming	3/26/2019

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christopher Churches, Director of Planning & Zoning	(989) 731-7515	cchurches@otsegocountymi.gov

Otsego County
ESTABLISHED 1875 MICHIGAN

Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

Application for

Inter-Agency Zoning Compliance

Commercial Construction and SUP

Application #

PZSU19-002

Site Information

Site Address

4422 M-32 W, Gaylord, MI 49735

Parcel #: 060-035-400-005-01

Applicant Name

Daystar Properties

Inter-Agency Review (check applicable agency)

☐ **Otsego Co. Road Commission** 669 W McCoy Rd Gaylord, MI 49735 (989) 732-5202	☐ **Otsego Co. Emergency Management** 800 Livingston Blvd Gaylord, MI 49735 (989) 731-0290	☒ **Otsego Co. Conservation District** 800 Livingston Blvd Gaylord, MI 49735 (989) 732-4021	☐ **Health Dept. of Northwest Michigan** 95 Livingston Blvd Gaylord, MI 49735 (800) 432-4121
☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☒ Approval

☐ Subject to conditions listed below

☐ Disapproval

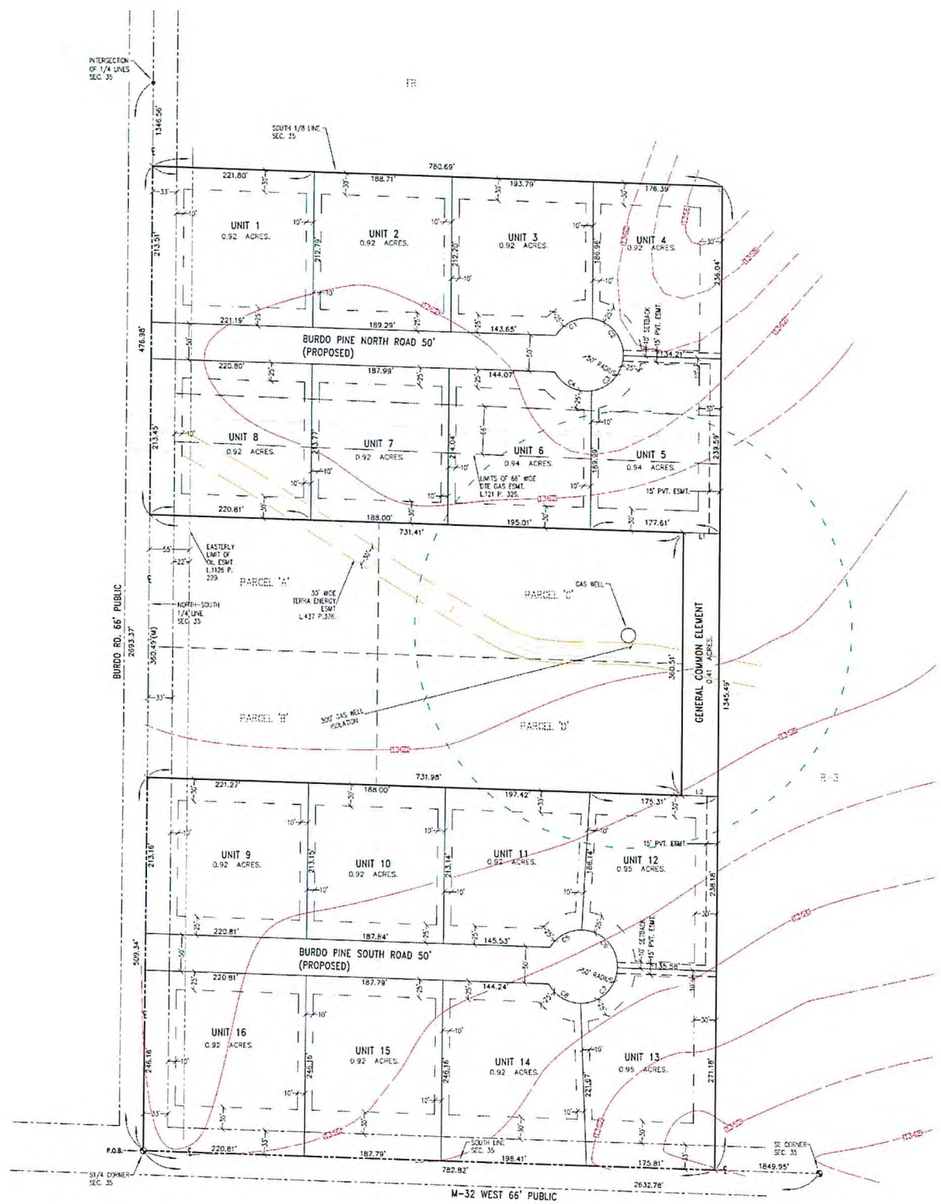
Conditions / Staff Comments

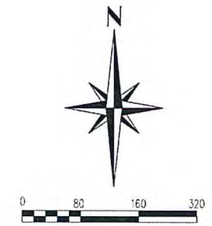
Agency Representative Signature	Printed Name	Date
Patricia Osborn	Patricia Osborn	3-22-19

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christopher Churches, Director of Planning & Zoning	(989) 731-7515	cchurches@otsegocountymi.gov





VICINITY MAP
SCALE: 1"=1 MILE

NUM	DISTANCE
L1	50.02'
L2	50.02'

NUM	ARC	RADIUS	DISTANCE
C1	58.58'	50.00'	55.29'
C2	72.32'	50.00'	66.18'
C3	70.26'	50.00'	64.62'
C4	63.64'	50.00'	58.98'
C5	51.49'	50.00'	49.24'
C6	79.41'	50.00'	71.33'
C7	77.19'	50.00'	69.75'
C8	53.71'	50.00'	51.16'

LEGEND

- SECTION CORNER
- EXISTING 2 FT CONTOURS
- BOUNDARY LINE
- SECTION LINE
- ROAD RIGHT OF WAY
- BUILDING SETBACK LINE
- ADJACENT LOT LINE
- PROPOSED LOT LINE
- EXISTING GAS WELL ISOLATION
- PROPOSED WATER WELL ISOLATION
- GPP — EXISTING GAS PRODUCTION PIPELINE
- NGP — EXISTING NATURAL GAS PIPELINE
- ℄ CENTER LINE
- (R) RECORDED
- (M) MEASURED

PROJECT DESCRIPTION
PROPOSED 16 UNIT SITE CONDOMINIUM

SITE DATA
PROJECT AREA: 788,063.7 FT. (18.10 ACRES)
CURRENT ZONING: R-3
ADJACENT PROPERTY ZONING: R-3 & FR
MINIMUM LOT AREA: 0.92 ACRES
CURRENT LAND USE: VACANT FOREST LAND

BUILDING SETBACKS (R-3) PER OTSEGO COUNTY ZONING ORDINANCE:

FRONT YARD – 25 FT
SIDE YARD – 12 FT
REAR YARD – 30 FT

PROJECT DEVELOPMENT SCHEDULE
START DATE 5/27/19

APPLICANT
NORTHERN MICHIGAN ENGINEERING, INC.
114 N. COURT AVE. SUITE 203
GAYLORD, MI 49735

OWNER & DEVELOPER
DAVID & CYNTHIA CRAFTIN
1452 AIRCRAFT TRAIL
GAYLORD, MI 49735

PROPERTY LOCATION
4422 M-32 WEST
PARENT PARCEL: PID #050-035-400-005-01

SURVEYOR
SCOTT D. MCLAIN P.S. #37817
NORTHERN MICHIGAN ENGINEERING INC.
114 N. COURT AVE. SUITE 203
GAYLORD, MI 49735

CERTIFICATION

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 NOVEMBER 2018.

LEGAL DESCRIPTION
PARCEL "C"
BEGINNING AT THE SOUTH 1/4 CORNER, SECTION 35, T31N-R4W; THENCE NORTH 0°46'04" WEST 509.34 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE SOUTH 89°14'25" EAST 731.98 FEET; THENCE NORTH 0°51'36" WEST 360.51 FEET; THENCE NORTH 89°14'25" WEST 731.41 FEET TO THE NORTH-SOUTH 1/4 LINE OF SAID SECTION; THENCE NORTH 0°46'04" WEST 476.98 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION TO THE SOUTH 1/8 OF SAID SECTION; THENCE SOUTH 89°08'23" EAST 780.69 FEET ALONG THE SOUTH 1/8 LINE OF SAID SECTION; THENCE SOUTH 0°51'36" EAST 1345.49 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE NORTH 89°14'25" WEST 782.82 FEET ALONG THE SOUTH LINE OF SAID SECTION TO THE POINT OF BEGINNING, CONTAINING 18.1 ACRES OF LAND, MORE OR LESS, AND SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND REQUIREMENTS OF RECORD, IF ANY.

NOTES

1. TOPOGRAPHIC CONTOURS WERE GENERATED FROM FIELD SURVEY AND USGS DATA AVAILABLE TO THE PUBLIC.
2. ELEVATIONS ARE BASED ON NAVD88 ELEVATION DATUM.
3. LOCATION OF UNDERGROUND PIPELINES SHOWN ARE BASED ON MARKINGS BY MISSDIG. PIPELINE EASEMENT IS BASED ON LOCATION OF PIPELINES AS CONSTRUCTED.
4. A SITE PLAN AND APPLICATION FOR HEALTH DEPARTMENT REVIEW OF SOIL SUITABILITY FOR ON-SITE DISPOSAL HAS BEEN SUBMITTED AND ON-SITE SOILS INVESTIGATION HAVE BEEN COMPLETED. SOILS WERE FOUND TO BE SUITABLE FOR ON-SITE SANITARY DISPOSAL. THE FINAL APPROVED HEALTH
5. OWNER/DEVELOPER SHALL OBTAIN A SOIL EROSION PERMIT PRIOR TO CLEARING OR CONSTRUCTION.
6. THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY. A BOUNDARY SURVEY FOR THE PROJECT HAS BEEN PERFORMED, AND MONUMENTATION SHALL BE SET FOR THE CONDOMINIUM PER P.A. 59 OF 1978.
7. ALL LAND NOT INCLUDED WITHIN A UNIT SHALL BE DEDICATED OPEN SPACE (GENERAL COMMON ELEMENT)

REVISIONS	DATE	BY
ADD UTILITY EASEMENT LIMITS	5/8/19	DD

DRAWN BY E.J.D.
CHECKED
APPROVED BY
DATE 2/28/19
PRINT DATE

SCOTT D. McLAIN, PS
MI LICENSE #37817

NORTHERN MICHIGAN ENGINEERING INC.
114 N. COURT AVE. SUITE 203 GAYLORD, MI 49735
(989)731-2177
334 E. Grand Street Suite 101 & Office

PROJECT
BURDO PINES SITE CONDOMINIUM
SITE PLAN (PROPOSED)
4422 M-32 WEST, GAYLORD, MICHIGAN 49735

JOB # 18-170
SHEET
SP.1

Exhibit 5

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-003
Special Use Permit/Site Plan Review
042-027-300-005-04

Exhibit List

Exhibit #1: Applications for case PZSU19-003 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 April 23, 2019

Exhibit #4: Copy of Otsego County Equalization Department record card/QC 1483-953

Exhibit #5: Site Plan/Drawings for case PZSU19-003 submitted by Applicant

Exhibit #6: Survey

Exhibit #7: Application for Street Address

Exhibit #8: Public Hearing Notice

Exhibit #9: Letter to Corwith Township dated April 18, 2019

Exhibit #10: Response from Corwith Township dated May 6, 2019

Exhibit #11: Map and list of parties notified

Exhibit #12: Receipt #01317482

Exhibit #13: General Finding of Fact/PZSU19-003

Exhibit #14: Specific Finding of Fact/PZSU19-003

Exhibit #15: Otsego County Road Commission Driveway Permit dated June 1, 2016

Exhibit #16: Agency Letter from the Health Department of Northwest Michigan dated April 26, 2019

Exhibit #17: Agency Letter from the Otsego County EMS Agency dated April 16, 2019

Exhibit #18: Agency Letter from the Otsego County Soil Conservation District dated April 18, 2019

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: 4-11-2019	Parcel Number: 042 - 027 - 300 - 005 04

PROPERTY LOCATION: *(REQUIRED)*

Address: 7290 OLD 27 NORTH		City: VANDERBILT	Zip Code: 49795
Township: CORWITH	Zoning District: B2	Section: 27	T 32 N/R 3 W

APPLICANT:

Name: Hugo A. NOESKE		Owner/Agent/Other Interest *(circle one)*	
Address: 140 BADGLEY RD	City: VANDERBILT	State: MI.	Zip Code: 49795
Phone: (989) - 858 - 0628	Fax: ( ) -		

PROPERTY OWNER: *(If different from Applicant)*

Name:		Phone: ( ) -	
Address:	City:	State:	Zip Code:

DESCRIPTION OF PROJECT AND PROPOSED USE: 1 STRUCTURE

ASSEMBLY OF A 30' X 200' MINI STORAGE UNIT
PROJECT TO BE COMPLETED SUMMER OF 2019
USE: SELF STORAGE TITLE: U-STUFFIT STORAGE

SIGNATURE OF APPLICANT:	**DATE:** 4-11-2019

***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: April 15, 2019	Permit Number: PZSU19-003	
Date Application Complete:	Fee: $700	Receipt Number: 01317482

Exhibit 1

OTSEGO COUNTY
LAND USE SERVICES

1322 HAYES RD GAYLORD MI 49735

PHONE: 989.731.7400 * FAX: 989.731.7419

www.otsegocountymi.gov

APPLICATION FOR SITE PLAN REVIEW

APPLICANT:

Name: Hugo A. Noeske	Owner/Agent/Other Interest *(circle one)*
Address: 140 Badgley Rd Vanderbilt Mi. 49795	
Phone: (989) 858-0628	Fax: ( ) -

PROPERTY OWNER: *(If different from Applicant)*

Name:	
Address:	
Phone: ( ) -	Fax: ( ) -

PROPERTY LOCATION:

Township: Corwith	Section: 27	T 32 N/R 3 W	Zoning District: B-2
Site Address: 7290 Old 27 North Vanderbilt Mi. 49795			
Parcel Number: 042 - 027 - 300 - 005 04			
Description of Project and Proposed Use: Assembly of a 30'W x 200'L mini storage unit (8'6" h) 1 structure. Project to be completed summer of 2019. Use: self storage Title: U-stuff-it storage			

Signature of Applicant:	**Date:** 04-11-2019

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

Attention

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

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

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

This checklist and the following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.

   Yes X No____ if "No" explain:_____

2. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).

   Yes X No____ if "No" explain:_____

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

   Yes X No____ "No" explain:_____

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

   Yes X No____ if "No" explain:_____

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

   Yes X No____ if "No" explain:_____

6. Project title.

   Yes X 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 X No____ if "No" explain:_____

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

   Yes X No____ if "No" explain:_____

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

   Yes X No____ if "No" explain:_____

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

    Yes X No____ if "No" explain:_____

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

Yes X 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 X No____ if "No" explain:_____

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

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

Yes X No ____ if "No" explain:_____

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

Yes X No ____ if "No" explain:_____

15. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes X No ____ if "No" explain:_____

16. Location and type of significant existing vegetation.

Yes X No ____ if "No" explain:_____

17. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes X 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 X 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 X 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 X No ____ if "No" explain:_____

21. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes X 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 X No ____ if "No" explain:_____

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

Yes X No ____ if "No" explain: _____

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

Yes X 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 X if "No" explain: NO WELL OR SEWER OR POWER

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

Yes ____ No X if "No" explain: NONE

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

Yes ____ No X if "No" explain: NONE

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

Yes X No ____ if "No" explain: _____

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

Yes X No ____ if "No" explain: _____

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

Yes X No ____ if "No" explain: _____

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 X No ____ if "No" explain: _____

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

Yes ____ No X if "No" explain: NONE

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

Yes ____ No X if "No" explain: NONE

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

Yes X No ____ if "No" explain: _____

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

Yes X 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:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

LAND USE SERVICES
1322 Hayes Rd
Gaylord, MI 49735
989.731.7400

OTSEGO COUNTY LAND USE SERVICES
AGENCY REVIEW FORM

DATE:	4-11-2019
APPLICANT:	HUGO A. NOESKE
SITE ADDRESS:	7290 NORTH OD 27 VANDERBILT MI 49795

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

SIGNATURE/TITLE:
AGENCY:

PZSU19-003 042-027-300-005-04
7290 OLD 27 NORTH

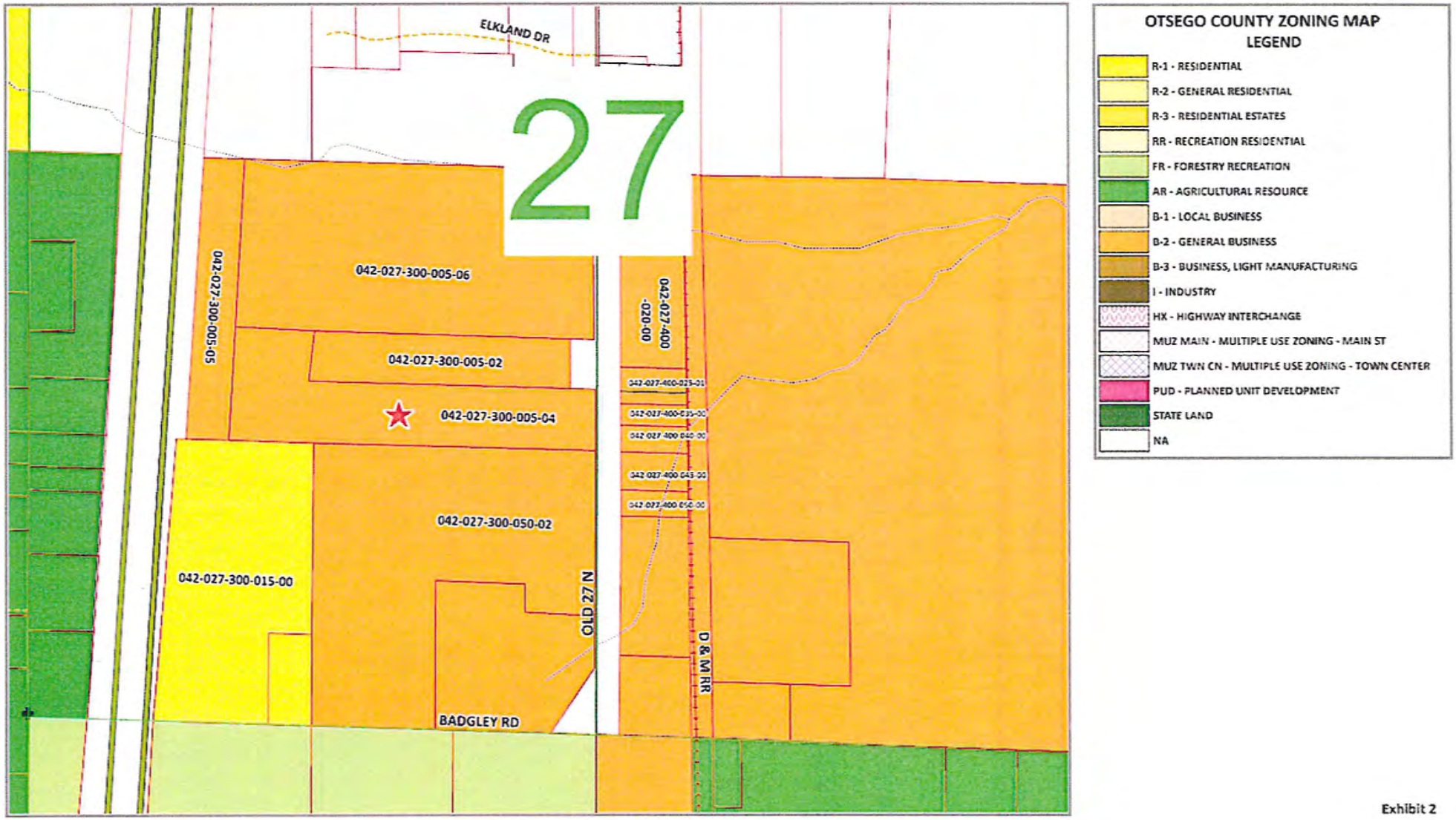


Exhibit 2

OTSEGO COUNTY MICHIGAN
RECORDED
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
01/11/2019 10:52:24 AM

OTSEGO COUNTY MICHIGAN
RECEIVED
SUSAN DEFEYTER, CLERK/REGISTER OF DEEDS
01/11/2019 10:51:58 AM

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That Hugo H. Noeske and Elizabeth A. Noeske, husband and wife, whose address is 338 Badgley, Vanderbilt, Michigan 49795 ("Grantors"), hereby exercise their unrestricted power to convey the property during their lifetimes, as reserved in that Enhanced Life Estate Deed recorded in Liber 1418, Pages 337-339, Otsego County Register of Deeds;

and Quit Claim to: Hugo A. Noeske and Barbara ~~E.~~ A. Noeske, husband and wife, whose address is PO Box ~~120~~ 216; 140 Badgley, Vanderbilt, Michigan 49795 ("Grantees"), land situated in the Township of Corwith, County of Otsego, and State of Michigan, to wit:

Being a part of the North 1/2 of the Southwest 1/4 corner of said Section 27, Town 32 North, Range 3 West, more particularly described as follows:

PARCEL A: Commencing at the South 1/4 corner of said Section 27, and proceeding North 00°03'24" West, 1315.20 feet along the North-South 1/4 line to the Point of Beginning; thence North 88°13'32" West, 1170 feet along the South 1/8 line; thence North 00°03'24" East, 304 feet; thence South 88°13'32" East running parallel to the South 1/8 line, 1170 feet; thence South 00°03'24" West, 304 feet along said North-South 1/4 line to the Point of Beginning.

AND

PARCEL B: Commencing at the South 1/4 corner of said Section 27, and proceeding North 00°03'24" West, 1315.20 feet along the North-South 1/4 line; thence North 88°13'32" West, 1170 feet along the South 1/8 line to the Point of Beginning; thence North 88°13'32" West, 540.16 feet along the South 1/8 line; thence North 03°22'07" East, 533.93 feet; thence South 88°13'32" East, 358.24 feet; thence South 00°03'24" East, 230 feet; thence South 88°13'32" East, 150 feet; thence South 00°03'24" West, 304 feet to the Point of Beginning.

EXCEPT THEREFROM that portion of land deeded to the State Highway Department as recorded in Liber 86, Page 484, Otsego County Records.

Tax Parcel No. 042-027-300-005-04

pg 2 / 30

Exhibit 4

(the "Premises") subject to all valid agreements, covenants, easements and restrictions, if any, and together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This conveyance includes all division rights under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967. The real property above-described may be located within the vicinity of farmland or a farm operation.

Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The consideration is less than One Hundred Dollars (less than $100). This transfer is exempt from tax under MCL 207.505(a) and MCL 207.526(a).

Witnesses:

Susan T Rhodes
print name: Susan T Rhodes

David W. Rhodes
print name: DAVID W. RHODES

Hugo H. Noeske
Hugo H. Noeske

Elizabeth A. Noeske
Elizabeth A. Noeske

STATE OF FLORIDA)
) SS
COUNTY OF)

The foregoing instrument was acknowledged before me this 8 day of January, 2019, by Hugo H. Noeske and Elizabeth A. Noeske, husband and wife.

Susan T Rhodes
Notary Public:
State of Florida, County of: Highlands
My commission expires: 6/14/2022
Acting in the County of: Highlands

SUSAN T RHODES
Notary Public – State of Florida
Commission # GG 192003
My Comm. Expires Jun 14, 2022
Bonded through National Notary Assn.

Drafted by and when recorded return to:

Ronald J. Kirkpatrick
KIRKPATRICK DuBOIS & SLOUGH PLC
145 North Otsego Ave
Gaylord, MI 49735
(989) 732-2912

Send subsequent tax bills to:

GRANTEE

Tax Parcel No: 042-027-300-005-04
Recording fee:
Transfer tax:

Parcel Number: 69-042-027-300-005-04 Jurisdiction: CORWITH TOWNSHIP County: OTSEGO Printed on 04/18/2019

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
NOESKE, HUGO H & ELIZABETH	NOESKE, HUGO A & BARBARA A	0	01/08/2019	QC	ESTATE	1483/953	AGENT	0.0
KASSUBA TRUST	ROMAN CATHOLIC DIOCESE OF	0	01/07/2016	QC	Clear/Quiet Title	1393/704	DEED	0.0
DIOCESE OF GAYLORD	NOESKE, HUGO H & ELIZABETH	21,000	01/07/2016	WD	Good	1393/706	DEED	100.0
KASSUBA, VERNON J & JILLIN	ROMAN CATHOLIC DIOCESE OF	0	03/04/2004	WD	Fulfilment of LC	0985/804	DEED	0.0

Property Address

7290 OLD 27 N

Owner's Name/Address

NOESKE, HUGO A & BARBARA A
140 BADGLEY
VANDERBILT MI 49795

Tax Description

PARCEL A-COMM AT S 1/4 COR OF SEC, TH N00D 03'24"W 1315.20 FT ALG N-S 1/4 LN TO POB; TH N88D 13'32" W 1170 FT ALG S 1/8 LN, TH N00D 03'24"E 304 FT, TH S88D 13'32"E PAR TO S 1/8 LN 1170 FT, TH S00D 03'24"W 304 FT ALG N-S 1/4 LN TO POB. SEC 17 T32N R3W. CONT 8.26 ACRES M/L
AND
PARCEL B-COMM S 1/4 COR OF SEC, TH N00D 03'24"W 1315.20 FT ALG N-S 1/4 LN, TH N88D 13'32"W 1170 FT ALG S 1/8 LN TO POB; TH N88D 13'32"W 540.16 FT ALG S 1/8 LN, TH N03D 22'07"E 533.93 FT, TH S88D

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

Class: 202 COM VACANT Zoning: B-2

School: Vanderbilt Area School

P.R.E. 0%

:

2019 Est TCV 29,200(Value Overridden)

Building Permit(s)	Date	Number	Status

Improved X Vacant

Public Improvements

Dirt Road
Gravel Road
Paved Road
Storm Sewer
Sidewalk
Water
Sewer
Electric
Gas
Curb
Street Lights
Standard Utilities
Underground Utils.

Topography of Site

Level
Rolling
Low
High
Landscaped
Swamp
Wooded
Pond
Waterfront
Ravine
Wetland
Flood Plain

Who	When	What

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			13.790	Acres	0	100		0
Flat Value:								29,135
			13.79 Total Acres				Total Est. Land Value =	29,135

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	14,600	0	14,600			14,600S
2018	14,600	0	14,600			14,600S
2017	14,600	0	14,600			14,600S
2016	14,600	0	14,600			10,377C

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

Exhibit 4

CERTIFICATE OF SURVEY

N

0 300 600

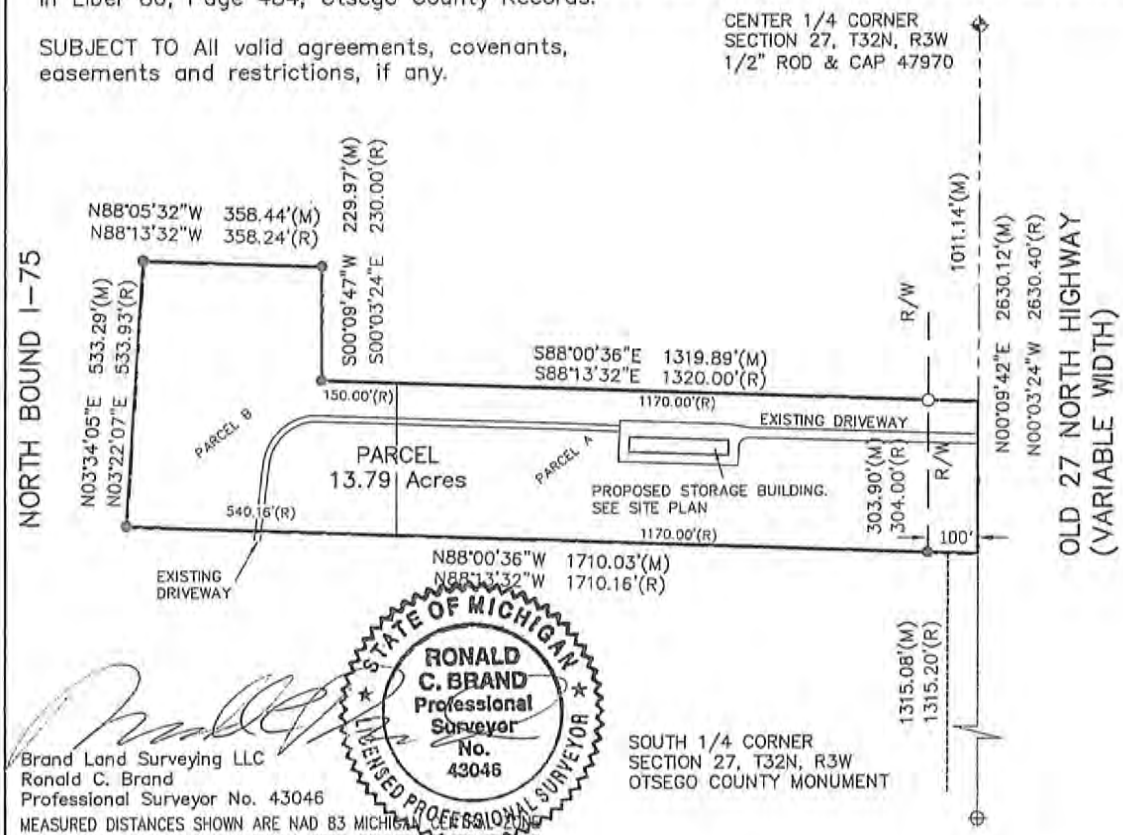
SCALE: 1" = 300'

- ○ ½"x18" REROD WITH CAP SET
- ● IRON ROD FOUND
- ⊕ SECTION CORNER
- ⊕ QUARTER CORNER
- (R) RECORD
- (M) MEASURED

PARCEL NO. 042-027-300-005-04:
A parcel of land situated in the Township of Corwith, County of Otsego, State of Michigan, and described as:

Being a part of the North 1/2 of the Southwest 1/4 corner of Section 27, Town 32 North, Range 3 West, more particularly described as follows:
PARCEL A: Commencing at the South 1/4 corner of said Section 27, and proceeding North 00°03'24" West, 1315.20 feet along the North-South 1/4 line to the Point of Beginning; thence North 88°13'32" West, 1170 feet along the South 1/8 line; thence North 00°03'24" East, 304 feet; thence South 88°13'32" East running parallel to the South 1 /8 line, 1170 feet; thence South 00°03'24" West, 304 feet along said North-South 1/4 line to the Point of Beginning.
AND
PARCEL B: Commencing at the South 1/4 corner of said Section 27, and proceeding North 00°03'24" West, 1315.20 feet along the North—South 1/4 line; thence North 88°13'32" West, 1170 feet along the South 1/8 line to the Point of Beginning; thence North 88°13'32" West, 540.16 feet along the South 1/8 line; thence North 03°22'07" East, 533.93 feet; thence South 88°13'32" East, 358.24 feet; thence South 00°03'24" East, 230 feet; thence South 88°13'32" East, 150 feet; thence South 00°03'24" West, 304 feet to the Point of Beginning.
EXCEPT THEREFROM that portion of land deeded to the State HighwayDepartment as recorded in Liber 86, Page 484, Otsego County Records.

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



STATE OF MICHIGAN
RONALD C. BRAND
Professional Surveyor
No. 43046
LICENSED PROFESSIONAL SURVEYOR

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

MEASURED DISTANCES SHOWN ARE NAD 83 MICHIGAN CENTRAL ZONE STATE PLANE GRID IN INTERNATIONAL FEET. CONVERSION TO GROUND DISTANCE IS PERFORMED BY DIVIDING THE GRID DISTANCE BY THE COMBINED SCALE FACTOR WHICH IS 0.999871240 FOR THIS PROJECT.

ERROR OF CLOSURE IS < 1 / 5000 BASIS OF BEARING: NAD83 MICHIGAN CENTRAL STATE PLANE GRID

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

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

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

CLIENT: ANDY NOESKE
LOCATION:
SECTION 27, T32N, R3W
CORWITH TWP.,
OTSEGO CO.
FLD. BK. 5275 PG. 43
DATE: 4/10/2019
SHEET 1

Exhibit 6

D:\survey_data\SURVEY\T32N-R3W\27195045.dwg

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 12-20-18

Property Owner Applicant or Contractors Name Hugo Noeske

Current Mailing Address 338 Badgley Rd (989) 8580628 ( ) Fax#
Street Apt # Phone # Fax#
Vanderbilt Mi 49795
City State Zip

Property Code Number 69 - 042 - 027 - 300 - 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

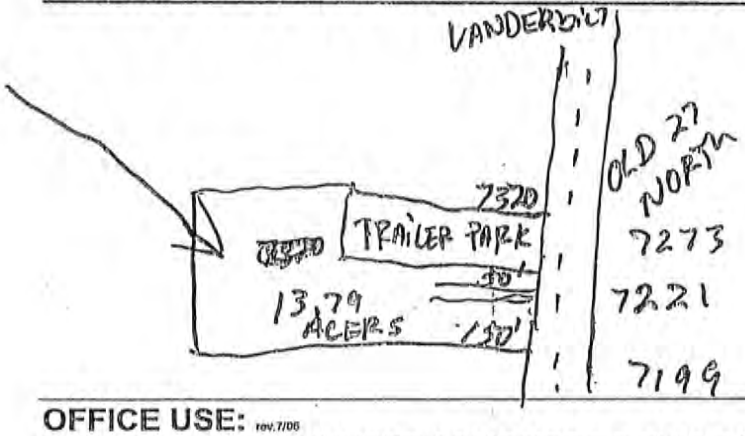
Type of Structure to be Built: (Check one)
☐ Home ☐ Pole Building ☒ Commercial/Industrial
☐ Garage ☐ Temporary Electrical ☐ Tower/Well Site ☐ Other _____

Approximate Start of Construction Date: 6 / 1 / 2019

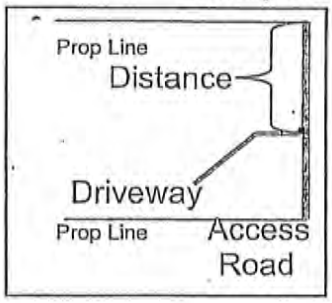
Name of Access Road Old 27 N

Signature of Applicant: [signature]

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



Example:



OFFICE USE: rev.7/06
OFFICIAL HOUSE NUMBER ASSIGNED TO THIS PARCEL: 7290 Old 27 N
DATE ASSIGNED: 12-20-18 DB POST OFFICE: Vanderbilt, MI 49795

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
May 20, 2019

The Otsego County Planning Commission will hold three (3) public hearings on Monday, May 20, 2019 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) Daystar Properties, owner, represented by Northern Michigan Engineering Inc, David Drews, request a Special Use Permit/Site Plan Review for property located in Elmira Township at 4422 M-32 W Gaylord, MI 49735. The proposed use of the property is to create a site condominium for the construction of sixteen (16) single family dwellings. The property is located in a R3/Residential Estates Zoning District.

Parcel identification number: **060-035-400-005-01**
4422 M-32 W
Gaylord, MI 49735

Legal Description:
PART OF THE SE¼ OF SEC 35: BEG AT THE S¼ COR, TH N00°46'04" W 1346.81FT ALG THE N/S¼ LN; TH S89°09'07" E 780.93FT ALG S¼ LN OF SEC; TH S00°51'27" E 1345.72FT; TH N89°14'10" W 783.01FT ALG THE S LN TO POB. SEC 35 T31N R4W PARCEL A OF 1994 SPLIT FROM 060-035-400-005-00

2) Hugo A Noeske, owner, has requested a Special Use Permit/Site Plan Review for property located in Corwith Township at 7290 Old 27 North Vanderbilt, MI 49795. The proposed use of the property is to construct a forty (40) unit mini-storage building. The property is located in a B2 / General Business Zoning District.

Parcel identification number: **042-027-300-005-04**
7290 Old 27 North
Vanderbilt, MI 49795

Legal Description:
PARCEL A: COMM AT S¼ COR OF SEC 27, TH N00°03'24"W 1315.20FT ALG N-S¼ LN TO POB; TH N88°13'32"W 1170FT ALG S¼ LN, TH N00°03'24"E 304FT, TH S88°13'32"E PAR TO S¼ LN 1170FT, TH S00°03'24"W 304FT ALG N-S¼ LN TO POB. SEC 17 T32N-R3W CONT 8.26 ACRES M/L ***AND***
PARCEL B: COMM S¼ COR OF SEC 27, TH N00°03'24"W 1315.20FT ALG N-S¼ LN, TH N88°13'32"W 1170FT ALG S¼ LN TO POB; TH N88°13'32"W 540.16FT ALG S¼ LN, TH N03°22'07"E 533.93FT, TH S88°13'32"E 358.24FT, TH S00°03'24"E 230FT, TH S88°13'32"E 150FT, TH S00°03'24"W 304FT TO POB. SEC 17 T32N-R3W CONT 5.53 ACRES M/L 1998 SPLIT OF 042-027-300- 005-01

3) Stephen Reckker, owner, represented by LCC Telecom Services, Mike Bienick, for Tillman Infrastructure request a Special Use Permit/Site Plan Review for property located in Elmira Township at 4754 Waldrast Dr Gaylord, MI 49735. The proposed use of the property is to construct a 179' Wireless Communication Tower. The property is located in a R3/Residential Estates Zoning District.

Parcel identification number: **060-026-200-015-05**
4754 Waldrast Dr
Gaylord, MI 49735

Legal Description:
NW¼ **EXC:** COM AT N¼ COR, TH S00°12'28"W 1341.14 FT ALG N-S ¼ LN, TH N88°04'21"W 634 FT ALG N¼ LN TO POB; TH S01°55'39"W 297 FT, TH N88°04'21"W 297 FT, TH N01°5'39"E 297 FT, TH S88°04'21"E 297 FT TO POB. SEC 26 T31N-R4W 99 SPLIT OF 060-026-200-015-02

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

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

Exhibit 8

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

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

April 18, 2019

Corwith Township
PO Box 100
Vanderbilt, MI 49795

RE: Special Use Permit / Storage Units / 042-027-300-005-04

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

If you require the applicant, Hugo Noeske be present at your meeting, he can be notified at:

Hugo Noeske
PO Box 216
Vanderbilt, MI 49795
989.858.0628

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

Sincerely,

Chris Churches
Planning & Zoning Director

cbw

encl

Christine Boyak-Wohlfeil

From: Debbie Whitman <dawhitman@hotmail.com>
Sent: Monday, May 06, 2019 3:56 PM
To: Christine Boyak-Wohlfeil
Subject: Re: PZSU19-003

Corwith Township has reviewed the Special Use Permit/Site Plan for 042-027-300-005-04, PZSU19-003. The Board unanimously passed a motion that this special use permit be approved.

Debbie Whitman
Corwith Township Clerk

From: Christine Boyak-Wohlfeil <cboyak-wohlfeil@otsegocountymi.gov>
Sent: Thursday, April 18, 2019 3:20 PM
To: Judith Jarecki - Corwith PC Chair (jjarecki36@gmail.com); Debbie Whitman - Corwith Clerk (dawhitman@hotmail.com); Vern Kassuba - Corwith Sup/Assess (vjkassuba@hotmail.com)
Subject: RE: PZSU19-003

Good afternoon,

I have attached a new case for storage units in Corwith Township. A hard copy will be dropped in the mail as well. If you have any questions or need anything else, please let me know.

Enjoy your Easter weekend.

Thank you,
Christine

Otsego COUNTY
ESTABLISHED 1875 MICHIGAN

Christine Boyak-Wohlfeil
Otsego County Land Use Services
Phone: 989.731.7407
Fax: 989.731.7419
cboyak-wohlfeil@otsegocountymi.gov

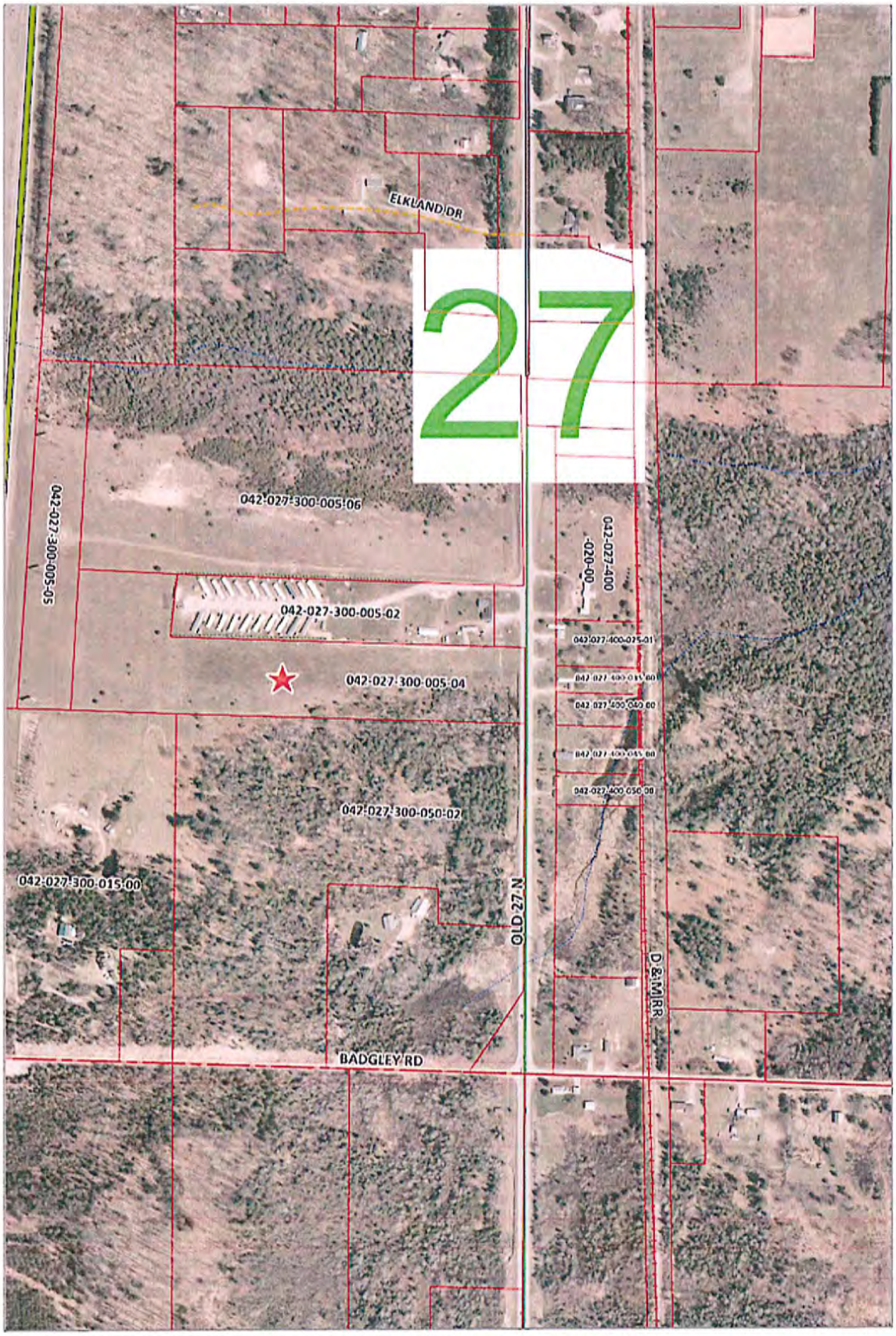
Exhibit 10

PZSU19-003 042-027-300-005-04 7290 OLD 27 NORTH

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code	Class
042-027-300-005-02	7346 OLD 27 N	SUNSET ESTATES OF GAYLORD LLC	4220 US 23 S	ALPENA	MI	49707	6.52	B-2	201
042-027-300-005-04/ 042-027-300-015-00	7290 OLD 27 N/ 140 BADGLEY RD	NOESKE, HUGO A & BARBARA A	PO BOX 216	VANDERBILT	MI	49795	13.79/ 18.86	B-2/ R-1	402/ 401
042-027-300-005-05		WALKOWSKI, GERALD	32734 ROBINETTE AVE	WARREN	MI	48092	5.90	B-2	202
042-027-300-005-06		WAKLOWSKI TRUST ET AL	733 STONE MILL CIR	MURFREESBORO	TN	37130	29.95	B-2	202
042-027-300-050-02/ 042-027-400-040-00		NOESKE, HUGO H & ELIZABETH A	338 BADGLEY RD	VANDERBILT	MI	49795	29.26/ 0.89	B-2/ B-2	402/ 402
042-027-400-020-00	7339 OLD 27 N	GORDON HOYEM LLC	1129 PINETUM LN	GAYLORD	MI	49735	4.29	B-2	401
042-027-400-035-00/ 042-027-400-025-01	7273 OLD 27 N / 7313 OLD 27 N	BRINK, JOHN R & MARY A	617 THUMB LAKE RD	VANDERBILT	MI	49795	0.71/ 1.23	B-2/ B-2	401/ 401
042-027-400-045-00	7221 OLD 27 N	KREITNER, NICHOLAS ET UX	7221 OLD 27 HWY N	VANDERBILT	MI	49795	1.29	B-2	401
042-027-400-050-00	7199 OLD 27 N	BLAKER - MOORE	3511 OLD 27 S	GAYLORD	MI	49735	0.87	B-2	401

Exhibit 11

PZSU19-003 042-027-300-005-04
7290 OLD 27 NORTH



042-027-300-005-02
042-027-300-005-04
042-027-300-005-05
042-027-300-005-06
042-027-300-015-00
042-027-300-050-02
042-027-400-020-00
042-027-400-035-00
042-027-400-040-00
042-027-400-045-00
042-027-400-050-00
042-027-400-025-01

Exhibit 11

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

Otsego COUNTY MICHIGAN
ESTABLISHED 1875

Paid By:

NOESKE, HUGO A & BARBARA A

140 BADGLEY

VANDERBILT, MI 49795

RECEIPT NUMBER

01317482

03/31/2019

Type	Record	Category	Description	Amount
Permit	PZSU19-003	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

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

Exhibit 12

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-003
Special Use Permit/Site Plan Review
042-027-300-005-04

GENERAL FINDINGS OF FACT

1. This is a proposed project for a forty (40) unit mini storage building. *Exhibit #1, Exhibit #5*
2. The property is located in a B2/General Business Zoning District in Corwith Township. *Exhibit #2*
3. The proposed use is a permitted use subject to special conditions in a B2/General Business Zoning District. *Exhibit #3*
4. A street address of 7290 Old 27 North has been issued for the proposed project. *Exhibit #7*
5. The property consists of 13.79 acres. *Exhibit #4, Exhibit #6*
6. The property is currently under the ownership of Hugo & Barbara Noeske. *Exhibit #4*
7. The Public Hearing Notice was published in the Herald Times on May 3, 2019. *Exhibit #8*
8. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *Exhibit #9, Exhibit #10*
9. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*
10. The Planning Commission has the authority to approve a Special Land Use request after review and compliance with the Otsego County Zoning Ordinance. (Section 19.7) *Exhibit #3*
11. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*
12. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant. *Exhibit #5, Exhibit #6, Exhibit #13, Exhibit #14*
13. An application for a Driveway Permit from the Otsego County Road Commission has been submitted. *Exhibit #15*
14. An Agency Letter has been received from the Health Department of Northwestern Michigan Agency dated April 26, 2019. *Exhibit #16*
15. An Agency Letter has been received from the Otsego County EMS dated April 16, 2019. *Exhibit #17*
16. An Agency Letter has been received from the Otsego County Soil Conservation District dated April 18, 2019. *Exhibit #18*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-003
Special Use Permit/Site Plan Review
042-027-300-005-04

SPECIFIC FINDINGS OF FACT

FINDINGS UNDER ARTICLE 11/SECTION 11.2

ARTICLE 11 B2 GENERAL BUSINESS DISTRICT

INTENT

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

SECTION 11.1 PRINCIPAL USES PERMITTED

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

11.1.1 All principal uses permitted in the B1 Local Business District

11.1.2 Theaters, halls, and similar places of assembly

11.1.3 Laundromats and dry cleaners

11.1.4 Bowling alleys, pool or billiard parlors or clubs

11.1.5 Equipment rental shops with outside storage

11.1.6 Indoor archery range

11.1.7 Lumber yards and building material suppliers-within enclosed building

11.1.8 Tavern/night clubs

11.1.9 Restaurants serving alcoholic beverages

11.1.10 Public parking garages

11.1.11 Bus stations and passenger terminals

11.1.12 Businesses and restaurants with drive-through service

11.1.13 Wireless Telecommunications Towers and Facilities one hundred ninety (190) feet or less in height without lights [Permit criteria includes Article 21.46]

11.1.14 Transient Merchants-Tent and open air merchants, for periods of up to ninety (90) days per year, housing retail uses otherwise allowed by the Zoning Ordinance in this district. A single thirty (30) day extension may be applied for. Three (3) or more merchants on a parcel simultaneously must be permitted as a "Flea market".

11.1.15 WTG Building-Mounted: Permitted as an accessory use to an allowed Principal Use [See Article 21.46]

SECTION 11.2 PERMITTED USES SUBJECT TO SPECIAL CONDITIONS

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

11.2.1 All uses subject to special conditions in the B1 Local Business District

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

11.2.3 Rifle or pistol ranges when within a completely enclosed building

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

11.2.5 Car wash

11.2.6 Sales, rental, and service centers for vehicles, watercraft, and/or mobile homes, including new or used automobiles, motor bikes, bicycles, boats, ATV's, campers, snowmobiles, trailers, and motor, mobile, modular, manufactured homes, or farm equipment, provided:

11.2.6.1 Ingress and egress to the use shall be at least sixty (60) feet from the intersection of any two (2) streets

11.2.6.2 The arrangement of vehicles stored in the open shall be uniform, following the patterns established for off-street parking lots

11.2.6.3 No sales or display shall occupy any public street or road right-of-way; and further, must be set back at least twenty (20) feet from the front property line

11.2.6.4 The use of a display model for a business office is permissible provided it is connected to sanitary and water facilities and approved by the County Health Department

11.2.7 Hospitals

11.2.8 Commercial outdoor sport and recreational facilities

11.2.9 Flea markets

11.2.10 Mini-storage buildings consisting of separate storage rooms rented or leased by the month

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

11.2.12 Solid Waste Hauler

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

11.2.14 Unlisted property uses if authorized under Article 21.44.

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

***Permitted Use Subject to Special Conditions**

FINDINGS UNDER ARTICLE 21 /SECTION 21.10

Section 21.10
Fences
Amended 7.10.2018

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

Section 21.10.02
Fence Regulations:

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

Section 21.10.02.07 Comply with Section 21.10.03 and Section 21.10.04.

Section 21.10.03

Fences-Maximum Heights

Fences designed to enclose property in any district shall be subject to the following table of regulations:

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

***Existing Tree Buffer – Wire Fencing with Gated Entrance – Height-TBD**

FINDINGS UNDER SECTION 21.18

SECTION 21.18 LANDSCAPING

21.18.1 PURPOSE

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

21.18.2 General Performance Standards:

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

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

21.18.2.1 Landscape Materials:

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

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

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

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

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

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

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

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

21.18.2.2 Irrigation & Maintenance Performance Standards:

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

21.18.2.2.1 Whenever the landscaped area required by Sections 21.18.3, 21.18.5 and 21.18.6 is two thousand (2,000) square feet or more of living plants whether or not the plants are contiguous, the site shall have a

permanent irrigation system capable of meeting the typical watering requirements of all the plant materials on site.

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

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

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

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

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

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

21.18.2.3 Existing Vegetation:

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

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

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

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

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

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

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

21.18.3 Buffer Yards:

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

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

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

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

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

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

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

21.18.4 Roadside Greenbelt Buffers:

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

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

21.18.5 Screening of Unsightly Areas:

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

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

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

21.18.6 Parking Lot Screening:

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

Landscaping design standards:

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

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

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

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

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

***No Buffer Yard Required/See Table I – Existing Tree Buffer – Landscaping Required Along Road Side**

21.18 TABLE I : Planting Buffer Yard

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

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

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

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

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

Exhibit 14

FINDINGS UNDER ARTICLE 21 /SECTION 21.19

SECTION 21.19 LIGHTING, OUTDOOR

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

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

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

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

21.19.1.2 That all light sources and light lenses are shielded,

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

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

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

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

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

21.19.5 Decorative lights during holiday seasons shall be allowed.

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

***Lighting: Security lights – 40W, 4700 Lumen Downward Facing LED Lights on 12' Pole -- SEE Site Plan**

FINDINGS UNDER SECTION 21.37

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

LAND USE	PER UNIT OF MEASURE
...	
Commercial	
Planned Shopping Center	1 per 200 sq. ft. of usable floor area
Auto Wash-Automatic	5 per wash stall plus 1 per employee
Auto Wash-Automatic-Drive-in	1 for each 2 employees
Auto Wash-Self Service	1 per employee
Barber or Beauty Shop	1 per employee plus 1 per service chair
Dance Hall, Rinks or Assembly Building (no fixed seats)	1 per 3 persons at maximum capacity
Drive-in Business	1 per employee plus drive-in stalls and/or lanes to serve patrons
Banks	1 per 200 sq. ft. of usable floor area
Doctor or Dentist Office	1 per 50 sq. ft. of waiting room plus 1 per service chair
Business Office	1 per 200 sq. ft.
Billiard Hall	2 per game table
Bowling Alley	5 per lane
Taverns	1 per 100 sq. ft. of usable floor area
Restaurants	1 per 3 persons at maximum seating capacity
Drive-up or Drive-through Uses-Restaurant, Banks, Drug Pick-up, Laundries, Payment Windows or other Drive-up Service Windows	In addition to the required parking for the principal use, the Drive-through facilities requirement in Article 18 shall be followed
Furniture, Appliances, Plumbers, Electricians Minor Repair Services	1 per 800 sq. ft. of usable floor area
Vehicle Service Station	2 per service stall, plus 1 per employee
Gasoline Convenience Store	1 per 300 sq. ft. of usable floor area
Laundromat	1 per 3 machines for washing
Funeral Home/Mortuary	1 per 200 sq. ft. of usable floor area
Motels, Hotels, Motor Inns, Cabin Courts, Bed & Breakfast Facilities and Tourist Lodging Facilities	1 per 150 sq. ft. of usable floor area, the Planning Commission may reduce up to half if they reserve land for open space

Vehicle Sales	1 per 200 sq. ft. of showroom usable floor area
Retail Groceries	1 per 150 sq. ft. of usable floor area
Other Retail Stores	1 per 150 sq. ft. of usable floor area
Self-Storage Rental Units	1 per 10 units
Personal Service Establishments	1 per 100 sq. ft. usable floor area not otherwise specified
Museums	1 per 150 sq. ft. of usable floor area
Rental Shops	1 per 200 sq. ft. of usable floor area in addition to a loading and unloading area; and a vehicle turnaround drop-off area
Rifle or Pistol Range	2 per range plus 1 per employee

...

NOTES

a. Sq. ft. refers to square feet of usable floor area unless otherwise noted.

b. 1 unit per measure shall be interpreted to mean 1 per each unit, as 1 per "each" three (3) persons.

c. Space requirements are cumulative; hence, a country club may require parking for the golf use as well as restaurant or bar use.

d. Employees, refers to all permanent staff and part time equivalents in the largest working shift. Maximum capacity is the maximum occupancy permitted by applicable building, fire, or health codes.

21.27.11 Parking Area Design Standards

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

Parking Pattern	Maneuvering Lane width	Parking Space width	Parking Space length
Parallel	12ft	8ft	23ft
30-53°	12ft	9ft	20ft
54-74°	15ft	9ft	20ft
75-90°	20ft	9ft	20ft

All spaces shall be provided access by maneuvering lanes. Backing directly onto a street shall be prohibited. Adequate ingress and egress to a parking lot by means of clearly defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than residential use shall not be across land zoned for residential use.

Each entrance and exit to and from any off street parking lot located in an area zoned for other than residential use shall be at least twenty-five (25) feet from adjacent property located in any residential district.

Buffer yards shall be required per standards set by Section 21.18. A buffer yard without buildings shall be required not less than ten (10) feet wide on the perimeter of all parking lots. Said buffer yard shall be uses for landscaping, screening and/or drainage as required by this ordinance.

All parking areas containing twenty-seven hundred (2700) square feet or more shall provide snow storage area. Snow storage shall be provided on the ratio of ten (10) square feet per one hundred (100) square feet of parking area.
Parking area is calculated at two hundred seventy (270) square feet per parking space. Snow storage areas shall be located in such a manner that they do not interfere with the clear visibility of traffic on adjacent streets and driveways.

One (1) street tree shall be planted adjacent to the public right-of-way for each twenty-four (24) lineal feet of frontage.

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

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

21.27.12 Federal and State requirements regarding handicapped parking and access shall apply.

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21.27.13 Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that the area of sufficient size to meet parking space requirements of this article is retained as open space and the owner agrees to construct the additional parking at the direction of the Planning Commission.

21.27.14 Parking lot cross-connections shall be used in addition to frontage roads or shared driveways, when in the opinion of the Planning Commission, cross-connections do not hinder traffic.

21.27.15 All parking in the Highway Interchange Commercial District shall be in the rear or side yard.

*Parking: Minimum of four (4) Parking Spaces Required

FINDINGS UNDER SECTION 21.38

Section 21.38
Signs and Billboards
Amended 3.29.2018

Intent:

The sign standards contained in this Ordinance are declared to be necessary to protect the general health, safety, and welfare of the citizens of Otsego County.

It is the intent of this regulation to insure a degree of standardization in signage throughout the county, to insure the safety of pedestrians and motorists who must drive or otherwise negotiate installed signage and motorists who depend on the visibility of a sign's message to safely arrive at an intended destination. Standardization will preserve the aesthetics, appearance and functionality of all installed signage.

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:

Sign plans shall be reviewed for approval, conditional approval or rejection by the Zoning Administrator. For disagreements with the rulings of the Zoning Administrator, the applicant may appeal to the Zoning Board of Appeals, who in such instances has final authority on the sign plan.

The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes. Compliance with this Section does not relieve the applicant from the responsibility of compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property, including road rights-of-way, other than property owned or otherwise legally under the control of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the County Zoning Ordinance.

Section 21.38.01
Signs Authorized and Requiring a Permit

All applications for a Sign Permit shall first be submitted to the Zoning Administrator. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Zoning Administrator showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering calculations signed by a registered design professional. The Zoning Administrator may issue such permits when all applicable provisions of this Ordinance have been met.

Section 21.38.01.01
Accessory Signs

Section 21.38.01.01.01
Districts: R1, R2, R3, RR

Number Allowed:	1
Maximum Height:	8 ft.
Measured:	From the average grade at the base of the sign to the top of the sign support.
Maximum Size:	15 sq. ft.

Section 21.38.01.01.02
Districts: AR, FR

Number Allowed:	1
Maximum Height:	8 ft.
Measured:	From the average grade at the base of the sign to the top of the sign support.
Maximum Size:	32 sq. ft.

Section 21.38.01.01.03

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Districts: B1, B2, B3, HX, I

Number Allowed: Two (2) with the following **four (4) regulations**:

Regulation 01: One (1) sign shall be affixed to or be within 2 feet of and be parallel with the wall of the main building.

Maximum Size: Signs mounted on and parallel with the wall of the main building shall not exceed a total surface area of 15% of the mounting wall. If a premise contains walls facing more than one property line or encompasses property frontage bounded by more than one street or other property usages, the sign area(s) for each building wall or property frontage will be computed separately for each building wall or property line facing a different frontage. The sign area(s) thus calculated shall be permitted to then be applied to permitted signs placed on each separate wall or property line frontage.

Regulation 02: One (1) Sign may be a freestanding sign.

Maximum Height: 12 ft.

Maximum Size: 56 sq. ft. and length shall not be longer than three (3) times its width.

Regulation 03: One (1) Sign may be a pylon sign.

Maximum Height: 35 ft.

Maximum Size: Sign Specifications must be prepared by a design professional and must comply with any Airport Zoning Ordinance and the Tall Structures Act. Pylon Signs approved and installed before the date of this ordinance change shall be allowed provided they exhibit structural integrity, are safe and well maintained.

Regulation 04: All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window 100% restricting all visibility from the interior and exterior. Signage may cover no more than 50% of the window on the horizontal and vertical dimension. Total coverage for multiple window panels will not change.

Section 21.38.01.01.04

Signs for shopping centers or other commercial developments with Two (2) or more units developed as offices, office service units, research facilities, manufacturing facilities, retail spaces with multiple stores, commercial PUD's, large retail stores with a building area over 100,000 sq. ft. or other commercial developments requiring Special Use Approval and which have a common off street parking and a common entrance or entrances may install accessory signs in accordance with the following **six (6) regulations:**

Regulation 01: Signs which direct traffic movement within a property and which do not exceed 4 sq. ft. in area for each sign are permitted.

Regulation 02: One (1) free-standing identification sign for each street that the development faces.

a. The freestanding 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 100 sq. ft.
c. Freestanding signs shall not exceed a height of 30 feet measured from the average grade at the base of the sign to the top of the horizontal sign frame supporting the sign face.
d. Tenants of the shopping center or the owner of outlets included with the development plan or PUD shall not be permitted individual freestanding signs, except gas stations as noted below:

Regulation 03: Businesses within the development or PUD shall be permitted exterior wall signs; the total area of the exterior wall signs shall not exceed 20% of the area of the signage wall.

Regulation 04: All businesses may display window signs in ground level windows in addition to any wall signs. Window signs shall not cover more than 20% of the total window area. Where multiple windows are installed, signage may not be aggregated to cover any window 100% restricting all visibility from the interior and exterior. Signage may cover no more than 50% of the window on the horizontal or vertical dimension.

Regulation 05: An automobile service station located on an outlet or an individual lot within the development or PUD may have 1 freestanding sign in addition to the freestanding sign utilized for the development. The freestanding 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 21.38.01.01.03 above.

Regulation 06: Signs proposed for installation along MDOT regulated highways designed to advertise a specific business location must be permitted in accordance with current MDOT Regulation 225. A specific time requirement for the developed site is required and is usually 2 years. A business sign is a sign designed to advertise a particular business location rather than being used for general outdoor advertising not necessarily specific to a particular business.

Billboards or signage also referred to as outdoor advertising or outdoor highway advertising are permitted and controlled by MDOT under sections of MDOT Regulation 225. A valid permit and sign approval is required prior to construction of a billboard designed for general outdoor advertising

Section 21.38.02

Non-Accessory Signs and Billboards

Section 21.38.02.01
Billboards, poster boards and non-accessory signs may be permitted in B2, B3 and I Districts provided the area of the sign does not exceed an area of 200 sq. ft. in B2 and B3 Districts and 300 sq. ft. in I Districts. A non-accessory sign or billboard shall not measure longer than 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.

Section 21.38.03
Sign Lighting (also see Section 21.19 Lighting Outdoor)

Section 21.38.03.01
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 set back a minimum of 10 feet from all road right-of-ways and 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 1 hour after sunrise and continuing until 1 hour before sunset, shall not exceed (10278 Lumens) (685W Incandescent light bulb) (114W Florescent/LED) per square meter, or does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter at all other times.

Signs that are externally illuminated shall have the light mounted on 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 such that reflected luminance does not exceed (342 Lumens) (25W Incandescent light bulb)(6.23W Florescent/LED) per square meter.

Section 21.38.04
Signs Prohibited

Section 21.38.04.01 No signs or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color it may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

Section 21.38.04.02 No signs shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.

Section 21.38.04.03 No signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

Section 21.38.04.04 No signs containing flashing, intermittent or moving lights.(A sign with messages or images accomplished by instantaneous re-pixilation not more often than 1 time in 60 seconds shall not be considered flashing, intermittent or moving and shall be allowed.)

Section 21.38.04.05 No signs with moving or revolving parts.

Section 21.38.04.06 No signs attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following **three (3) Regulations**:

Regulation 01: The primary purpose of such a vehicle or trailer is not the display of signs.

Regulation 02: The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and does not break the silhouette of the vehicle.

Regulation 03: The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets where applicable, and actively used or available for use in the daily function of the business to which such signs relate.

Section 21.38.04.07 Vehicles and trailers are not to be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

Section 21.38.04.08 A sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must have the sign covered or removed within 14 days after written notification from the Zoning Administrator.

Section 21.38.05
Signs Authorized and Not Requiring a Permit

Section 21.38.05.01 Official notices, authorized by a court, public body or public safety official

Section 21.38.05.02 Directional, warning or information signs authorized by federal, state or municipal governments

Section 21.38.05.03 Memorial plaques, building identification signs and building cornerstones where cut or carved into a masonry surface or where made of noncombustible material and made an integral part of the building or structure.

Section 21.38.05.04 The flag of a government or noncommercial institution, such as a school.

Section 21.38.05.05 Religious symbols and seasonal decorations within the appropriate public holiday season

Section 21.38.05.06 Works of fine art displayed in conjunction with a commercial enterprise where the enterprise does not receive direct commercial gain

Section 21.38.05.07 Street address signs and combination nameplate and street address signs that contain no advertising copy and which do not exceed 6 sq. ft. in area

Section 21.38.05.08 The changing or maintenance or components of an approved existing sign that is designed for such changes, or

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the changing of copy, business names, lettering, sign faces, colors, display and/or graphic matter, or the content of any sign shall not be deemed a structural alteration.

Section 21.38.05.09 Bulletin Boards that do not exceed 15 sq. ft. for churches, public and semi-public institutions and/or school

Section 21.38.05.10 Temporary signs not exceeding 10 sq. ft. advertising a premises being for rent, for lease and/or for sale in any district All such signs shall be removed within 14 days of the consummated lease or sale of the premises.

Section 21.38.05.11 Accessory directional signs affixed to the building and not exceeding 2 sq. ft., such as but not necessarily limited to: Boiler Room, Entrance, Exit, Garage, Loading Dock, Low Clearance, Office, Service, Warehouse and the like.

Section 21.38.05.12 Maximum of 2 accessory properties directional signs each not to exceed 2 sq. ft .identifying or directing to the following: Entrance, Exit, No Parking, Visitors Parking, Other Traffic Flow Directions, and similar Functional Signs

Section 21.38.05.13 Temporary advertising banners that are flexible (made of canvas, plastic composite etc.) meant to be attached to a fixed commercial building structure which is currently occupied. All banners may not exceed 32 sq. ft. and must be maintained in good condition while displayed.

Section 21.38.05.14 Political signs shall be permitted in all zoning districts with the following **three (3) Regulations**:

Regulation 01: Such signs shall follow the Accessory Signs restrictions as it relates to each individual Zoning District.

Regulation 02: Such signs for election candidate or ballot propositions shall be displayed only for a period of 60 days preceding the election and shall be removed within 10 days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed until not more than 10 days after the general election.

Regulation 03: Such signs shall not be placed in any public right-of-way or obstruct traffic visibility.

Section 21.38.06
Placement of Signs and Setbacks

Section 21.38.06.01
Signs in rights-of-way
No sign other than an official traffic sign shall be erected within any public right-of-way unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the code official.

Section 21.38.06.02
Sign and Setbacks
Signs in any zoning district must be placed at least 2 feet back from any right of way and any lot line.

Section 21.38.07
Off-Premises Directory Sign – Private

Section 21.38.07.01
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-premises directory sign located on a county maintained road may be permit 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 15 sq. ft. Community directional signs serving more than one (1) use may be permitted to a maximum size of 32 sq. ft.

Section 21.38.08
Approval Authority

Section 21.38.08.01
The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site Plans for a Special Use Permit shall be forwarded by the Zoning Administrator to the Planning Commission for review and action. In addition, at the request of the Zoning Administrator or Planning Commission, a site plan for a Principal Permitted Use may be submitted for Planning Commission review before final action by the Zoning Administrator. The Zoning Administrator and Planning Commission have the authority to approve, deny or grant conditional approval for any site plan submitted under the provisions of this ordinance. The Zoning Administrator may hold or the Planning Commission may table a site plan, pending further information or addition, reasonably needed to complete a site plan or comply with requirements of this Ordinance

***Signage: 2 - 2'x4' Signs at Entrance**

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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 on Site**

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.

***Underground Utilities: Electrical for Lighting Only**

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.

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OTSEGO COUNTY ROAD COMMISSION

P.O. BOX 537
GAYLORD, MI. 49734-0537
(989) 732-5202 FAX. (989) 732-6775

DRIVEWAY APP. # 116-06-01-03 DATE: 06-01-2016

APPLICANT (MAILING ADDRESS)	CONTRACTOR
NAME: Hugh Noeske	NAME:
ADDR: 338 BADGLEY	ADDR:
C,S,Z: VANDERBILT MI 49795	C,S,Z:
PHONE: 983-4213-3703885	PHONE:

SITE INFORMATION: ( ) RESIDENTIAL (X) COMMERCIAL ---------- FEES PAID (X) YES ( ) NO

ROAD NAME ~~Badgley~~ OLD-27-S, HOUSE NUMBER:

LOT # IN SUBDIVISION TOWNSHIP: Corwith SECTION 27

THE SIDE OF THE ROAD THE DRIVE IS LOCATED ON: N S E W

NEAREST CROSS STREET IS BADGLEY Rd LOCATED FROM N S E W OF DRIVEWAY

DISTANCE FROM NEAREST CROSS STREET 1/2-mile MILES / FT

1. (X) New drive Number of drives (1) or 2 2. Pave existing drive : ( ) asphalt ( ) concrete

3. ( ) Repair/extend existing drive 4. ( ) Temporary Drive

SURFACE TYPE: ( ) GRAVEL ( ) ASPHALT ( ) CONCRETE NOTE: GRAVEL IS REQUIRED IN R.O.W.

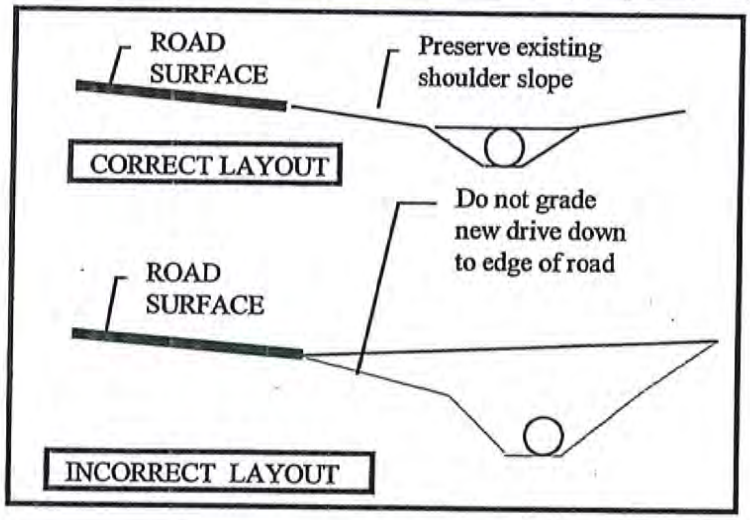
REMARKS:

DATE SITE WILL BE FLAGGED(SEE NOTICE BELOW) :

NOTICE: <u>It is the responsibility of the applicant to flag the proposed driveway location</u> so the inspector will be able to determine the exact proposed location. **<u>Failure to flag by the specified date may result in considerable delay</u>**. The original permit will be mailed to the above location within 10-12 days.

Any construction performed before receipt of the original permit may not meet Road Commission standards and is subject to revision or removal at the applicant's expense and could result in a fee being assessed.

A current certificate of insurance naming the OCRC as an additional insured is required from the contractor or permit will not be issued.



NOTE:
DRIVEWAY ELEVATION NOT TO EXCEED SHOULDER ELEVATION THROUGHOUT DITCHLINE

DO NOT WRITE BELOW THIS LINE

DATE CHECKED: 6-1-2016 SURFACE TYPE: (G) A C # OF DRIVES : (1) 2 WIDTH:

ROAD NAME Old 27 North ON THE N S E (W) SIDE

DRIVE #1 . 2930 DRIVE #2 (MILES/FT) (N) S E W OF Badgley Rd.

CULVERT REQUIRED / NOT REQUIRED SIZE X

SIGHT DISTANCE (N) S E W OK N (S) E W OK

REMARKS:

milepoint - 8.022

Exhibit 15

CRA 100 (03/2005)

Comm. Dr (new)

Otsego County Road Commission
P.O. Box 537
Gaylord, MI 49734
Phone 989.732.5202 / Fax 989.732.6775

Application No.
Permit No. 116-06-01-03
Issue Date 6/1/2016

APPLICATION AND PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN WITHIN THE RIGHT-OF-WAY OF; OR TO CLOSE, A COUNTY ROAD.

APPLICATION

An applicant is defined as an owner of property adjacent to the right-of-way, the property owner's authorized representative; or an authorized representative of a private or public utility who applies for a permit to construct, operate, use, and/or maintain a facility within the right-of-way for the purpose outlined within the application. A contractor who makes application on behalf of a property owner or utility must provide documentation of authority to apply for a permit.

APPLICANT		CONTRACTOR	
Name:	Hugh Noeske	Company:	Done By Land Owner
Address:	338 Badgley Vanderbilt	Address:	
Phone No:	983-4213 Cell No: 370-3885 Hugh	Phone No:	Cell No:
Fax No:	(C) 989 8580628 Andy	Fax No:	
Email Address:		Email Address:	

Applicant/Contractor request a permit for the following work within the right of way of a county road:
New Drive Just South of Mobile Home Rentals on Westside of 27-S.

LOCATION: County Road OLD-27-S North Between Village Limits And Badgley Rd.
Township Corwith Section 27 T32 R3-W Side of Road N S E W Property ID 042-027-300-005-04
DATE: Work to begin on 6-3-16 ; Work to be completed by 6-15-16

I certify and acknowledge that (1) the information contained in this application is true and correct, (2) the commencement of the work described in this application shall constitute acceptance of the permit as issued, including all terms and conditions thereof and. (3) if this permit is for commercial or residential driveway work. I am the legal owner of the property that this driveway will serve, or I am the authorized representative.

Applicant's Signature: [signature]
Title: Owner Date: 5-24-16

Contractor's Signature:
Title: Date:

New Drive

PERMIT

The term "Permit Holder" in the terms and conditions set forth on the reverse side hereof, refers to the applicant and the contractor, where applicable. By performing work under this permit, the Permit Holder acknowledges and agrees that this permit is subject to all the rules, regulations, terms and conditions set forth herein, including on the reverse side hereof. Failure to comply with any of said rules, regulations, terms and conditions shall render this permit NULL AND VOID.

REQUIREMENTS

FEE TYPE	AMOUNT	RECEIPT NO	DATE
Application Fee			
Permit Fee	$50.00	10808/10867	05-31-16
Inspection Fee			
Bond			
Deposit			
Other			
To Be Billed			

Letter of Credit $	☐ Y	☐ N
Surety Bond $	☐ Y	☐ N
Retainer Letter	☐ Y	☐ N
Approved Plans on File	☐ Y	☐ N
Certificate of Insurance	☐ Y	☐ N
Attachments/Supplemental Specifications	☒ Y	☐ N

OTHER REQUIREMENTS:

Recommended For Issuance By:

Title: Date:

Approved By: Melanie D. Szymicki
Title: Permit Agent Date: 6/1/2016

2930

Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

Application for

Inter-Agency Zoning Compliance

Commercial Construction and SUP

Application #
PZSU19-003

Site Information

Site Address

7290 Old 27 N **Parcel #: 042-027-300-005-04**

Applicant Name

Hugo Noeske

Inter-Agency Review (check applicable agency)

☐ **Otsego Co. Road Commission** 669 W McCoy Rd Gaylord, MI 49735 (989) 732-5202	☐ **Otsego Co. Emergency Management** 100 McLouth Rd Gaylord, MI 49735 (989) 732-9085	☐ **Otsego Co. Conservation District** 800 Livingston Blvd Gaylord, MI 49735 (989) 732-4021	☑ **Health Dept. of Northwest Michigan** 95 Livingston Blvd Gaylord, MI 49735 (989) 732-1794
☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☑ Approval

☐ Subject to conditions listed below

☐ Disapproval

Conditions / Staff Comments

No on-site septic system or water well are proposed for this project.

Agency Representative Signature	Printed Name	Date
Chuck Edwards Digitally signed by Chuck Edwards Date: 2019.04.26 15:32:35 -04'00'	**Chuck Edwards**	**4/26/2019**

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christine Boyak-Wohlfeil, Planning & Zoning	**(989) 731.7407**	**cboyak-wohlfeil@otsegocountymi.gov**

Exhibit 16

Otsego County
ESTABLISHED 1875 MICHIGAN

Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

Application for

Inter-Agency Zoning Compliance

Commercial Construction and SUP

Application #
PZSU19-003

Site Information

Site Address

7290 Old 27 N **Parcel #: 042-027-300-005-04**

Applicant Name

Hugo Noeske

Inter-Agency Review (check applicable agency)

☐ **Otsego Co. Road Commission** 669 W McCoy Rd Gaylord, MI 49735 (989) 732-5202	☑ **Otsego Co. Emergency Management** 100 McLouth Rd Gaylord, MI 49735 (989) 732-9085	☐ **Otsego Co. Conservation District** 800 Livingston Blvd Gaylord, MI 49735 (989) 732-4021	☐ **Health Dept. of Northwest Michigan** 95 Livingston Blvd Gaylord, MI 49735 (989) 732-1794
☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☑ Approval

☐ Subject to conditions listed below

☐ Disapproval

Conditions / Staff Comments

None

Agency Representative Signature	Printed Name	Date
Jon Deming — Digitally signed by Jon Deming Date: 2019.04.16 15:41:28 -04'00'	**Jon Deming**	**4/19/19**

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christine Boyak-Wohlfeil, Planning & Zoning	**(989) 731.7407**	**cboyak-wohlfeil@otsegocountymi.gov**

Exhibit 17

Otsego County
ESTABLISHED 1875 MICHIGAN

Otsego County Planning & Zoning
1322 Hayes Rd, Gaylord, MI 49735
Tel. 989-731-7400 Fax. 989-731-7419

Application for

Inter-Agency Zoning Compliance

Commercial Construction and SUP

Application #
PZSU19-003

Site Information

Site Address

7290 Old 27 N **Parcel #: 042-027-300-005-04**

Applicant Name

Hugo Noeske

Inter-Agency Review (check applicable agency)

☐ **Otsego Co. Road Commission** 669 W McCoy Rd Gaylord, MI 49735 (989) 732-5202	☐ **Otsego Co. Emergency Management** 100 McLouth Rd Gaylord, MI 49735 (989) 732-9085	☑ **Otsego Co. Conservation District** 800 Livingston Blvd Gaylord, MI 49735 (989) 732-4021	☐ **Health Dept. of Northwest Michigan** 95 Livingston Blvd Gaylord, MI 49735 (989) 732-1794
☐ Other Agency:		Phone:	Fax / E-Mail:

Agency Recommendations / Comments

☒ Approval

☐ Subject to conditions listed below

☐ Disapproval

Conditions / Staff Comments

Agency Representative Signature	Printed Name	Date
Patricia Osburn	Patricia Osburn	4-18-19

Return Information

For more information on this application, please contact Otsego County Planning & Zoning staff:

Name and Title:	Phone:	Email:
Christine Boyak-Wohlfeil, Planning & Zoning	**(989) 731.7407**	**cboyak-wohlfeil@otsegocountymi.gov**

Exhibit 18

SITE PLAN

SUNSET ESTATES OF GAYLORD (042-027-300-005-02) (7290 OLD 27 NORTH) (ZONED B2)
MOBILE HOME PARK

LINE OF SPRUCE TREES

S88°00'36"E 1319.89'(M)
S88°13'32"E 1320.00'(R)

Shed

Mobile Home

DECIDUOUS TREE LINE

10'

100' R.O.W.

PROPOSED 1093.6'

92'

EXISTING DRIVEWAY

32'

PROPOSED AFTON STONE

1093.6'

1090'

20' WIDE AFTON STONE DRIVEWAY

PROPOSED GATE

30'

PROPOSED 40 UNIT STORAGE BUILDING
FINISH FLOOR = 1094.0'
200'

400'

20'

20'

PROPOSED AFTON STONE

1093.4'

1093.4'

1094'

1093'

1092'

1091'

PROPOSED CONTOUR

1095'

181.7'

SNOW STORAGE AREA

DECIDUOUS TREE LINE

30'

1094'

1093'

1092'

1091'

1090'

1089'

1088'

SETBACK LINE

R.O.W. LINE

EXISTING EDGE OF PAVEMENT

303.90'(M) 304.00'(R)

OLD 27 (VARIABLE WIDTH)

N88°00'36"W 1710.03'(M)
N88°13'32"W 1710.03'(R)

10'

Parcel number: 042-027-300-005-04 (7290 Old 27 North, Vanderbilt)
Proposed development is a self contained steel 40 unit secure storage building.
Total parcel has 13.79 acres. See Certificate of Survey dated 4/10/2019.
Parcel appears to be zoned B-2. Listed setbacks are: 30' Front, 10' Side and 20' Rear.
Storm water will be contained on site and disposed of through natural infiltration.
See construction prints from Peak Steel for detailed building information.
No utilities (water, electric, telephone, septic systems) are being provided.
Security lights are 40W, 4700 Lumen, downward facing LED lights on a 12' pole.
Landscape buffering in the form of existing tree lines is already in place.
No on site storage of trash will be permitted.

HUGO H. NOESKE (042-027-300-050-02)
(VACANT) (ZONED B2)

VICINITY MAP

MAIN STREET
AIRPORT ROAD
I-75
SITE
OLD 27 NORTH
NOWAK ROAD
BADGLEY ROAD

0 50 100
SCALE: 1" = 50'

N

○ ½"x18" REROD WITH CAP 43046 SET
● IRON ROD FOUND
(R) RECORD
(M) MEASURED
PROPOSED SECURTITY LIGHT
PROPOSED 2'x4' SIGN
—O—O— PROPOSED WOVEN WIRE FENCE

STATE OF MICHIGAN
RONALD C. BRAND
Professional Surveyor
No. 43046
LICENSED PROFESSIONAL SURVEYOR

Brand Land Surveying LLC
Ronald C. Brand
Professional Surveyor No. 43046
Date: 4/15/2019

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

CLIENT: HUGO ANDY NOESKE
140 BADGLEY ROAD
VANDERBILT, MI 49735

LOCATION: SECTION 27, T32N, R3W
CORWITH TOWNSHIP
OTSEGO COUNTY

DATE: 4/10/2019 FILE NO. 195045
FLD. BK. 5275 PG. 43 SHEET 1 OF 1

Exhibit 5

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: Michael Bieniek, AICP - Agent on behalf of Tillman Infrastructure	Owner/Agent/Other Interest *(circle one)*
Address: 10700 W. Higgins Road, Suite 240, Rosemont, IL 60018	
Phone: (847) 380 - 5569 (o) or (847) 287-1156 (c)	Fax: (847) 608 - 1299

PROPERTY OWNER: *(If different from Applicant)*

Name: Stephen Rekker	
Address: 5374 W. M32, Gaylord, MI 49735	
Phone: (810) 656 - 7556	Fax: ( ) -

PROPERTY LOCATION:

Township: Elmira	Section: 26	T 31 N/R 4 W	Zoning District: R-3
Site Address:			
Parcel Number: 060 - 026 - 015 - 05			
Description of Project and Proposed Use: Tillman infrastructure is proposing to erect a 170'-0' with a 9'-0" lightning rod for a total height of 179'-0" self-support lattice tower along with support equipment, to be located within a 201' x 201' lease parcel. The proposed tower is being built for AT&T Mobility to relocate from an existing 80' wood pole which does not allow for them to upgrade their equipment or provide the necessary coverage area.			

Signature of Applicant:	**Date:** May 2, 2019

***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 SPECIAL USE PERMIT

Date: May 2, 2019	Parcel Number: 060 - 026 - 015 - 05

PROPERTY LOCATION: *(REQUIRED)*

Address: 4754 Waldrast Drive,		City: Gaylord, MI	Zip Code: 49735
Township: Elmira	Zoning District: R-3	Section: 26	T 31 N/R 4 W

APPLICANT:

Name: Michael Bieniek, AICP - Agent on behalf of Tillman		Owner/Agent/Other Interest *(circle one)*	
Address: 10700 W. Higgins Road, Suite 240	City: Rosemont	State: IL	Zip Code: 60018
Phone: (847) 380 - 5569(o) or (847) 287-1156(c)	Fax: (847) 608- 1299		

PROPERTY OWNER: *(If different from Applicant)*

Name: Stephen Rekker		Phone: (810) 656 - 7556	
Address: 5374 W. M32	City: Gaylord	State: MI	Zip Code: 49735

DESCRIPTION OF PROJECT AND PROPOSED USE: Tillman Infrastructure is proposing to erect a 170'-0" self support lattice tower (plus 9'-0" lightning rod) along with support equipment, to be located within a100'x100' lease parcel. The proposed to is being built for AT&T Mobility to relocate from an existing 80'-0" wood pole which does not allow for them to upgrade their equipment or provide the necessary coverage area.

SIGNATURE OF APPLICANT: **DATE:** May 2, 2019

***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: May 2, 2019	Permit Number: PZ3419-004	
Date Application Complete:	Fee: $700	Receipt Number: 01317616

Attention

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

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

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

This checklist and the following items are required on all site plans before they can be submitted for review to the various approving entities:

1. The applicant's name, address and phone number in full.

   Yes_X_ No____ if "No" explain:_____

2. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).

   Yes_X_ No____ if "No" explain:_____

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

   Yes_X_ No____ "No" explain:_____

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

   Yes_X_ No____ if "No" explain:_____

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

   Yes_X_ No____ if "No" explain:_____

6. Project title.

   Yes_X_ 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_X_ No____ if "No" explain:_____

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

   Yes_X_ No____ if "No" explain:_____

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

   Yes_X_ No____ if "No" explain:_____

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

    Yes_X_ No____ if "No" explain:_____

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

Yes____ No_X_ if "No" explain: The project schedule is contingent upon all local, state and federal approvals

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 _X_No ____ if "No" explain:_____

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

Yes _X_No ____ if "No" explain:_____

15. The type of existing soils at proposed storm water detention and retention basins and/or other areas of concern. Boring logs may be required if necessary to determine site suitability.

Yes _X_No ____ if "No" explain:_____

16. Location and type of significant existing vegetation.

Yes _X_No ____ if "No" explain:_____

17. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within fifty (50) feet of the parcel.

Yes _X_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_X_ 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 _X_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 _X_No ____ if "No" explain:_____

21. Location of and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations shall be separately depicted with an elevation view.

Yes _X_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 _X_No ____ if "No" explain:_____

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

Yes ____ No _X_ if "No" explain: There will be no no loading / unloading areas as part of the project

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

Yes ____ No _X_ if "No" explain: There will be none of the above listed features as part of the project

25. Location of water supply lines and/or wells, including fire hydrants and shut off valves, the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.

Yes ____ No _X_ if "No" explain: There will be none of the above listed features as part of the project

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

Yes ____ No _X_ if "No" explain: There will be none of the above listed features as part of the project

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

Yes ____ No _X_ if "No" explain: There will be none of the above listed features as part of the project

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

Yes ____ No _X_ if "No" explain: There will be none of the above listed features as part of the project

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

Yes ____ No _X_ if "No" explain: There will be no lighting associated with this project

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

Yes _X_ No ____ if "No" explain: _____

31. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

Yes ____ No _X_ if "No" explain: Due to existing vegetation on the site, no new landscaping is proposed

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

Yes ____ No _X_ if "No" explain: There will be no trash receptacles associated with this project

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

Yes ____ No _X_ if "No" explain: There will be no hazardous materials stored on site

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

Yes _X_ No ____ if "No" explain: _____

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

Yes _X_ 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:	Receipt Number:
Permit No:	Soil Erosion Permit No:	
Approved:	Denied:	By:
Conditions:		
Reasons:		

LAND USE SERVICES
1322 Hayes Rd
Gaylord, MI 49735
989.731.7400

OTSEGO COUNTY LAND USE SERVICES
AGENCY REVIEW FORM

DATE:	
APPLICANT:	
SITE ADDRESS:	

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

SIGNATURE/TITLE:
AGENCY:

LIBER 113 PAGE 636

WARRANTY DEED

STATUTORY FORM

KNOW ALL MEN BY THESE PRESENTS: That TED A. KUCHAREK and LOIS J. KUCHAREK, husband and wife,

whose address is* Gaylord, Michigan

Convey and Warrant to STEPHEN C. RECKKER,

whose street number and postoffice address is 730 South Lafayette, Royal Oak, Michigan

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

The South One-half of the Northwest Quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Twenty-six (26), Township Thirty-one (31) North, Range Four (4) West, containing 120 acres according to the returns of the Surveyor General.

BURTON ABSTRACT AND TITLE COMPANY HAS OPERATED CONTINUOUSLY SINCE 1866

MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING BURTON TITLE INSURANCE

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining,

for the sum of One Dollar(s)

and other valuable considerations;

subject to restrictions and reservations of record, if any.

Dated this 13th day of October 19 66.

Signed in the presence of: *Signed by:*

RANDALL M. O'ROURKE — TED A. KUCHAREK

ADRIENNE SNYDER — LOIS J. KUCHAREK

DOCUMENTARY — DOCUMENTARY

STATE OF MICHIGAN
COUNTY OF Otsego } ss.

On this 13th day of October 19 66 before me personally appeared TED A. KUCHAREK and LOIS J. KUCHAREK, husband and wife,

to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Adrienne Snyder
Notary Public, Otsego County, Michigan

My Commission expires February 8, 1970

County Treasurer's Certificate

OTSEGO COUNTY TREASURER'S OFFICE } Gaylord, Mich., October 21, 1966

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.

COUNTY TREASURER

City Treasurer's Certificate

STATE OF MICHIGAN } RECORDED 21st DAY OF
COUNTY OF OTSEGO } OCT A.D. 1966 AT 11:30
O'CLOCK A M.

Theodore A. Reed
REGISTER OF DEEDS

When recorded return to:

Recording Fee
U.S. Rev. Stamps

Drafted by:*
Business address:

Drafted By
Walsh and O'Rourke
LAW OFFICES
Gaylord, Michigan

*See note re P.A. 1963, No.150, on reverse side.

Exhibit 4

Parcel Number: 69-060-026-200-015-05 Jurisdiction: ELMIRA TOWNSHIP County: OTSEGO Printed on 04/29/2019

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
RECKKER, STEPHEN	RECKKER, STEPHEN TRUST	0	04/09/2004	QC	FAMILY/FRIEND SALE	991/848	Buyer	0.0
RECKKER, STEPHEN TRUST	RECKKER, STEPHEN	0	04/05/2004	QC	FAMILY/FRIEND SALE	991/827	Buyer	0.0

Property Address

4754 WALDRAST DR

Owner's Name/Address

RECKKER, STEPHEN TRUST
5374 WEST M-32
GAYLORD MI 49735

Tax Description

NW 1/4 EXC COM AT N 1/4 COR S00D 12M 28S W 1341.14 FT ALG N-S 1/4 LN, N88D 04M 21S W 634 FT ALG N 1/8 LN POB, S01D 55M 39S W 297 FT, N88D 04M 21S W 297 FT, N01D 5M 39S E 297 FT, S88D 04M 21S E 297 FT TO POB SEC 26 T31N-R4W 99 SPLIT OF 060-026-200-015-02

Comments/Influences

4501 HUXTABLE RD WELL SITE 4501 HUXTABLE RD WELL SITE

Class: 401 RES STRUCT **Zoning: R-3**

School: Gaylord Community

P.R.E. 100% / /

:

2019 Est TCV 422,400(Value Overridden)

Building Permit(s)	Date	Number	Status
RES. ADD/ALTER/REPAIR	09/09/2005	PB050466	
RES. ADD/ALTER/REPAIR	06/08/2004	PB040258	
ZONING	04/13/2004	PZ040068	

Improved | X | Vacant

Land Value Estimates for Land Table .

Description	Frontage	Depth	* Factors * Front	Depth	Rate	%Adj.	Reason	Value
			158.000	Acres	0	100		0
Flat Value:								229,100
			158.00 Total Acres		Total Est. Land Value =			229,100

Public Improvements

- Dirt Road
- Gravel Road
- Paved Road
- Storm Sewer
- Sidewalk
- Water
- Sewer
- Electric
- Gas
- Curb
- Street Lights
- Standard Utilities
- Underground Utils.

Topography of Site

- Level
- Rolling
- Low
- High
- Landscaped
- Swamp
- Wooded
- Pond
- Waterfront
- Ravine
- Wetland
- Flood Plain

Who When What

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2019	211,200	0	211,200			174,875C
2018	201,300	0	201,300			170,777C
2017	215,700	0	215,700			167,265C
2016	224,000	0	224,000			165,774C

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

Exhibit 4

LCC
TELECOM SERVICES

TILLMAN INFRASTRUCTURE / AT&T

TILLMAN INFRASTRUCTURE

AT&T

APPLICATION FOR A SPECIAL USE PERMIT FOR THE PROPOSED NEW TOWER AT

4754 WALDRAST DRIVE
GAYLORD, MI 49735

TILLMAN/AT&T SITE # – 14431273

Exhibit 6

Letter of Application

February 7, 2018

Christopher Churches
Director of Planning & Zoning
Otsego County
1322 Hayes Road
Gaylord, MI 49735

RE: Tillman/AT&T Site Number: 14431273
4754 Waldrast Drive
Gaylord, MI 49735

Dear Mr. Churches:

Tillman Infrastructure, on behalf of AT&T Mobility has finalized a lease agreement with the landowners of the site referenced above to construct a wireless telecommunications service facility. The proposed facility is designed to house the equipment necessary to provide the technology needed to provide clear and uninterrupted wireless telecommunications services to the residents of the Otsego County.

The proposed wireless telecommunications facility will consist of a 170'-0" tall self-support lattice tower plus a 9'-0" lightening rod for a total height of 179'-0" to be located within a 201'-0" x 201'-0" lease parcel. The proposed tower will be erected, owned and managed by Tillman Infrastructure and upon construction; AT&T Mobility will locate their equipment on the tower at the 170'-0" level. The facility is unmanned and will require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. The proposed tower is being built for AT&T Mobility to relocate from an existing 80'-0" wood pole which does not allow for them to upgrade their equipment or provide the necessary coverage area.

On behalf of Tillman Infrastructure and AT&T Mobility, LCC Telecom Services has submitted all required documentation for the proposed tower in accordance with Otsego County Zoning Ordinance. Should you have any questions please feel free to contact me. I look forward to working with you during the approval process in order to provide the residents of the Otsego County the best possible PCS coverage.

Sincerely,

Michael Bieniek, AICP
Zoning Director

Site Data Sheet

Applicant:	Tillman Infrastructure, LLC 152 West 57th Street 8th Floor New York, New York 10019 AT&T Mobility 475 Morosgo Drive NE Atlanta, Georgia 30324
Agent:	Michael Bieniek, AICP LCC Telecom Services 10700 Higgins Road Suite 240 Rosemont, IL 60018
Tower Owner:	Tillman Infrastructure, LLC 152 West 57th Street 8th Floor New York, New York 10019
Applicant's Interest in the Property:	Leasehold
Property Owner:	Stephen Rekker 4754 Waldrast Drive Gaylord, MI 49735
Address of Property:	4754 Waldrast Drive Gaylord, MI 49735
Request:	Application for a Special Use Permit and any other approvals to erect a 170'-0" self-support lattice tower plus a 9'-0" lightening rod, total height for a total height of 179'-0", to be located within a 201'-0" x 201'-0" lease parcel.

Legal Description

The Northwest ¼ of Section 26, Town 31 Range 4 West, Township of Elmira, Otsego County, Michigan

EXCEPTING:
A parcel of land on part of the Northwest ¼ of Section 26, Town 31 Range 4 West, Township of Elmira, Otsego County, Michigan, described as: Commencing at the North ¼ corner of said Section 26; thence South 00 degrees 12 minutes 28 seconds West, 1441.14 feet along the North-South ¼ line of said Section 26; thence North 88 degress 04 minutes 21 seconds West, 634.0 feet along the North 1/8 line of said Section 26 to the POINT OF BEGINNING; thence South 01 degrees 55 minutes 39 seconds West 297.0 feet; thence North 88 degrees 04 minutes 21 seconds West, 297.0 feet; thence North 01 degrees 55 minutes 39 seconds East, 297.0 feet; thence South 88 degrees 04 minutes 21 seconds East, 297.0 feet to the POINT OF BEGINNING.

Tax Parcel No. 060-026-015-05

Narrative Overview

Tillman Infrastructure, LLC. ("Tillman Infrastructure") and AT&T Mobility, seeks a Special Use Permit and any other necessary approvals in order to install a wireless telecommunications facility on property located at 4754 Waldrast Drive, Gaylord, MI 49735. AT&T Mobility and its affiliates have acquired the necessary licenses from the Federal Communications Commission ("FCC") to provide Personal Communications Services ("PCS") coverage throughout the United States. These licenses include Otsego County, Michigan.

The wireless telecommunications facility which Tillman Infrastructure is proposing to install on behalf of AT&T Mobility on the property is necessary in order to provide uninterrupted PCS services to the residents of Otsego, including wireless telephone service, voice paging, messaging and wireless internet and broadband data transmission. All registered wireless provider's technology operates at various radio frequency bands allocated by the FCC as part of their license.

PCS systems operate on a grid system with overlapping cells mesh together, forming a seamless network. No one site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. Within the Otsego County area, cell sites are generally located approximately three (3) to six (6) miles apart. Tillman Infrastructure is proposing to erect a 170'-0" self-support lattice plus a 9'-0" lightening rod, total height for a total height of 179'-0", within a 201'-0" x 201'-0" lease area. The proposed site at 4754 Waldrast Drive, Gaylord, MI 49735, is within the geographic area deemed necessary for AT&T Mobility and various other wireless telecommunications providers in order to provide uninterrupted services. The proposed tower is being built for AT&T Mobility to relocate from an existing 80'-0" wood pole which does not allow for them to upgrade their equipment or provide the necessary coverage area.

In accordance with the Otsego County Zoning Ordinance, Tillman Infrastructure has made application for a Special Use Permit to install a wireless telecommunications facility. The proposed wireless telecommunications facility will consist of a 170'-0" tall self-support lattice

tower plus a 9'-0" lightening rod, total height for a total height of 179'-0", to be located within a 201'-0" x 201'-0" lease parcel.

The facility is unstaffed and will require service technicians, in a pick-up/van sized vehicle, to visit the site approximately only once per month. Access will be provided via an easement off Huxtable Road at 4754 Waldrast Drive, Gaylord, MI 49735. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. Additionally, there is no impact on any County services such as water, sanitation, police and fire. The only services used in connect with the wireless telecommunications facility are power and land-line telephone.

In accordance with FCC regulations, the wireless telecommunications facility will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television and radio broadcasts. PCS technology has become a vital part of emergency services, aiding local residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance AT&T's goals of providing the most reliable network possible in this area.

The proposed wireless telecommunications facility will be designed and constructed to meet all applicable governmental and industry safety standards. Specifically, Tillman Infrastructure and AT&T Mobility will comply with all FCC and FAA rules and regulations regarding construction requirements and technical standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. Any height, lighting or marking issues are subject to the exclusive jurisdiction of the FAA.

LCC Telecom Services, on behalf of Tillman Infrastructure and AT&T Mobility, looks forward to working with Elmira Township and Otsego County to bring the benefits of the proposed service to the entire Otsego County area. The addition of the wireless telecommunications facility will ensure the best uninterrupted wireless services for the citizens of Otsego County.

Standards for Special Use Approval

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

19.7.1 The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

The proposed wireless telecommunications facility is allowed as a Special Use Permit in the R3, Residential Estates District up to a maximum height of 150'-0". However, on January 21, 2019, the Otsego County Planning Commission approved a text amendment allowing for the maximum allowable height in the R3 District at 179'-0".

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.

The proposed wireless telecommunications facility will not involve any activities, processes or any materials the will create a substantially negative impact on the natural resources of the county or the natural environment as a whole. The proposed tower is unstaffed and does not involve any activities or processes which will have a negative impact on the environment. The installation will consist of a steel tower and support equipment to be located in a fenced parcel with a gravel base.

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.

The proposed special land use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person. The proposed facility is unstaffed and will be visited in a van-sized vehicle approximately once per month, therefore there will be no impact on traffic. The tower will not produce any noise, smoke, fumes glare or odor, additionally there will be no scrap material stored on site.

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.

The proposed wireless telecommunications facility will be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties used and developed as zoned. The parcel is a large wooded tract of land

which is off Highway 32. Due to its proximity to other structures in the area, the proposed tower will have no impact on the surrounding properties and uses both existing and proposed.

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

The proposed wireless telecommunicatiosn facility will not place any demands on fire, police and public resources in excess of current capacity. Wireless telecommunications facilities are unstaffed and there will be no public resources other than power and teleco/fiber which are readily available to the site. The proposed site will be electronically monitored to a switch center, therefore any demands on police and fire will come in the event of an emergency on the site, which as stated above, is unstaffed so there will be very little likelihood any services will be necessary.

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.

The proposed wireless telecommunications facility will be adequately served by public or private streets. The site is accessed off of Huxtable Road which is a local road off of Highway 32. The proposed site will have a 12' wide gravel access road back to the tower from this road. The proposed wireless telecommunications facility does not need water, sewer or refuse collection and disposal services.

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on twenty-five (25) year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.

The proposed wireless telecommunications facility will not encompass an area greater that 15,000 square fee of impervious surface, therefore a storm water management system will not need to be employed. The proposed lease area is 201' x 201', however only a portion of that will be fenced in and consist of a graveled surface.

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.

The proposed wireless telecommunications facility complies with all specific standards required under this Ordinance, including all state and federal requirements.

Standards for Towers 179' or Less

Construction of Wireless Telecommunication Antenna Towers of one hundred seventy-nine (179) 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.

The proposed tower is not located within one (1) mile of an existing tower or other structure of equal or greater height than the proposed tower. Tillman Infrastructure is proposing to erect the proposed tower for AT&T in order to allow them to obtain the necessary levels of coverage in the area. AT&T is currently located on an 80' tall wood pole which cannot handle the proposed load for AT&T to upgrade its equipment. Additionally, the wood pole is well below the required height for AT&T to provide ample coverage and capacity for the area.

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.

Based on the narrative above, this provision does not apply.

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.

Any and all accessory equipment shelter buildings and equipment cabinets will meet all normal requirements.

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.

All wireless telecommunications equipment will be located on a lease parcel on private property, none of which will 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.

The proposed lease area for the wireless telecommunications facility shall be 40,000 square feet in area (.92 acres) of land which meets the minimum lot size for the R3, Residential Estates District. The proposed lease area is proposed to be 201'-0" x 201'-0" in order to meet the minimum parcel size for the R3, Residential Estates District.

21.46.2.4 All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer than two hundred percent (200%) of the tower's height from any property line or any residence.

The proposed wireless telecommunications facility is located approximately 530' from the nearest property line to the north, therefore all setbacks for the R3, Residential Estates District are met.

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.

The proposed wireless telecommunications tower is proposed to be a 170'-0" self-support lattice tower plus a 9'-0" lightening rod, total height for a total height of 179'-0", which is above the thirty-five (35) feet. Tillman Infrastructure has obtained approval from the FAA and MDOT approval. The Otsego County Airport Manager has been notified and provided approval for the proposed tower.

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

The proposed tower is a self-support tower which Tillman Infrastructure is requesting approval from the Planning Comission. Elmira Township has already considered the application for a self-support tower in the application and is recommending approval.

21.46.2.6.1 Maximum height of guyed and self-supporting towers to be one hundred fifty feet (150').

The proposed tower is a 170'-0" self-support lattice tower plus a 9'-0" lightening rod, total height for a total height of 179'-0", which Tillman Infrastructure is requesting approval from the Planning Comission. Elmira Township has already considered the application for a self-support tower at this height in the application and is recommending approval.

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

The proposed tower is a 170'-0" self-support lattice tower plus a 9'-0" lightening rod, total height for a total height of 179'-0", not a guyed tower, therefore this provision does not apply.

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

The proposed tower is a 170'-0" self-support lattice tower plus a 9'-0" lightening rod, total height for a total height of 179'-0", not a guyed tower, therefore this provision does not apply.

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

A site plan has been submitted as part of the drawing package submitted as part of the Special Use Permit application.

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 proposed tower is going to remain galvanized steel and will not be painted. This is the best way for the tower to blend into the background as people are used to seeing wireless telecommunications facilities. Painting the tower would actually make it stand out. The base of the tower will be screened by the existing mature evergreen trees on site.**
>
> 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.
>
> **AT&T is proposing to install outdoor cabinets, therefore there will be no buildings constructed on site at the time of installation.**
>
> Unless technically impossible, all connecting wires from towers to accessory buildings shall be underground.
>
> **The proposed wiring will be located above ground because it is very difficult to run 1 5/8" coaxial cable from the equipment cabinets to the tower. The lines are not able to make such sharp bends, therefore they will need to sit on an ice bridge and run from the cabinets up the tower's leg and terminate at the antennas. As stated above, there are mature evergreen trees that will shield the lease area from view.**
>
> Unless technically impossible, all electrical and other service wires to the facility shall be underground.

All electrical services to the facility are brought to the site by the utility company and they determine the way the wires are run. All services will be underground if possible.

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

There will be no equipment shelter on this site, AT&T will have a equipment cabinets which are about the size of a gym locker (3'x3'x6"), this is the minimum size they can use in order to house the necessary equipment. The siting of the equipment will meet the minimum setback requirements of the 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.

Tillman Infrastructure has received FAA approval for the proposed tower and it states lighting is not required.

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.

There will be no ground lighting except for a fixture similar to a porch light.

21.46.2.9 The tower and its accessory buildings shall be fenced with no less than a six-foot (6') safety fence with a locked gate. For towers with guy wires, anchor points must have individual six foot (6') fencing or yellow guy protection "sleeves" for high visibility. The Planning Commission will determine which of the two (2) will be required based upon the site chosen for the tower. Signage must be installed on the six foot (6') fence with locked gate stating the owner's name and contact information, including an emergency telephone number.

The lease area will be surrounded by a 6'-0" fence with three (3) strands of barbed wire and have a locked gate. There will be no guyed wires as this is a self-support lattice tower, therefore no fencing will be required other than that around the lease area. The only signage on the site will be in conformance with FCC requirements which will include Tillman Infrastructures name, contact information and an emergency telephone number.

21.46.2.10 The application shall include a description of security. Security shall be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned for more than twelve (12) months or is no longer needed. In this regard, the security shall, at the selection of the applicant, be in the form of cash or letter of credit to remove the tower in a timely manner as required under Section 21.46.4, with the further provision that the applicant and owner shall be responsible for the payment of any costs and

attorneys' fees incurred by the county in securing removal. The amount of the security bond or letter of credit is to be determined by the Planning Commission. (Section 25.6)

Tillman Infrastructure is willing to provide a bond or letter of credit in the amount removal of the tower as required by the Planning Commission.

21.46.2.11 Professional sealed documents are required for all Wireless Communications Towers (Section 23.2.2)

All documents provided for the building permit will be sealed and signed by a Michigan licensed engineer.

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

A geotechnical study has been performed on the site to determine the soils in the area. This study can be provided with the building permit materials.

AT&T License

ULS License

Cellular License - KNKN834 - AT&T Mobility Spectrum LLC

Call Sign	KNKN834	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular

Market

Market	CMA475 - Michigan 4 - Cheboygan	Channel Block	A
Submarket	0	Phase	2

Dates

Grant	11/15/2011	Expiration	10/01/2021
Effective	06/08/2017	Cancellation	

Five Year Buildout Date

11/27/1996

Control Points

1 1322 Hayes Road, OTSEGO, GAYLORD, MI
P: (989)732-7335

Licensee

FRN	0014980726	Type	Limited Liability Company

Licensee

AT&T Mobility Spectrum LLC
208 S Akard St., RM 1016
Dallas, TX 75202
ATTN Leslie Wilson

P:(855)699-7073
F:(214)746-6410
E:FCCMW@att.com

Contact

AT&T Mobility LLC
Michael P Goggin
1120 20th Street, NW - Suite 1000
Washington, DC 20036
ATTN Michael P. Goggin

P:(202)457-2055
F:(202)457-3073
E:michael.p.goggin@att.com

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership
The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Demographics

Race

Ethnicity Gender

Fall Zone Letter

Sabre Industries™
Towers and Poles

August 15, 2018

Mr. Michael Vanselow
Construction Project Manager, Midwest Region
Tillman Infrastructure
Schaumburg, IL 60173

RE: Proposed 190' Self-Supporting Tower for 14431273, MI

Dear Mr. Vanselow,

Upon receipt of order, we propose to design and supply the above referenced tower for a Basic Wind Speed of 89 mph with no ice (115 mph Ultimate) and 40 mph with 1/2" radial ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location. ***Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles.*** In the unlikely event of total separation, this would result in collapse within a radius less than or equal to 1/3 of the tower height.

Sincerely,

STATE OF MICHIGAN
ROBERT E. BEACOM
PROFESSIONAL ENGINEER
NO. 58636
LICENSED PROFESSIONAL ENGINEER

8/15/18

Robert E. Beacom, P.E., S.E.
Engineering Supervisor

Structural Analysis (Wood Pole)

AMERICAN TOWER®
CORPORATION

Structural Analysis Report

Structure	:	**105.5 ft Wood Pole**
ATC Site Name	:	**Hallock, MI**
ATC Site Number	:	**372166**
Engineering Number	:	**OAA693679_C3_03**
Proposed Carrier	:	**AT&T Mobility**
Carrier Site Name	:	**Hallock**
Carrier Site Number	:	**TRAVMI4133/ 10123881**
Site Location	:	**4730 Huxtable Rd** **Elmira, MI 49735-9249** **45.057778,-84.770000**
County	:	**Otsego**
Date	:	**April 25, 2017**
Max Usage	:	**>200%**
Result	:	**Fail**

Prepared By:
Annika A. Venning, E.I.
Structural Engineer I

Reviewed By:

COA: D94317

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Introduction

The purpose of this report is to summarize results of a structural analysis performed on the 105.5 ft wood pole to reflect the change in loading by AT&T Mobility.

Supporting Documents

Tower Drawings	Mapping by GTP Site #MI-5079
Foundation Drawing	Mapping by GTP Site #MI-5079
Geotechnical Report	Gosling Czubak Job #99500.14, dated August 19, 1999

Analysis

Basic Wind Speed:	90 mph (3-Second Gust, Vasd) / 115 mph (3-Second Gust, Vult)
Basic Wind Speed w/ Ice:	40 mph (3-Second Gust) w/ 1/2" radial ice concurrent
Code:	ANSI/TIA-222-G / 2015 IBC / 2015 Michigan Building Code
Structure Class:	II
Exposure Category:	B
Topographic Category:	1
Crest Height:	0 ft
Spectral Response:	$Ss = 0.05$, $S_1 = 0.03$
Site Class:	D - Stiff Soil

Conclusion

Based on the analysis results, the structure does not meet the requirements per the applicable codes listed above. The tower and foundation can support the equipment as described in this report after the modifications listed below are completed:

- Replace Wood Pole

If you have any questions or require additional information, please contact American Tower via email at Engineering@americantower.com. Please include the American Tower site name, site number, and engineering number in the subject line for any questions.

Existing and Reserved Equipment

Elevation[1] (ft)		Qty	Antenna	Mount Type	Lines	Carrier
Mount	RAD					
106.0	106.0	3	Andrew E15S09P78	Flush	(6) 7/8" Coax	AT&T Mobility

Equipment to be Removed

Elevation[1] (ft)		Qty	Antenna	Mount Type	Lines	Carrier
Mount	RAD					
106.0	106.0	2	Comsat PCSA065-19-0	-	(2) 7/8" Coax	AT&T Mobility
		2	Powerwave P65-17-XLH-RR			
		3	Powerwave TT19-08BP111-001			

Proposed Equipment

Elevation[1] (ft)		Qty	Antenna	Mount Type	Lines	Carrier
Mount	RAD					
106.0	106.0	3	Quintel QS66510-6	Flush	-	AT&T Mobility

[1]Mount elevation is defined as height above bottom of steel structure to the bottom of mount, RAD elevation is defined as center of antenna above ground level (AGL).

Structure Usages

Structural Component	Controlling Usage	Pass/Fail
Shaft	133%	Pass

Foundations

Reaction Component	Analysis Reactions	% of Usage
Moment (Kips-Ft)	162.0	400%
Axial (Kips)	7.4	69%

The structure foundation was found to be inadequate through analysis based on geotechnical and foundation information. Modification or reinforcement of the foundation will be required.

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Standard Conditions

All engineering services are performed on the basis that the information used is current and correct. This information may consist of, but is not necessary limited, to:

-- Information supplied by the client regarding the structure itself, antenna, mounts and feed line loading on the structure and its components, or other relevant information.

-- Information from drawings in the possession of American Tower Corporation, or generated by field inspections or measurements of the structure.

It is the responsibility of the client to ensure that the information provided to A.T. Engineering Service, PLLC and used in the performance of our engineering services is correct and complete. In the absence of information to the contrary, we assume that all structures were constructed in accordance with the drawings and specifications and that their capacity has not significantly changed from the "as new" condition.

Unless explicitly agreed by both the client and American Tower Corporation, all services will be performed in accordance with the current revision of ANSI/TIA -222. The design basic wind speed will be determined based on the minimum basic wind speed as prescribed in ANSI/TIA-222. Although every effort is taken to ensure that the loading considered is adequate to meet the requirements of all applicable regulatory entities, we can provide no assurance to meet any other local and state codes or requirements. If wind and ice loads or other relevant parameters are to be different from the minimum values recommended by the codes, the client shall specify the exact requirement.

All services are performed, results obtained, and recommendations made in accordance with generally accepted engineering principles and practices. A.T. Engineering Service, PLLC is not responsible for the conclusions, opinions and recommendations made by others based on the information we supply.

Site Name:	Hallock, MI	*Program Last Updated:*	*10/11/2016*
Site Number:	372166	*American Tower Corporation*	
Engineer:	AAV		
Engineering Number:	OAA693679_C3_03		
Date:	04/25/17		

Design Criteria:

Code Input:	TIA-222-G	Seismic Analysis Method:		Equivalent Lateral Force Procedure	
Design Windspeed:	90 mph	K_D:	0.95	Site Class:	D
G_H:	1.10	Topo. Category:	1	Weight of Wood:	50
Height of Crest:	0	Structure Class:	II	Wind Importance:	1.00
Ice Windspeed:	40 mph	Exposure:	C	Wind with Ice Importance:	1.00
Radial Ice:	0.50 in	D Load Factor 1:	1.0	Ice Thickness Importance:	1.00
Operational Windspeed:	60 mph	D Load Factor 2:	0.6	Earthquake Importance:	1.00
W Load Factor:	1.0	E Load Factor:	0.7	S_s:	0.049
W_i Load Factor:	0.7	D_i Load Factor:	0.7	S_1:	0.030
Weight of Ice:	56 pcf				

Tower Geometry Input:

Top Diameter:	9.23 in	
Groundline Diameter:	20.48 in	
Tower Height:	105.5 ft	
Type of Wood:	Pacific Coast Douglas Fir	Table 6B, 2012 NDS
E:	1700000 psi	- Table 6B, 2012 NDS
F_b:	2050 psi	- Table 6B, 2012 NDS
F_c:	1300 psi	- Table 6B, 2012 NDS
F_v:	160 psi	- Table 6B, 2012 NDS
F_{cperp}:	490 psi	- Table 6B, 2012 NDS
E_{min}:	690000 psi	- Table 6B, 2012 NDS

Load Duration Factor (C_D):	1.60	Table 2.3.2, 2012 NDS
Temperature Factor (C_t):	1.00	Table 2.3.3, 2012 NDS
Untreated Factor (C_u):	1.00	Table 6.3.5, 2012 NDS
Critical Section Factor (C_{cs}):	1.00	Section 6.3.9, 2012 NDS
Buckling Length Coefficient (K_e):	1.00	Appendix G, Table G1, 2012 NDS

Site Name:	Hallock, MI	*Program Last Updated:*	*10/11/2016*
Site Number:	372166	*American Tower Corporation*	
Engineer:	AAV		
Engineering Number:	OAA693679_C3_03		
Date:	04/25/17		

Antenna/Mount Mechanical Properties, Wind, Weight and Ice Loads

Antenna (Name & Man.)	Height (in)	Width (in)	Depth (in)	Flat / Round (F/R)	Weight (lb)	Quantity	K_A	Orient. Factor	Elev. (ft)	t_{iz} (in)	K_{zt}
E15S09P78	10.8	8.3	3.7	F	17.4	3	1.00	0.50	106.0	1.12	1.00
QS66510-6	72.0	12.0	9.6	F	98.0	3	1.00	0.74	106.0	1.12	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00
										0.00	1.00

Mount/Dishes (Type)	C_AA_C Bare (ft^2)	C_AA_C Ice (ft^2)	Weight Bare (lb)	Weight Ice (lb)	Quantity	K_A (Mnt.)	Orient. Factor	Σ EPA Bare (ft^2)	Σ EPA Ice (ft^2)	K_Z
								1.1	1.7	1.281
								18.1	21.3	1.281
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000
								0.0	0.0	0.000

Site Name:	Hallock, MI	*Program Last Updated:*	*10/11/2016*
Site Number:	372166	*American Tower Corporation*	
Engineer:	AAV		
Engineering Number:	OAA693679_C3_03		
Date:	04/25/17		

Tower Section Properties, Linear Appertenance Loading

Tower (from-to) (ft)	Base Width (in)	Top Width (in)	P.W. (in)	P.W. F / R	W_{Coax} (lb/ft)	Quantity	R_a	Inertia (in^4)	Area (in^2)	S (in^3)
3.52	20.48	20.11	1.090	R	1.98	1.0	0.054	8636	329.4	843
7.03	20.11	19.73	1.090	R	1.98	1.0	0.055	8020	317.5	798
10.55	19.73	19.36	1.090	R	1.98	1.0	0.056	7438	305.7	754
14.07	19.36	18.98	1.090	R	1.98	1.0	0.057	6889	294.2	712
17.58	18.98	18.61	1.090	R	1.98	1.0	0.058	6370	282.9	671
21.10	18.61	18.23	1.090	R	1.98	1.0	0.059	5882	271.9	632
24.62	18.23	17.86	1.090	R	1.98	1.0	0.060	5421	261.0	595
28.13	17.86	17.48	1.090	R	1.98	1.0	0.062	4989	250.4	559
31.65	17.48	17.11	1.090	R	1.98	1.0	0.063	4583	240.0	524
35.17	17.11	16.73	1.090	R	1.98	1.0	0.064	4202	229.8	491
38.68	16.73	16.36	1.090	R	1.98	1.0	0.066	3846	219.8	460
42.20	16.36	15.98	1.090	R	1.98	1.0	0.067	3512	210.1	429
45.72	15.98	15.61	1.090	R	1.98	1.0	0.069	3201	200.6	401
49.23	15.61	15.23	1.090	R	1.98	1.0	0.071	2911	191.3	373
52.75	15.23	14.86	1.090	R	1.98	1.0	0.072	2641	182.2	347
56.27	14.86	14.48	1.090	R	1.98	1.0	0.074	2390	173.3	322
59.78	14.48	14.11	1.090	R	1.98	1.0	0.076	2158	164.7	298
63.30	14.11	13.73	1.090	R	1.98	1.0	0.078	1943	156.3	275
66.82	13.73	13.36	1.090	R	1.98	1.0	0.080	1744	148.1	254
70.33	13.36	12.98	1.090	R	1.98	1.0	0.083	1562	140.1	234
73.85	12.98	12.61	1.090	R	1.98	1.0	0.085	1393	132.3	215
77.37	12.61	12.23	1.090	R	1.98	1.0	0.088	1239	124.8	197
80.88	12.23	11.86	1.090	R	1.98	1.0	0.091	1098	117.5	180
84.40	11.86	11.48	1.090	R	1.98	1.0	0.093	970	110.4	164
87.92	11.48	11.11	1.090	R	1.98	1.0	0.097	853	103.5	149
91.43	11.11	10.73	1.090	R	1.98	1.0	0.100	747	96.9	134
94.95	10.73	10.36	1.090	R	1.98	1.0	0.103	651	90.4	121
98.47	10.36	9.98	1.090	R	1.98	1.0	0.107	564	84.2	109
101.98	9.98	9.61	1.090	R	1.98	0.0	0.111	487	78.2	98
105.50	9.61	9.23	1.090	R	1.98	0.0	0.116	418	72.5	87

Site Name:	Hallock, MI	*Program Last Updated:*	*10/11/2016*
Site Number:	372166	*American Tower Corporation*	
Engineer:	AAV		
Engineering Number:	OAA693679_C3_03		
Date:	04/25/17		

Shaft Wind, Ice and Dead Design Loads, Loading on Tower Shaft

Elevation (Top of Section) (ft)	Average Width (in)	K_z	K_{zt}	t_{iz} (in)	Shaft EPA (ft^2)	Q_z Bare (psf)	Q_z Ice (psf)	F_{ST} Bare (lb)	F_{ST} Ice (lb)	Wt. Bare (lb)	Wt. Ice (lb)
3.52	20.29	0.85	1.00	0.75	5.95	16.72	0.00	65.63	0.00	409	483
7.03	19.92	0.85	1.00	0.83	5.84	16.72	0.00	64.42	0.00	395	476
10.55	19.54	0.85	1.00	0.88	5.73	16.72	0.00	63.21	0.00	380	465
14.07	19.17	0.85	1.00	0.91	5.62	16.72	0.00	61.99	0.00	366	453
17.58	18.79	0.86	1.00	0.93	5.51	16.91	0.00	61.47	0.00	352	440
21.10	18.42	0.90	1.00	0.95	5.40	17.64	0.00	62.84	0.00	339	427
24.62	18.04	0.93	1.00	0.96	5.29	18.27	0.00	63.77	0.00	326	414
28.13	17.67	0.96	1.00	0.98	5.18	18.83	0.00	64.35	0.00	313	401
31.65	17.29	0.98	1.00	0.99	5.07	19.33	0.00	64.67	0.00	300	387
35.17	16.92	1.00	1.00	1.00	4.96	19.79	0.00	64.77	0.00	288	374
38.68	16.54	1.03	1.00	1.01	4.85	20.21	0.00	64.68	0.00	275	362
42.20	16.17	1.05	1.00	1.02	4.74	20.61	0.00	64.43	0.00	263	349
45.72	15.79	1.06	1.00	1.03	4.63	20.97	0.00	64.05	0.00	252	336
49.23	15.42	1.08	1.00	1.04	4.52	21.31	0.00	63.55	0.00	241	324
52.75	15.04	1.10	1.00	1.04	4.41	21.64	0.00	62.95	0.00	229	312
56.27	14.67	1.11	1.00	1.05	4.30	21.94	0.00	62.25	0.00	219	300
59.78	14.29	1.13	1.00	1.06	4.19	22.23	0.00	61.46	0.00	208	288
63.30	13.92	1.14	1.00	1.06	4.08	22.51	0.00	60.59	0.00	198	277
66.82	13.54	1.16	1.00	1.07	3.97	22.77	0.00	59.65	0.00	188	266
70.33	13.17	1.17	1.00	1.08	3.86	23.03	0.00	58.65	0.00	178	255
73.85	12.79	1.18	1.00	1.08	3.75	23.27	0.00	57.58	0.00	169	244
77.37	12.42	1.19	1.00	1.09	3.64	23.51	0.00	56.46	0.00	159	233
80.88	12.04	1.20	1.00	1.09	3.53	23.73	0.00	55.28	0.00	150	223
84.40	11.67	1.22	1.00	1.10	3.42	23.95	0.00	54.05	0.00	142	213
87.92	11.29	1.23	1.00	1.10	3.31	24.16	0.00	52.77	0.00	133	203
91.43	10.92	1.24	1.00	1.11	3.20	24.37	0.00	51.45	0.00	125	194
94.95	10.54	1.25	1.00	1.11	3.09	24.56	0.00	50.60	0.00	117	184
98.47	10.17	1.26	1.00	1.11	2.98	24.76	0.00	49.74	0.00	110	175
101.98	9.79	1.27	1.00	1.12	2.87	24.94	0.00	48.85	0.00	102	166
105.50	9.42	1.28	1.00	1.12	2.76	25.13	0.00	47.93	0.00	95	158

Site Name:	Hallock, MI	*Program Last Updated:*	*10/11/2016*
Site Number:	372166	*American Tower Corporation*	
Engineer:	AAV		
Engineering Number:	OAA693679_C3_03		
Date:	04/25/17		

Shaft and Appurtenance Seismic Design Loads

Elevation (Top of Section) (ft)	Weight Section (lb)	Σ Weight Appurt. (lb)	Vertical Force Dist.	Lateral Seismic Force (lb)
3.52	409	0	0.00	0
7.03	395	0	0.00	0
10.55	380	0	0.00	0
14.07	366	0	0.00	0
17.58	352	0	0.00	0
21.10	339	0	0.01	0
24.62	326	0	0.01	0
28.13	313	0	0.01	0
31.65	300	0	0.01	0
35.17	288	0	0.02	0
38.68	275	0	0.02	0
42.20	263	0	0.02	0
45.72	252	0	0.02	0
49.23	241	0	0.03	0
52.75	229	0	0.03	0
56.27	219	0	0.03	0
59.78	208	0	0.03	0
63.30	198	0	0.04	0
66.82	188	0	0.04	0
70.33	178	0	0.04	0
73.85	169	0	0.04	0
77.37	159	0	0.04	0
80.88	150	0	0.04	0
84.40	142	0	0.05	0
87.92	133	0	0.05	0
91.43	125	0	0.05	0
94.95	117	0	0.05	0
98.47	110	0	0.05	0
101.98	102	0	0.05	0
105.50	442	346.2	0.22	0

F_a:	1.60	S_A / k_e:	2.00
F_v:	2.40	W_u:	346.2
S_{DS}:	0.05	W_L:	7022
S_{D1}:	0.05	V_S:	0
f_1:	0.24 Htz		
R:	1.50		

Site Name:	Hallock, MI	*Program Last Updated:*	*10/11/2016*
Site Number:	372166.0	*American Tower Corporation*	
Engineer:	AAV		
Engineering Number:	OAA693679_C3_03		
Date:	04/25/17		

Unfactored Tower Loads & Deflections

	Load Case: Dead Load + Wind Load							Load Case: Dead Load + Wind Load + Ice Load						
Elevation (ft)	Weight (lb)	Shear (lb)	$M_{Lateral}$ (lb-ft)	$M_{P\Delta}$ (lb-ft)	M_{Total} (lb-ft)	Δ (in)	θ (Degrees)	Weight (lb)	Shear (lb)	$M_{Lateral}$ (lb-ft)	$M_{P\Delta}$ (lb-ft)	M_{Total} (lb-ft)	Δ (in)	θ (Degrees)
0.0	7368	2317	146091	15887	161978	0.0	0.00	10106	0	5	1	6	0.0	0.00
3.5	6959	2251	138060	15825	153885	0.1	0.16	9623	0	5	1	6	0.0	0.00
7.0	6565	2186	130258	15648	145906	0.5	0.49	9147	0	5	1	6	0.0	0.00
10.6	6184	2123	122680	15368	138048	1.1	0.82	8682	0	4	1	5	0.0	0.00
14.1	5818	2061	115322	14996	130318	1.9	1.17	8229	0	4	1	5	0.0	0.00
17.6	5466	2000	108181	14542	122724	3.1	1.52	7789	0	4	1	5	0.0	0.00
21.1	5127	1937	101259	14018	115278	4.4	1.87	7362	0	4	1	5	0.0	0.00
24.6	4801	1873	94560	13434	107994	6.1	2.23	6948	0	3	1	4	0.0	0.00
28.1	4488	1809	88086	12798	100884	8.0	2.60	6548	0	3	1	4	0.0	0.00
31.7	4188	1744	81839	12121	93959	10.2	2.98	6160	0	3	1	4	0.0	0.00
35.2	3901	1679	75819	11410	87229	12.7	3.36	5786	0	3	1	3	0.0	0.00
38.7	3625	1615	70027	10675	80702	15.4	3.75	5424	0	3	1	3	0.0	0.00
42.2	3362	1550	64462	9923	74385	18.5	4.14	5075	0	2	1	3	0.0	0.00
45.7	3110	1486	59123	9162	68285	21.8	4.54	4739	0	2	1	3	0.0	0.00
49.2	2869	1423	54008	8399	62406	25.5	4.94	4415	0	2	1	3	0.0	0.00
52.8	2640	1360	49116	7640	56755	29.4	5.34	4103	0	2	0	2	0.0	0.00
56.3	2421	1297	44443	6892	51335	33.6	5.74	3803	0	2	0	2	0.0	0.00
59.8	2213	1236	39989	6160	46149	38.2	6.15	3514	0	1	0	2	0.0	0.00
63.3	2016	1175	35749	5450	41199	43.0	6.56	3237	0	1	0	2	0.0	0.00
66.8	1828	1116	31720	4768	36488	48.1	6.96	2972	0	1	0	1	0.0	0.00
70.3	1650	1057	27899	4116	32016	53.5	7.36	2717	0	1	0	1	0.0	0.00
73.9	1481	1000	24283	3501	27784	59.2	7.75	2473	0	1	0	1	0.0	0.00
77.4	1322	943	20867	2924	23791	65.2	8.13	2239	0	1	0	1	0.0	0.00
80.9	1172	888	17648	2390	20038	71.5	8.50	2016	0	1	0	1	0.0	0.00
84.4	1030	834	14621	1900	16522	78.0	8.85	1803	0	1	0	1	0.0	0.00
87.9	897	781	11782	1459	13240	84.8	9.18	1600	0	0	0	1	0.0	0.00
91.4	771	730	9126	1066	10192	91.7	9.48	1406	0	0	0	0	0.0	0.00
95.0	654	679	6650	723	7373	98.9	9.74	1222	0	0	0	0	0.0	0.00
98.5	544	629	4349	431	4781	106.3	9.96	1047	0	0	0	0	0.0	0.00
102.0	442	580	2223	191	2413	113.7	10.13	881	0	0	0	0	0.0	0.00
105.5	346	532	266	0	266	121.2	10.22	723	0	0	0	0	0.0	0.00

Site Name:	Hallock, MI	*Program Last Updated:*	*10/11/2016*
Site Number:	372166.0	*American Tower Corporation*	
Engineer:	AAV		
Engineering Number:	OAA693679_C3_03		
Date:	04/25/17		

Unfactored Tower Loads 42850

	Dead Load + Seismic Load							Dead Load + Operational Wind Load						
Elevation (ft)	Weight (lb)	Shear (lb)	$M_{Lateral}$ (lb-ft)	$M_{P\Delta}$ (lb-ft)	M_{Total} (lb-ft)	Δ (in)	θ (Degrees)	Weight (lb)	Shear (lb)	$M_{Lateral}$ (lb-ft)	$M_{P\Delta}$ (lb-ft)	M_{Total} (lb-ft)	Δ (in)	θ (Degrees)
0.0	7368	0	0	0	0	0.0	0.00	7368	1030	64929	7061	71990	0.0	0.00
3.5	6959	0	0	0	0	0.0	0.00	6959	1000	61360	7033	68393	0.1	0.07
7.0	6565	0	0	0	0	0.0	0.00	6565	972	57892	6955	64847	0.2	0.22
10.6	6184	0	0	0	0	0.0	0.00	6184	944	54524	6830	61354	0.5	0.37
14.1	5818	0	0	0	0	0.0	0.00	5818	916	51254	6665	57919	0.9	0.52
17.6	5466	0	0	0	0	0.0	0.00	5466	889	48081	6463	54544	1.4	0.67
21.1	5127	0	0	0	0	0.0	0.00	5127	861	45004	6230	51235	2.0	0.83
24.6	4801	0	0	0	0	0.0	0.00	4801	833	42027	5971	47997	2.7	0.99
28.1	4488	0	0	0	0	0.0	0.00	4488	804	39149	5688	44837	3.6	1.16
31.7	4188	0	0	0	0	0.0	0.00	4188	775	36373	5387	41760	4.5	1.32
35.2	3901	0	0	0	0	0.0	0.00	3901	746	33697	5071	38769	5.6	1.49
38.7	3625	0	0	0	0	0.0	0.00	3625	718	31123	4744	35868	6.9	1.67
42.2	3362	0	0	0	0	0.0	0.00	3362	689	28650	4410	33060	8.2	1.84
45.7	3110	0	0	0	0	0.0	0.00	3110	661	26277	4072	30349	9.7	2.02
49.2	2869	0	0	0	0	0.0	0.00	2869	632	24003	3733	27736	11.3	2.19
52.8	2640	0	0	0	0	0.0	0.00	2640	604	21829	3395	25225	13.1	2.37
56.3	2421	0	0	0	0	0.0	0.00	2421	577	19753	3063	22816	14.9	2.55
59.8	2213	0	0	0	0	0.0	0.00	2213	549	17773	2738	20511	17.0	2.73
63.3	2016	0	0	0	0	0.0	0.00	2016	522	15888	2422	18311	19.1	2.91
66.8	1828	0	0	0	0	0.0	0.00	1828	496	14098	2119	16217	21.4	3.09
70.3	1650	0	0	0	0	0.0	0.00	1650	470	12400	1829	14229	23.8	3.27
73.9	1481	0	0	0	0	0.0	0.00	1481	444	10793	1556	12348	26.3	3.44
77.4	1322	0	0	0	0	0.0	0.00	1322	419	9274	1300	10574	29.0	3.61
80.9	1172	0	0	0	0	0.0	0.00	1172	395	7844	1062	8906	31.8	3.78
84.4	1030	0	0	0	0	0.0	0.00	1030	371	6498	845	7343	34.7	3.93
87.9	897	0	0	0	0	0.0	0.00	897	347	5236	648	5885	37.7	4.08
91.4	771	0	0	0	0	0.0	0.00	771	324	4056	474	4530	40.8	4.21
95.0	654	0	0	0	0	0.0	0.00	654	302	2955	321	3277	44.0	4.33
98.5	544	0	0	0	0	0.0	0.00	544	280	1933	192	2125	47.2	4.43
102.0	442	0	0	0	0	0.0	0.00	442	258	988	85	1073	50.5	4.50
105.5	346	0	0	0	0	0.0	0.00	346	237	118	0	118	53.9	4.54

Site Name:	Hallock, MI	*Program Last Updated:*	*10/11/2016*
Site Number:	372166.0	*American Tower Corporation*	
Engineer:	AAV		
Engineering Numbe	OAA693679_C3_03		
Date:	04/25/17		

Load Combinations and Combined Strength Ratios

LC = Allowable Stress Design Load Combinations (ASCE7-05, 2.4.1 & 12.4.2.3)

LC1: $D + W$

LC2: $(1.0 + 0.14\ S_{DS})\ D + 0.7\ E$

LC3: $(0.6 - 0.14\ S_{DS})\ D + 0.7\ E$

LC4: $D + 0.7\ D_i + 0.7\ W_i$

LC5: $0.6\ D + 0.7\ D_i + 0.7\ W_i$

Allowable Stress Adjustment Factor Application, Table 6.3.1, 2005 NDS

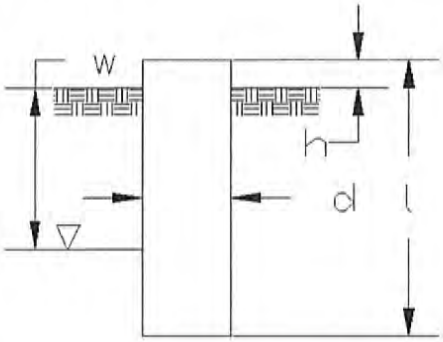
F'_c: $F_c \times C_D \times C_t \times C_u \times C_P \times C_{cs}$

F'_b: $F_b \times C_D \times C_t \times C_u \times C_F$

F'_v: $F_v \times C_D \times C_t \times C_u$

Elevation	f_c				f_v			f_b			F'_c	F'_v	F'_b	Int. Eq.	Int. Eq.	Int. Eq.	Int. Eq.	Int. Eq.
	D		S_{DS} D	D_i	W	E	W_i	W	E	W_i				Sections 3.4.2 & 3.9.2, 2005 NDS				
LF	1.0	0.6	0.14	0.7	1.0	0.7	0.7	1.0	0.7	0.7				LC1	LC2	LC3	LC4	LC5
(ft)							(psi)											
0.0	22	13	3	6	9	0	0	2305	0	0	74	256	3133	1.33	0.12	0.05	0.15	0.07
3.5	22	13	3	6	9	0	0	2315	0	0	77	256	3139	1.28	0.11	0.04	0.13	0.06
7.0	21	13	3	6	10	0	0	2322	0	0	80	256	3146	1.24	0.09	0.04	0.12	0.06
10.6	21	13	3	6	10	0	0	2327	0	0	83	256	3152	1.20	0.08	0.04	0.11	0.05
14.1	21	12	3	6	10	0	0	2330	0	0	87	256	3159	1.15	0.07	0.03	0.09	0.04
17.6	20	12	3	6	10	0	0	2329	0	0	91	256	3166	1.11	0.06	0.03	0.08	0.04
21.1	20	12	3	6	10	0	0	2326	0	0	95	256	3173	1.08	0.06	0.02	0.07	0.04
24.6	19	12	3	6	10	0	0	2319	0	0	100	256	3181	1.04	0.05	0.02	0.06	0.03
28.1	19	11	3	6	10	0	0	2309	0	0	106	256	3188	1.00	0.04	0.02	0.05	0.03
31.7	18	11	3	6	10	0	0	2295	0	0	112	256	3196	0.96	0.03	0.01	0.05	0.02
35.2	18	11	2	6	10	0	0	2277	0	0	119	256	3204	0.93	0.03	0.01	0.04	0.02
38.7	17	10	2	6	10	0	0	2255	0	0	127	256	3212	0.89	0.02	0.01	0.03	0.02
42.2	17	10	2	6	10	0	0	2228	0	0	137	256	3220	0.86	0.02	0.01	0.03	0.01
45.7	16	10	2	6	10	0	0	2196	0	0	147	256	3229	0.82	0.02	0.01	0.02	0.01
49.2	16	9	2	6	10	0	0	2159	0	0	160	256	3237	0.79	0.01	0.01	0.02	0.01
52.8	15	9	2	6	10	0	0	2116	0	0	175	256	3246	0.75	0.01	0.00	0.01	0.01
56.3	15	9	2	6	11	0	0	2067	0	0	193	256	3256	0.72	0.01	0.00	0.01	0.01
59.8	14	8	2	6	11	0	0	2010	0	0	215	256	3265	0.69	0.01	0.00	0.01	0.00
63.3	14	8	2	6	11	0	0	1946	0	0	242	256	3275	0.65	0.00	0.00	0.01	0.00
66.8	13	8	2	6	11	0	0	1872	0	0	276	256	3280	0.61	0.00	0.00	0.00	0.00
70.3	12	7	2	6	11	0	0	1789	0	0	320	256	3280	0.58	0.00	0.00	0.00	0.00
73.9	12	7	2	6	11	0	0	1696	0	0	376	256	3280	0.54	0.00	0.00	0.00	0.00
77.4	11	7	2	5	11	0	0	1590	0	0	453	256	3280	0.50	0.00	0.00	0.00	0.00
80.9	11	6	1	5	11	0	0	1470	0	0	560	256	3280	0.46	0.00	0.00	0.00	0.00
84.4	10	6	1	5	11	0	0	1335	0	0	715	256	3280	0.41	0.00	0.00	0.00	0.00
87.9	9	6	1	5	11	0	0	1182	0	0	945	256	3280	0.36	0.00	0.00	0.00	0.00
91.4	9	5	1	5	11	0	0	1008	0	0	1282	256	3280	0.31	0.00	0.00	0.00	0.00
95.0	8	5	1	5	11	0	0	812	0	0	1673	256	3280	0.25	0.00	0.00	0.00	0.00
98.5	7	4	1	4	11	0	0	588	0	0	1936	256	3280	0.18	0.00	0.00	0.00	0.00
102.0	6	4	1	4	11	0	0	333	0	0	2049	256	3280	0.10	0.00	0.00	0.00	0.00
105.5	5	3	1	4	11	0	0	41	0	0	2080	256	3280	0.04	0.00	0.00	0.00	0.00

Site Name:	Hallock, MI	*Program Last Updated:*	*5/13/2014*
Site Number:	372166	*American Tower Corporation*	
Engineer:	A. Venning		
Engineering Number:	OAA693679_C3_03		
Date:	04/25/17		



Design Base Loads (Unfactored) - Analysis per TIA-222-F Standards

Analyze or Design a Foundation?	Analyze
Foundation Mapped:	Y
Moment (M):	162.0 k-ft
Shear/Leg (V):	2.3 k
Axial Load (P):	7.4 k
Uplift/Leg (U):	0.0 k
Tower Type (GT/SST/MP):	MP
Diameter of Caisson (d):	1.7 ft
Caisson Embedment (L-h):	9.5 ft
Caisson Height Above Ground (h):	0.0 ft
Depth Below Ground Surface to Water Table (w):	99.0 ft
Unit Weight of Concrete:	150.0 pcf
Unit Weight of Water:	62.4 pcf
Tension Skin Friction/Compression Skin Friction:	1.00
Pullout Angle:	30.0 degrees

Engineer Notes

Soil Mechanical Properties

Depth (ft) Top	Depth (ft) Bottom	γ_{soil} (pcf)	Cohesion (psf)	ϕ (degree)	Allowable Skin Friction (psf)	Allowable Bearing Pressure (psf)
0.0	2.0	105	0	0	0	0
2.0	9.5	105	0	28	160	2500

Required Embedment:	#N/A	#N/A
Volume of Concrete:	21.6 ft^3 =	0.8 yd^3
Weight of Concrete (Buoyancy Effect Considered):	3.2 k	
Average Soil Unit Weight:	105.0 pcf	
Skin Friction Resistance:	6.4 k	
Compressive Bearing Resistance:	5.7 k	
Pullout Weight (Minus Concrete Weight):	46.0 k	
Allowable Uplift Capacity (U_{Allow}):	9.0 k	
Allowable Compressive Capacity (P_{Allow}):	12.1 k	
Compressive Design Load (P):	8.3 k	
U/U_{Allow}:	0.00	Result: OK
P/P_{Allow}:	0.69	Result: OK
Total Lateral Resistance:	51.4 k	
Inflection Point (Below Ground Surface):	6.8 ft	
Design Overturning Moment At Inflection Point (M_u):	177.8 k-ft	
Nominal Moment Capacity (M_{Allow}):	88.6 k-ft	
M_{Allow}/M_u Factor of Safety:	0.50	Result: NG

TILLMAN
INFRASTRUCTURE

May 2, 2019

RE: Letter of Authorization

To Whom It May Concern:

Please be advised that LCC Telecom Services, on behalf of Tillman Infrastructure have authorization to work as agent on behalf of the above-named company relating to an application on property located at 4754 Waldrast Drive, Gaylord, MI 49735. As part of this authorization, LCC Telecom Services shall have the approval to provide the necessary site acquisition services including zoning and permitting.

Sincerely,

Signature

Thomas Crisci

Printed Name

Site Acquisition Project Manager

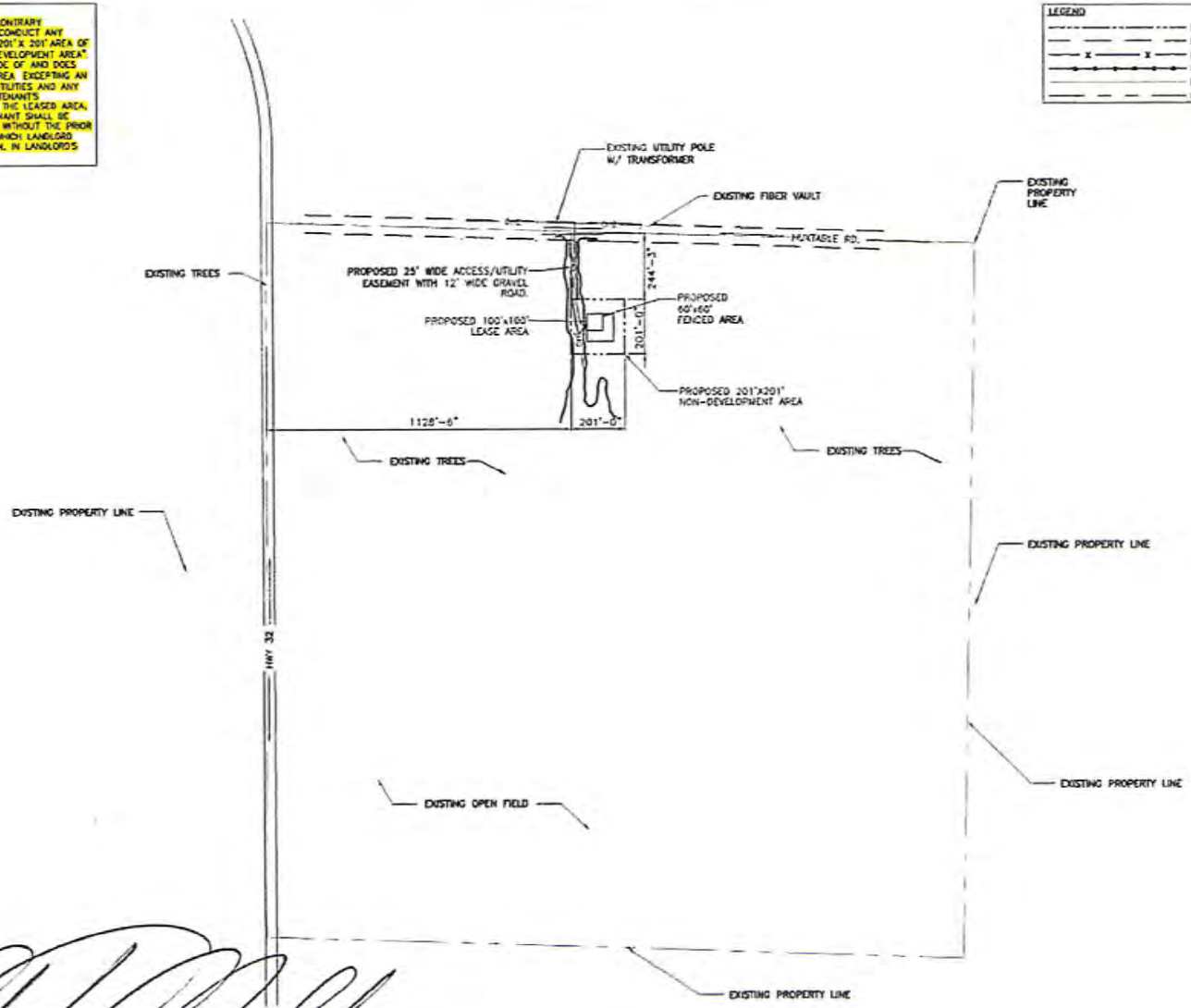
Title

152 West 57th Street, 27th Floor
New York, NY 10019

Exhibit 7

NOTE:
ANYTHING IN THE AGREEMENT TO THE CONTRARY NOTWITHSTANDING, TENANT SHALL NOT CONDUCT ANY OPERATIONS ON THE SURFACE OF THE 201'X 201' AREA OF LAND LABELED HEREIN AS THE "NON-DEVELOPMENT AREA". THE NON-DEVELOPMENT AREA IS OUTSIDE OF AND DOES NOT INCLUDE THE 100' X 100' LEASED AREA EXCEPTING AN EASEMENT FOR INGRESS/EGRESS AND UTILITIES AND ANY USE DURING INITIAL CONSTRUCTION OF TENANT'S TELECOMMUNICATIONS FACILITIES WITHIN THE LEASED AREA. NO SURFACE USES WHATSOEVER BY TENANT SHALL BE MADE IN THE NON-DEVELOPMENT AREA WITHOUT THE PRIOR WRITTEN CONSENT OF THE LANDLORD, WHICH LANDLORD MAY WITHHOLD FOR ANY OR NO REASON, IN LANDLORD'S SOLE DISCRETION.

LEGEND
- PROPOSED LEASE LINE
- PROPOSED EASEMENT
- PROPOSED FENCE
- EXISTING FENCE
- EXISTING PAVEMENT
- EXISTING PROPERTY LINE



OVERALL SITE PLAN

22"x34" SCALE: 1" = 200'-0"
11"x17" SCALE: 1" = 400'-0"

1

at&t

TILLMAN INFRASTRUCTURE

TCC TELECOM SERVICES

IRISH TOWER

LEASE EXHIBIT
NOT FOR CONSTRUCTION

DRAWN BY: DL
CHECKED BY: JRG

REV	DATE	DESCRIPTION
A	02/26/2018	LEASE EXHIBIT
B	03/16/2018	LEASE EXHIBIT-ADDRESS
C	07/02/2018	LEASE EXHIBIT-LEASE AREA
D	03/22/2019	LEASE EXHIBIT-NOTE

FA #
14431273
SITE NAME

SITE ADDRESS
4754 WALDREST DR.
GAYLORD, MI 49735

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
LE-1

Market: MIIN
Cell Site Number: TBD
Cell Site Name: TBD
Search Ring Name: Gaylord MI
Fixed Asset Number: 14431273

OPTION AND LEASE AGREEMENT

THIS OPTION AND LEASE AGREEMENT ("**Agreement**"), dated as of the latter of the signature dates below (the "**Effective Date**"), is entered into by Stephen C. Reckker, Trustee of the Stephen C. Reckker Revocable Living Trust under Agreement dated May 7, 1997, as amended on February 2, 2009, having a mailing address of 343 S. Main Street, Romeo, MI 48065 ("**Landlord**") and Tillman Infrastructure LLC, a Delaware limited liability company, having an address at 152 West 57th Street, New York, New York 10019 ("**Tenant**").

BACKGROUND

Landlord owns or controls that certain plot, parcel or tract of land, as described on **Exhibit 1,** together with all rights and privileges arising in connection therewith, located at 5374 W M-32, Gaylord, MI 49735, in the County of Otsego, State of Michigan (collectively, the "**Property**"). Landlord desires to grant to Tenant the right to use a portion of the Property in accordance with this Agreement.

The parties agree as follows:

1. **OPTION TO LEASE.**

(a) Landlord grants to Tenant an exclusive option (the "**Option**") to lease a certain portion of the Property consisting of a 100' x 100' parcel of property including the air space above such ground space, as described on attached **Exhibit 1**, (the "**Premises**"), for the placement of a Communication Facility in accordance with the terms of this Agreement.

(b) During the Option Term, and during the Term, Tenant and its agents, engineers, surveyors and other representatives will have the right to enter upon the Property to inspect, examine, conduct soil borings, drainage testing, material sampling, radio frequency testing and other geological or engineering tests or studies of the Property (collectively, the "**Tests**"), to apply for and obtain licenses, permits, approvals, or other relief required of or deemed necessary or appropriate at Tenant's sole discretion for its use of the Premises and include, without limitation, applications for zoning variances, zoning ordinances, amendments, special use permits, registrations with the Federal Communications Commissions and construction permits (collectively, the "**Government Approvals**"), initiate the ordering and/or scheduling of necessary utilities, and otherwise to do those things on or off the Property that, in the opinion of Tenant, are necessary in Tenant's sole discretion to determine the physical condition of the Property, the environmental history of the Property, Landlord's title to the Property and the feasibility or suitability of the Property for Tenant's Permitted Use, all at Tenant's expense. Tenant will not be liable to Landlord or any third party on account of any pre-existing defect or condition on or with respect to the Property, whether or not such defect or condition is disclosed by Tenant's inspection. Tenant will restore the Property to its condition as it existed at the commencement of the Option Term, reasonable wear and tear and loss by Acts of God beyond Tenant's control excepted.

(c) In consideration of Landlord granting Tenant the Option, Tenant agrees to pay Landlord the [redacted] within thirty (30) business days after the Effective Date. The Option may be exercised during an initial term of one (1) year commencing on the Effective Date (the "**Initial Option Term**") which term may be renewed by Tenant for an additional one (1) year (the "**Renewal Option Term**") upon written notification to Landlord and the payment of an additional [redacted] no later than five (5) days prior to the expiration date of the Initial Option Term. The Initial Option Term and any Renewal Option Term are collectively referred to as the "**Option Term.**"

(d) The Option may be sold, assigned or transferred at any time by Tenant without the written consent of Landlord. Upon written notification to Landlord of such sale, assignment or transfer, which written notice shall be required, Tenant shall immediately be released from any and all liability under this Agreement, including the payment of any rental or other sums due, without any further action, except that Tenant shall remain liable for any past due sums Tenant owes Landlord.

(e) During the Option Term, Tenant may exercise the Option by notifying Landlord in writing. If Tenant exercises the Option, then Landlord leases the Premises to Tenant subject to the terms and conditions of this Agreement. If Tenant does not exercise the Option during the Initial Option Term or any extension thereof, then this Agreement will terminate and the parties will have no further liability to each other.

(f) If during the Option Term, or during the Term if the Option is exercised, Landlord decides to subdivide, sell, or change the status of the zoning of the Premises, the Property or any of Landlord's contiguous, adjoining or surrounding property (the "**Surrounding Property**"), or in the event of a threatened foreclosure on any of the foregoing, Landlord shall immediately notify Tenant in writing. Landlord agrees that during the Option Term, or during the Term if the Option is exercised, Landlord shall not initiate or consent to any change in the zoning of the Premises, the Property or the Surrounding Property or impose or consent to any other use or restriction that would prevent or limit Tenant from using the Premises for the Permitted Use. Any and all terms and conditions of this Agreement that by their sense and context are intended to be applicable during the Option Term shall be so applicable.

2. **PERMITTED USE.** Tenant may use the Premises for the transmission and reception of communications signals and related activities, and the installation, construction, maintenance, operation, repair, replacement and upgrade of communications fixtures and related equipment, cables, accessories and improvements, which may include a suitable tower and support structure ("**Structure**"), associated antennas, equipment shelters or cabinets and fencing and any other items necessary to the successful and secure use of the Premises (collectively the "**Communication Facility**"), as well as the right to test, survey and review title on the Property; Tenant further has the right but not the obligation to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including, but not limited to, emergency 911 communication services, at no additional cost to Tenant or Landlord (collectively, the ""**Permitted Use**"). Landlord and Tenant agree that any portion of the Communication Facility that may be conceptually described on **Exhibit 1** will not be deemed to limit Tenant's Permitted Use. If **Exhibit 1** includes drawings of the initial installation of the Communication Facility, Landlord's execution of this Agreement will signify Landlord's approval of **Exhibit 1**. For a period of one hundred twenty (120) days following the start of construction, Landlord grants Tenant, its subtenants, licensees and sublicensees, the right to use such portions of the Surrounding Property as may reasonably be required during construction and installation of the Communication Facility. Tenant has the right to install and operate transmission cables from the equipment shelters or cabinets to the antennas, electric lines from the main feed to the equipment shelters or cabinets and communication lines from the Property's main entry point to the equipment shelters or cabinets, install a generator(s) and to make other improvements, additions, alterations, upgrades or additions appropriate for Tenant's Permitted Use, including the right to construct a fence around the Premises or equipment, install warning signs to make individuals aware of risks, install protective barriers, install any other control measures reasonably required by Tenant's safety procedures or applicable law, and undertake any other appropriate means to secure the Premises or equipment at Tenant's expense. Tenant has the right to modify, supplement, replace, upgrade, expand the Communication Facility (including, for example, increasing the number of antennas or adding microwave dishes to the Structure or relocate the Communication Facility or add additional cabinets within the Premises at any time during the Term. Tenant will be allowed to make such alterations to the Property in order to ensure that the Communication Facility complies with all applicable federal, state or local laws, rules or regulations. In the event Tenant desires to modify or upgrade the Communication Facility, in a manner that requires an additional portion of the Property (the "**Additional Premises**") for such modification or upgrade, Landlord agrees to lease to Tenant the Additional Premises, upon the same terms and conditions set forth herein, except that the Rent shall increase, in conjunction with the lease of the Additional Premises by the amount equivalent to the then-current per square foot rental rate charged by Landlord to Tenant times the square footage

of the Additional Premises. Landlord agrees to take such actions and enter into and deliver to Tenant such documents as Tenant reasonably requests in order to effect and memorialize the lease of the Additional Premises to Tenant.

3. **TERM.**

(a) The initial lease term will be ten (10) years (the "**Initial Term**"), commencing on the effective date of written notification by Tenant to Landlord of Tenant's exercise of the Option (the "**Term Commencement Date**"). The Initial Term will terminate on the tenth (10th) anniversary of the Term Commencement Date.

(b) This Agreement will automatically renew for eight (8) additional five (5) year term(s) (each additional five (5) year term shall be defined as an "**Extension Term**"), upon the same terms and conditions set forth herein unless Tenant notifies Landlord in writing of Tenant's intention not to renew this Agreement at least one year (365 days) prior to the expiration of the Initial Term or the then-existing Extension Term.

(c) The Initial Term, any Extension Terms, any Annual Terms are collectively referred to as the "**Term.**"

4. **RENT.**

(a) Commencing on the first day of the calendar month following the date that Tenant commences construction (the "**Rent Commencement Date**"), Tenant will pay Landlord on or before the tenth (10th) day of each calendar month in advance, [redacted] (the "**Rent**"), at the address set forth above. In any partial month occurring after the Rent Commencement Date, the Rent will be prorated. The initial Rent payment will be forwarded by Tenant to Landlord within forty-five (45) days after the Rent Commencement Date.

(b) Upon the commencement of each Extension Term, the monthly Rent will increase by ten percent (10%) over the Rent paid during the previous term.

(c) All charges payable by Tenant under this Agreement such as utilities and taxes shall be billed directly to Tenant and paid directly by the Tenant. In the event any charges payable by Tenant under this Agreement such as utilities and taxes are not billed directly to tenant but are billed to Landlord, then Landlord shall bill tenant within one (1) year from the end of the calendar year in which the charges were incurred; any charges beyond such period shall not be billed by Landlord, and shall not be payable to Tenant. The foregoing shall not apply to monthly Rent which is due and payable without a requirement that it be billed by Landlord. The provisions of this subsection shall survive the termination or expiration of this Agreement.

5. **APPROVALS.**

(a) Landlord agrees that Tenant's ability to use the Premises is contingent upon the suitability of the Premises and Property for the Permitted Use and Tenant's ability to obtain and maintain all Government Approvals. Landlord authorizes Tenant to prepare, execute and file all required applications to obtain Government Approvals for the Permitted Use and agrees to reasonably assist Tenant with such applications and with obtaining and maintaining the Government Approvals.

(b) Tenant has the right to obtain a title report or commitment for a leasehold title policy from a title insurance company of its choice and to have the Property surveyed by a surveyor of its choice.

(c) Tenant may also perform and obtain, at Tenant's sole cost and expense, soil borings, percolation tests, engineering procedures, environmental investigation or other tests or reports on, over, and under the Property, necessary to determine if Tenant's use of the Premises will be compatible with Tenant's engineering specifications, system, design, operations or Government Approvals. Tenant shall be liable for any damages caused by such testing and Tenant shall restore the Premises to its original condition.

6. **TERMINATION.** This Agreement may be terminated, without penalty or further liability, as follows:

(a) by either party on thirty (30) days prior written notice, if the other party remains in default under Section 15 of this Agreement after the applicable cure periods;

(b) by Tenant upon written notice to Landlord, if Tenant is unable to obtain, or maintain, any required approval(s) or the issuance of a license or permit by any agency, board, court or other governmental

authority necessary for the construction or operation of the Communication Facility as now or hereafter intended by Tenant; or if Tenant determines, in its sole discretion that the cost of or delay in obtaining or retaining the same is commercially unreasonable;

(c) by Tenant, upon written notice to Landlord, if Tenant determines, in its sole discretion, due to the title report results or survey results, that the condition of the Premises is unsatisfactory for its intended uses;

(d) by Tenant upon written notice to Landlord for any reason or no reason, at any time prior to commencement of construction by Tenant; or

(e) by Tenant upon sixty (60) days' prior written notice to Landlord for any reason or no reason, so long as Tenant pays Landlord a termination fee equal to six (6) months' Rent, at the then-current rate, provided, however, that no such termination fee will be payable on account of the termination of this Agreement by Tenant under any termination provision contained in any other Section of this Agreement, including the following: Section 5 Approvals, Section 6(a) Termination, Section 6(b) Termination, Section 6(c) Termination, Section 6(d) Termination, Section 11(d) Environmental, Section 18 Condemnation or Section 19 Casualty.

7. **INSURANCE.** During the Option Term and throughout the Term, Tenant will purchase and maintain in full force and effect such general liability policy as Tenant may deem necessary. Said policy of general liability insurance will at a minimum provide a combined single limit of One Million and No/100 Dollars ($1,000,000.00). Notwithstanding the foregoing, Tenant shall have the right to self-insure such general liability coverage or by adding this site as an endorsement on a pre-existing master policy which contains the above limit.

8. **INTERFERENCE.**

(a) Prior to or concurrent with the execution of this Agreement, Landlord has provided or will provide Tenant with a list of radio frequency user(s) and frequencies used on the Property as of the Effective Date. Tenant warrants that its use of the Premises will not interfere with those existing radio frequency uses on the Property, as long as the existing radio frequency user(s) operate and continue to operate within their respective frequencies and in accordance with all applicable laws and regulations.

(b) Landlord will not grant, after the Effective Date, a lease, license or any other right to any third party, if the exercise of such grant may in any way adversely affect or interfere with the Communication Facility, the operations of Tenant or the rights of Tenant under this Agreement. Landlord will notify Tenant in writing prior to granting any third party the right to install and operate communications equipment on the Property.

(c) Landlord will not, nor will Landlord permit its employees, tenants, licensees, invitees, agents or independent contractors to interfere in any way with the Communication Facility, the operations of Tenant or the rights of Tenant under this Agreement. Landlord will cause such interference to cease within twenty-four (24) hours after receipt of notice of interference from Tenant. In the event any such interference does not cease within the aforementioned cure period, Landlord shall cease all operations which are suspected of causing interference (except for intermittent testing to determine the cause of such interference) until the interference has been corrected.

(d) For the purposes of this Agreement, "interference" may include, but is not limited to, any use on the Property or Surrounding Property that causes electronic or physical obstruction with, or degradation of, the communications signals from the Communication Facility.

9. INDEMNIFICATION.

(a) Tenant agrees to indemnify, defend and hold Landlord harmless from and against any and all injury, loss, damage or liability , costs or expenses (including reasonable attorneys' fees and court costs) arising directly from the installation, use, maintenance, repair or removal of the Communication Facility, or arising directly from the actions or failure to act of Tenant, its employees, invitees, agents or independent contractors, or Tenant's breach of any provision of this Agreement, except to the extent attributable to the negligent or intentional act or omission of Landlord, its employees, invitees, agents or independent contractors.

(b) Landlord agrees to indemnify, defend and hold Tenant harmless from and against any and all injury, loss, damage or liability , costs or expenses in connection with a third party claim (including reasonable attorneys' fees and court costs) arising directly from the actions or failure to act of Landlord, its employees, invitees, agents or independent contractors, or Landlord's breach of any provision of this Agreement, except to the extent attributable to the negligent or intentional act or omission of Tenant, its employees, agents or independent contractors.

(c) The indemnified party: (i) shall promptly provide the indemnifying party with written notice of any claim, demand, lawsuit, or the like for which it seeks indemnification pursuant to this Section 9 and provide the indemnifying party with copies of any demands, notices, summonses, or legal papers received in connection with such claim, demand, lawsuit, or the like; (ii) shall not settle any such claim, demand, lawsuit, or the like without the prior written consent of the indemnifying party; and (iii) shall fully cooperate with the indemnifying party in the defense of the claim, demand, lawsuit, or the like. A delay in notice shall not relieve the indemnifying party of its indemnity obligation, except (1) to the extent the indemnifying party can show it was prejudiced by the delay; and (2) the indemnifying party shall not be liable for any settlement or litigation expenses incurred before the time when notice is given.

10. WARRANTIES.

(a) Each of Tenant and Landlord (to the extent not a natural person) each acknowledge and represent that it is duly organized, validly existing and in good standing and has the right, power, and authority or capacity, as applicable, to enter into this Agreement and bind itself hereto through the party or individual set forth as signatory for the party below.

(b) Landlord represents, warrants and agrees, to the best of Landlord's knowledge, that: (i) Landlord solely owns the Property as a legal lot in fee simple, or controls the Property by lease or license; (ii) the Property is not encumbered by any liens, restrictions, mortgages, covenants, conditions, easements, leases, or any other agreements not of record, which would adversely affect Tenant's Permitted Use and enjoyment of the Premises under this Agreement; (iii) Landlord grants to Tenant sole, actual, quiet and peaceful use, enjoyment and possession of the Premises in accordance with the terms of this Agreement without hindrance or ejection by any persons lawfully claiming under Landlord ; (iv) Landlord's execution and performance of this Agreement will not violate any laws, ordinances, covenants or the provisions of any mortgage, lease or other agreement binding on Landlord; and (v) if the Property is or becomes encumbered by a deed to secure a debt, mortgage or other security interest, then Landlord will provide promptly to Tenant a mutually agreeable subordination, non-disturbance and attornment agreement executed by Landlord and the holder of such security interest in the form attached hereto as Exhibit 2.

11. ENVIRONMENTAL.

(a) Landlord represents and warrants, to the best of Landlord's knowledge, except as may be identified in **Exhibit 3** attached to this Agreement, (i) the Property, as of the Effective Date, is free of hazardous substances, including asbestos-containing materials and lead paint, and (ii) the Property has never been subject to any contamination or hazardous conditions resulting in any environmental investigation, inquiry or remediation during Landlord's ownership. Landlord and Tenant agree that each will be responsible for compliance with any and all applicable governmental laws, rules, statutes, regulations, codes, ordinances, or principles of common law regulating or imposing standards of liability or standards of conduct with regard to protection of the environment or worker health and safety, as may now or at any time hereafter be in effect, to the extent such apply to that party's activity conducted in or on the Property.

(b) Landlord and Tenant agree to hold harmless and indemnify the other from, and to assume all duties, responsibilities and liabilities at the sole cost and expense of the indemnifying party for, payment of penalties, sanctions, forfeitures, losses, costs or damages, and for responding to any action, notice, claim, order, summons, citation, directive, litigation, investigation or proceeding ("**Claims**"), to the extent arising from that party's breach of its obligations or representations under Section 11(a). Landlord agrees to hold harmless and indemnify Tenant from, and to assume all duties, responsibilities and liabilities at the sole cost and expense of Landlord for, payment of penalties, sanctions, forfeitures, losses, costs or damages, and for responding to any Claims, to the extent arising from subsurface or other contamination of the Property with hazardous substances caused by the acts or omissions of Landlord during the Term. Tenant agrees to hold harmless and indemnify Landlord from, and to assume all duties, responsibilities and liabilities at the sole cost and expense of Tenant for, payment of penalties, sanctions, forfeitures, losses, costs or damages, and for responding to any Claims, to the extent arising from hazardous substances brought onto the Property by Tenant.

(c) The indemnification provisions contained in this Section 11 specifically include reasonable costs, expenses and fees incurred in connection with any investigation of Property conditions or any clean-up, remediation, removal or restoration work required by any governmental authority. The provisions of this Section 11 will survive the expiration or termination of this Agreement.

(d) In the event Tenant becomes aware of any hazardous materials on the Property, or any environmental, health or safety condition or matter relating to the Property, that, in Tenant's sole determination, renders the condition of the Premises or Property unsuitable for Tenant's use, or if Tenant believes that the leasing or continued leasing of the Premises would expose Tenant to undue risks of liability to a government agency or other third party, then Tenant will have the right, in addition to any other rights it may have at law or in equity, to terminate this Agreement upon written notice to Landlord.

12. <u>ACCESS.</u> At all times throughout the Term of this Agreement, and at no additional charge to Tenant, Tenant and its employees, agents, and subcontractors, will have twenty-four (24) hour per day, seven (7) day per week pedestrian and vehicular access ("**Access**") to and over the Property, from an open and improved public road to the Premises, for the installation, maintenance and operation of the Communication Facility and any utilities serving the Premises. As may be described more fully in **Exhibit 1**, Landlord grants to Tenant, it's subtenants, lessees assigns and licensees an easement for such Access and Landlord agrees to provide to Tenant such codes, keys and other instruments necessary for such Access at no additional cost to Tenant (the "Access Easement"). Upon Tenant's request, Landlord will execute a separate recordable easement evidencing this right. Landlord shall execute a letter granting Tenant Access to the Property substantially in the form attached as **Exhibit 4**, and upon Tenant's request, Landlord shall execute additional letters during the Term. Landlord acknowledges that in the event Tenant cannot obtain Access to the Premises, Tenant shall incur significant damage. If Landlord fails to provide the Access granted by this Section 12, such failure shall be a default under this Agreement.

13. <u>REMOVAL/RESTORATION.</u> All portions of the Communication Facility brought onto the Property by Tenant will be and remain Tenant's personal property and, at Tenant's option, may be removed by Tenant at any time during or within 120 days after the Term. Landlord covenants and agrees that no part of the Communication Facility constructed, erected or placed on the Premises by Tenant will become, or be considered as being affixed to or a part of, the Property, it being the specific intention of Landlord that all improvements of every kind and nature constructed, erected or placed by Tenant on the Premises will be and remain the property of Tenant and may be removed by Tenant at any time during or within 120 days after the Term. Tenant will repair any damage to the Property resulting from Tenant's removal activities. Any portions of the Communication Facility that Tenant does not remove within one hundred twenty (120) days after the later of the end of the Term and cessation of Tenant's operations at the Premises shall be deemed abandoned by Landlord. At Landlord's option, Landlord can have the unremoved portions removed and Tenant shall be responsible to reimburse Landlord for the reasonable cost of this removal. Notwithstanding the foregoing, Tenant will not be responsible for the replacement of any trees, shrubs or other vegetation.

14. <u>MAINTENANCE/UTILITIES.</u>

(a) Tenant will keep and maintain the Premises in good condition, reasonable wear and tear and damage from the elements excepted. Landlord will maintain and repair the Property and access thereto and all areas of the Premises where Tenant does not have exclusive control, in good and tenantable condition, subject to reasonable wear and tear and damage from the elements.

(b) Tenant will be responsible for paying on a monthly or quarterly basis all utilities charges for electricity, telephone service or any other utility used or consumed by Tenant on the Premises. These charges shall be separately metered to Tenant.

(c) Landlord acknowledges that Tenant provides a communication service which requires electrical power to operate and must operate twenty-four (24) hours per day, seven (7) days per week. If the interruption is for an extended period of time, in Tenant's reasonable determination, Landlord agrees to allow Tenant the right to bring in a temporary source of power for the duration of the interruption. Landlord will not be responsible for interference with, interruption of or failure, beyond the reasonable control of Landlord, of such services to be furnished or supplied by Landlord.

(d) Tenant will have the right to install utilities, at Tenant's expense, and to improve present utilities on the Property and the Premises. Landlord hereby grants to Tenant and any service company providing utility or similar services, including electric power and telecommunications, to Tenant an easement, in, on under and over the Property, from an open and improved public road to the Premises, and upon the Premises, for the purpose of maintaining and operating the Communication Facility and constructing, operating, upgrading and maintaining such lines, wires, circuits, and conduits, associated equipment cabinets and such appurtenances thereto, as Tenant and such service companies may from time to time require in order to provide such services to the Premises (the "Utility Easement"). Upon Tenant's or service company's request, Landlord will execute a separate recordable Utility Easement evidencing this grant, at no cost to Tenant or the service company.

15. DEFAULT AND RIGHT TO CURE.

(a) The following will be deemed a default by Tenant and a breach of this Agreement: (i) non-payment of Rent if such Rent remains unpaid for more than thirty (30) days after written notice from Landlord of such failure to pay; or (ii) Tenant's failure to perform any other term or condition under this Agreement within forty-five (45) days after written notice from Landlord specifying the failure. No such failure, however, will be deemed to exist if Tenant has commenced to cure such default within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Tenant. If Tenant remains in default beyond any applicable cure period, then Landlord will have the right to exercise any and all rights and remedies available to it under law and equity.

(b) The following will be deemed a default by Landlord and a breach of this Agreement: (i) Landlord's failure to provide Access to the Premises as required by Section 12 within twenty-four (24) hours after written notice of such failure; (ii) Landlord's failure to cure an interference problem as required by Section 8 within twenty-four (24) hours after written notice of such failure; or (iii) Landlord's failure to perform any term, condition or breach of any warranty or covenant under this Agreement within forty-five (45) days after written notice from Tenant specifying the failure. No such failure, however, will be deemed to exist if Landlord has commenced to cure the default within such period and provided such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Landlord. If Landlord remains in default beyond any applicable cure period, Tenant will have: (i) the right to cure Landlord's default and to deduct the costs of such cure from any monies due to Landlord from Tenant, and (ii) any and all other rights available to it under law and equity.

16. ASSIGNMENT/SUBLEASE.

(a) Tenant will have the right to assign this Agreement or sublease the Premises and its rights herein, in whole or in part, without Landlord's consent, subject to the rental provisions herein. Upon written notification to Landlord of such assignment, which notice is required, Tenant will be relieved of all future performance, liabilities and obligations under this Agreement to the extent of such assignment, except for any past due sums owned to Landlord by Tenant.

17. NOTICES. All notices, requests and demands hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties hereto as follows:

If to Tenant:	Tillman Infrastructure LLC 152 West 57th Street 8th Floor New York, New York 10019 Attn: Lease Administration
With a copy to:	Tillman Infrastructure LLC 152 West 57th Street 8th Floor New York, New York 10019 Attn: Suruchi Ahuja
If to Landlord:	Stephen C. Reckker 343 S. Main Street Romeo, MI 48065

Either party hereto may change the place for the giving of notice to it by thirty (30) days' prior written notice to the other party hereto as provided herein.

18. CONDEMNATION. In the event Landlord receives notification of any condemnation proceedings affecting the Property, Landlord will provide notice of the proceeding to Tenant within twenty-four (24) hours. If a condemning authority takes all of the Property, or a portion sufficient, in Tenant's sole determination, to render the Premises unsuitable for Tenant, this Agreement will terminate as of the date the title vests in the condemning authority. The parties will each be entitled to pursue their own separate awards in the condemnation proceeds, which for Tenant will include, where applicable, the value of its Structure and Communication Facility, moving expenses, prepaid Rent, and business dislocation expenses. Tenant will be entitled to reimbursement for any prepaid Rent on a *pro rata* basis.

19. CASUALTY. Landlord will provide notice to Tenant of any casualty or other harm affecting the Property within twenty-four (24) hours of the casualty or other harm. If any part of the Communication Facility or the Property is damaged by casualty or other harm as to render the Premises unsuitable, in Tenant's sole determination, then Tenant may terminate this Agreement by providing written notice to Landlord, which termination will be effective as of the date of such casualty or other harm. Upon such termination, Tenant will be entitled to collect all insurance proceeds payable to Tenant on account thereof and to be reimbursed for any prepaid Rent on a *pro rata* basis. Landlord agrees to permit Tenant to place temporary transmission and reception facilities on the Property, but only until such time as Tenant is able to activate a replacement transmission facility at another location; notwithstanding the termination of this Agreement, such temporary facilities will be governed by all of the terms and conditions of this Agreement, including Rent. If Landlord or Tenant undertakes to rebuild or restore the Premises and/or the Communication Facility, as applicable, Landlord agrees to permit Tenant to place temporary transmission and reception facilities on the Property at no additional Rent until the reconstruction of the Premises and/or the Communication Facility is completed. If Landlord determines not to rebuild or restore the Property, Landlord will notify Tenant of such determination within thirty (30) days after the casualty or other harm.

20. WAIVER OF LANDLORD'S LIENS. Landlord waives any and all lien rights it may have, statutory or otherwise, concerning the Communication Facility including the Structure or any portion thereof. Notwithstanding the foregoing, Landlord shall maintain its statutory lien rights against Landlord's property located at the Premises for any delinquent Rent due Landlord from Tenant pursuant to the terms of this Agreement and shall not have any

lien rights against any subtenant, subleases, including the Communication Facilities of New Cingular Wireless, PCS, LLC, Delaware limited liability company, located on the Premises. The Communication Facility shall be deemed personal property for purposes of this Agreement, regardless of whether any portion is deemed real or personal property under applicable law; Landlord consents to Tenant's right to remove all or any portion of the Communication Facility from time to time in Tenant's sole discretion and without Landlord's consent.

21. TAXES.

(a) If personal property taxes are assessed, Tenant shall pay any portion of such taxes directly attributable to the Facilities. Landlord shall pay all real property taxes, assessments and deferred taxes on the Property. If any increase to Landlord's real property taxes is the direct result of Tenants' improvements to the Premises, then Tenant will reimburse the Landlord their proportionate share of such tax increase provided that, as a condition of Tenants obligation to pay such tax increases, Landlord shall provide to Tenant documentation from the taxing authority, reasonably acceptable to Tenant, indicating that the increase is due to Tenant's improvements.

(b) In the event Landlord receives a notice of assessment with respect to which taxes or assessments are imposed on Tenant's leasehold improvements on the Premises, Landlord shall provide Tenant with copies of each such notice immediately upon receipt, but in no event later than thirty (30) days after the date of such notice of assessment. If Landlord provides a notice of assessment to Tenant within such time period and requests reimbursement from Tenant as set forth below, then Tenant shall reimburse Landlord for the tax or assessments identified on the notice of assessment on Tenant's leasehold improvements, which has been paid by Landlord. If Landlord seeks reimbursement from Tenant, Landlord shall, no later than thirty (30) days after Landlord's payment of the taxes or assessments for the assessed tax year, provide Tenant with written notice including evidence that Landlord has timely paid same, and Landlord shall provide to Tenant any other documentation reasonably requested by Tenant to allow Tenant to evaluate the payment and to reimburse Landlord.

(c) For any tax amount for which Tenant is responsible under this Agreement, Tenant shall have the right to contest, in good faith, the validity or the amount thereof using such administrative, appellate or other proceedings as may be appropriate in the jurisdiction, and may defer payment of such obligations, pay same under protest, or take such other steps as permitted by law. This right shall include the ability to institute any legal, regulatory or informal action in the name of Landlord, Tenant, or both, with respect to the valuation of the Premises. Landlord shall cooperate with respect to the commencement and prosecution of any such proceedings and will execute any documents required therefor. The expense of any such proceedings shall be borne by Tenant and any refunds or rebates secured as a result of Tenant's action shall belong to Tenant, to the extent the amounts were originally paid by Tenant. In the event Tenant notifies Landlord by the due date for assessment of Tenant's intent to contest the assessment, Landlord shall not pay the assessment pending conclusion of the contest, unless required by applicable law.

(d) Landlord shall not split or cause the tax parcel on which the Premises are located to be split, bifurcated, separated or divided without the prior written consent of Tenant.

(e) Tenant shall have the right but not the obligation to pay any taxes due by Landlord hereunder if Landlord fails to timely do so, in addition to any other rights or remedies of Tenant. In the event that Tenant exercises its rights under this Section 21(e) due to such Landlord default, Tenant shall have the right to deduct such tax amounts paid from any monies due to Landlord from Tenant as provided in Section 15(b), provided that Tenant may exercise such right without having provided to Landlord notice and the opportunity to cure per Section 15(b).

(f) Any tax-related notices shall be sent to Tenant in the manner set forth in Section 17 and, in addition, a copy of any such notices shall be sent to the below address. Promptly after the Effective Date of this Agreement, Landlord shall provide the following address to the taxing authority for the authority's use in the event the authority needs to communicate with Tenant. In the event that Tenant's tax address changes by notice to Landlord, Landlord shall be required to provide Tenant's new tax address to the taxing authority or authorities.

Tillman Infrastructure LLC
152 W 57th Street
New York, New York 10017
Attn: Network Real Estate Administration--Taxes

(g) Notwithstanding anything to the contrary contained in this Section 21, Tenant shall have no obligation to reimburse any tax or assessment for which the Landlord is reimbursed or rebated by a third party.

22. SALE OF PROPERTY.

(a) Landlord may sell the Property or a portion thereof to a third party, provided: (i) the sale is made subject to the terms of this Agreement; and (ii) if the sale does not include the assignment of Landlord's full interest in this Agreement, the purchaser must agree to perform, without requiring compensation from Tenant or any subtenant, any obligation of Landlord under this Agreement, including Landlord's obligation to cooperate with Tenant as provided hereunder.

(b) If Landlord, at any time during the Term of this Agreement, decides to rezone or sell, subdivide or otherwise transfer all or any part of the Premises, or all or any part of the Property or the Surrounding Property, to a purchaser other than Tenant, Landlord shall promptly notify Tenant in writing, and such rezoning, sale, subdivision or transfer shall be subject to this Agreement and Tenant's rights hereunder. In the event of a change in ownership, transfer or sale of the Property, within ten (10) days of such transfer, Landlord or its successor shall send the documents listed below in this Section 22(b) to Tenant. Until Tenant receives all such documents, Tenant's failure to make payments under this Agreement shall not be an event of default and Tenant reserves the right to hold payments due under this Agreement.

i. Old deed to Property
ii. New deed to Property
iii. Bill of Sale or Transfer
iv. Copy of current Tax Bill
v. New IRS Form W-9
vi. Completed and Signed Tenant Payment Direction Form
vii. Full contact information for new Landlord including phone number(s)

(c) Landlord agrees not to sell, lease or use any areas of the Property or the Surrounding Property for the installation, operation or maintenance of other wireless communication facilities if such installation, operation or maintenance would interfere with Tenant's Permitted Use or communications equipment as determined by radio propagation tests performed by Tenant in its sole discretion. Landlord or Landlord's prospective purchaser shall reimburse Tenant for any costs and expenses of such testing. If the radio frequency propagation tests demonstrate levels of interference unacceptable to Tenant, Landlord shall be prohibited from selling, leasing or using any areas of the Property or the Surrounding Property for purposes of any installation, operation or maintenance of any other wireless communication facility or equipment.

(d) The provisions of this Section 22 shall in no way limit or impair the obligations of Landlord under this Agreement, including interference and access obligations.

23. RIGHT OF FIRST REFUSAL. Notwithstanding the provisions contained in Section 22, if at any time after the Effective Date, Landlord receives a bona fide written offer from a third party seeking any sale, conveyance, assignment or transfer, whether in whole or in part, of any property interest in or related to the Premises, including without limitation any offer seeking an assignment or transfer of the Rent payments associated with this Agreement or an offer to purchase an easement with respect to the Premises ("**Offer**"), Landlord shall immediately furnish Tenant with a copy of the Offer. Tenant shall have the right within thirty (30) days after it receives such copy to match the financial terms of the Offer and agree in writing to match such terms of the Offer. Such writing shall be in the form of a contract substantially similar to the Offer but Tenant may assign its rights to a third party. If Tenant chooses not to exercise this right or fails to provide written notice to Landlord within the thirty (30) day period, Landlord may sell, convey, assign or transfer such property interest in or related to the Premises pursuant to the Offer, subject to the terms of this Agreement. If Landlord attempts to sell, convey, assign or transfer such property interest in or related to the Premises without complying with this Section 23, the sale, conveyance, assignment or transfer shall be void. Tenant shall not be responsible for any failure to make payments under this Agreement and reserves the right to hold payments due under this Agreement until Landlord complies with this Section 23. Tenant's failure to exercise the right of first refusal shall not be deemed a waiver of the rights contained in this Section 23 with respect to any future proposed conveyances as described herein.

24. MISCELLANEOUS.

(a) **Amendment/Waiver.** This Agreement cannot be amended, modified or revised unless done in writing and signed by Landlord and Tenant. No provision may be waived except in a writing signed by both parties. The failure by a party to enforce any provision of this Agreement or to require performance by the other party will not be construed to be a waiver, or in any way affect the right of either party to enforce such provision thereafter.

(b) **Memorandum/Short Form Lease.** Contemporaneously with the execution of this Agreement, the parties will execute a recordable Memorandum of Lease substantially in the form attached as **Exhibit 5.** Either party may record this Memorandum of Lease at any time during the Term, in its absolute discretion. Thereafter during the Term, either party will, at any time upon fifteen (15) business days' prior written notice from the other, execute, acknowledge and deliver to the other a recordable Memorandum of Lease.

(c) **Limitation of Liability.** Except for the indemnity obligations set forth in this Agreement, and otherwise notwithstanding anything to the contrary in this Agreement, Tenant and Landlord each waives any claims that each may have against the other with respect to consequential, incidental or special damages, however caused, based on any theory of liability.

(d) **Compliance with Law.** Tenant agrees to comply with all federal, state and local laws, orders, rules and regulations ("**Laws**") applicable to Tenant's use of the Communication Facility on the Property. Landlord agrees to comply with all Laws relating to Landlord's ownership and use of the Property and any improvements on the Property.

(e) **Bind and Benefit.** The terms and conditions contained in this Agreement will run with the Property and bind and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.

(f) **Entire Agreement.** This Agreement and the exhibits attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements with respect to the subject matter of this Agreement. Exhibits are numbered to correspond to the Section wherein they are first referenced. Except as otherwise stated in this Agreement, each party shall bear its own fees and expenses (including the fees and expenses of its agents, brokers, representatives, attorneys, and accountants) incurred in connection with the negotiation, drafting, execution and performance of this Agreement and the transactions it contemplates.

(g) **Governing Law.** This Agreement will be governed by the laws of the state in which the Premises are located, without regard to conflicts of law.

(h) **Interpretation.** Unless otherwise specified, the following rules of construction and interpretation apply: (i) captions are for convenience and reference only and in no way define or limit the

construction of the terms and conditions hereof; (ii) use of the term "including" will be interpreted to mean "including but not limited to"; (iii) whenever a party's consent is required under this Agreement, except as otherwise stated in the Agreement or as same may be duplicative, such consent will not be unreasonably withheld, conditioned or delayed; (iv) exhibits are an integral part of this Agreement and are incorporated by reference into this Agreement; (v) use of the terms "termination" or "expiration" are interchangeable; (vi) reference to a default will take into consideration any applicable notice, grace and cure periods; (vii) to the extent there is any issue with respect to any alleged, perceived or actual ambiguity in this Agreement, the ambiguity shall not be resolved on the basis of who drafted the Agreement; (viii) the singular use of words includes the plural where appropriate; and (ix) if any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions of this Agreement shall remain in full force if the overall purpose of the Agreement is not rendered impossible and the original purpose, intent or consideration is not materially impaired.

(i) **Affiliates.** All references to "Tenant" shall be deemed to include any Affiliate of Tillman Infrastructure LLC using the Premises for any Permitted Use or otherwise exercising the rights of Tenant pursuant to this Agreement. "Affiliate" means with respect to a party to this Agreement, any person or entity that (directly or indirectly) controls, is controlled by, or under common control with, that party. "Control" of a person or entity means the power (directly or indirectly) to direct the management or policies of that person or entity, whether through the ownership of voting securities, by contract, by agency or otherwise.

(j) **Survival**. Any provisions of this Agreement relating to indemnification shall survive the termination or expiration hereof. In addition, any terms and conditions contained in this Agreement that by their sense and context are intended to survive the termination or expiration of this Agreement shall so survive.

(k) **W-9.** As a condition precedent to payment, Landlord agrees to provide Tenant with a completed IRS Form W-9, or its equivalent, upon execution of this Agreement and at such other times as may be reasonably requested by Tenant, including any change in Landlord's name or address.

(l) **Execution/No Option.** The submission of this Agreement to any party for examination or consideration does not constitute an offer, reservation of or option for the Premises based on the terms set forth herein. This Agreement will become effective as a binding Agreement only upon the handwritten legal execution, acknowledgment and delivery hereof by Landlord and Tenant. This Agreement may be executed in two (2) or more counterparts, all of which shall be considered one and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties. All parties need not sign the same counterpart.

(m) **Attorneys' Fees.** In the event that any dispute between the parties related to this Agreement should result in litigation, the prevailing party in such litigation shall be entitled to recover from the other party all reasonable fees and expenses of enforcing any right of the prevailing party, including reasonable attorneys' fees and expenses. Prevailing party means the party determined by the court to have most nearly prevailed even if such party did not prevail in all matters. This provision will not be construed to entitle any party other than Landlord, Tenant and their respective Affiliates to recover their fees and expenses.

(n) **WAIVER OF JURY TRIAL. EACH PARTY, TO THE EXTENT PERMITTED BY LAW, KNOWINGLY, VOLUNTARILY AND INTENTIONALLY WAIVES ITS RIGHT TO A TRIAL BY JURY IN ANY ACTION OR PROCEEDING UNDER ANY THEORY OF LIABILITY ARISING OUT OF OR IN ANY WAY CONNECTED WITH THIS AGREEMENT OR THE TRANSACTIONS IT CONTEMPLATES.**

(o) **Incidental Fees.** Unless specified in this Agreement, no unilateral fees or additional costs or expenses are to be applied by either party to the other party, including review of plans, structural analyses, consents, provision of documents or other communications between the parties.

(p) **Further Acts.** Upon request, Landlord will cause to be promptly and duly taken, executed, acknowledged and delivered all such further acts, documents, and assurances as Tenant may request from time to time in order to effectuate, carry out and perform all of the terms, provisions and conditions of this Agreement and all transactions and permitted use contemplated by this Agreement, including any Subordination, Non-Disturbance and Attornment Agreement.

(q) **Confidentiality**. The terms and conditions of this Agreement are confidential between the parties and Landlord shall not disclose the same to anyone else, except to Landlord's accountant, attorney and

as agreed to by the Parties (except as to sublessees), or as is necessary to effectuate the terms of this Agreement. Any Disclosure in violation of this Section shall be deemed a material breach of this Agreement.

(r) **Estoppel**. Either party will, at any time upon twenty (20) business days prior written notice from the other, execute, acknowledge and deliver to the other a statement in writing (i) certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying this Agreement, as so modified, is in full force and effect) and the date to which the Rent and other charges are paid in advance, if any, and (ii) acknowledging that there are not, to such party's knowledge, any uncured defaults on the part of the other party hereunder, or specifying such defaults if any are claimed.

(s) **Rules Against Perpetuities**. If this Agreement or any covenants or provisions herein would otherwise be unlawful, void or voidable for violation of the Rule against Perpetuities, then the same shall continue until 20 years and 6 months after the date of death of the last survivor of the members of Congress of the United States of America (including the House of Representatives and the Senate) representing the State in which the Premises is located who are serving on the date of this Agreement

(t) **Security Interest**. Tenant has the right to assign, mortgage or grant a security interest in all or a portion of Tenant's interest in and to this Agreement, Premises, the Structure, Communication Facility, equipment and Easements, and may assign such Tenant's interests to any such assignee, mortgagees, or holders of security interests, all without Landlord's consent ("Secured Party" or, collectively, "Secured Parties").

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the Effective Date.

"WITNESSES"

Kathleen M Crawfis
Name: Kathleen M Crawfis

Susan L. Topp
Name: Susan L. Topp

"LANDLORD"
The Stephen C. Reckker Revocable Living Trust Agreement dated May 7, 1997, as amended on February 26, 2009

Signed: Stephen C. Reckker
By: Stephen C. Reckker
Its: Trustee

Date: 3/14/18

INDIVIDUAL ACKNOWLEDGMENT

STATE OF MICHIGAN)
) ss:
COUNTY OF Otsego)

On the 14th day of March, 2018, the foregoing instrument was acknowledged before me by Stephen C. Reckker, Trustee of the Stephen C. Reckker Revocable Living Trust under Agreement dated May 7, 1997, as amended on February 26, 2009.

Kathleen M Crawfis
Notary Public:
My Commission Expires:
Acting in the County of

Kathleen M. Crawfis, Notary Public
Otsego County, State of Michigan
My Commission Expires 3/31/2021
Acting in Otsego County, Michigan

IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the Effective Date.

"WITNESSES"	**"TENANT"**
	TILLMAN INFRASTRUCTURE LLC, a Delaware limited liability company
_____ Name: _____	By: _____ Name: _____ Its: _____
_____ Name: _____	Date: _____

STATE OF NEW YORK)
) **ss.**
COUNTY OF NEW YORK)

On the ____ day of _____ in the year of 2017, before me, the undersigned, a Notary Public in and for said state, personally appeared_____, Authorized Signatory of Tillman Infrastructure LLC, a Delaware limited liability company, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the individual or the entity upon behalf of which the individual acted, executed the instrument.

WITNESS my hand and official seal.

Signature:_____
My Commission Expires: _____
Commission Number:_____

EXHIBIT 1

Description of the Premises & Access and Utility Easements:

to the Option and Lease Agreement dated _____, 20___, by and between Stephen C. Reckker, Trustee of the Stephen C. Reckker Revocable Living Trust under Agreement dated May 7, 1997, as Landlord, and Tillman Infrastructure LLC, a Delaware limited liability company, as Tenant.

The Property is legally described as follows:

In the Township of Elmira, County of Otsego, State of Michigan:

NE 1/4 of NW 1/4 of Section 26, T31-R4W.

NW 1/4 of SE 1/4 and the S 1/2 of the NW 1/4

of Section 26, T31-R4W

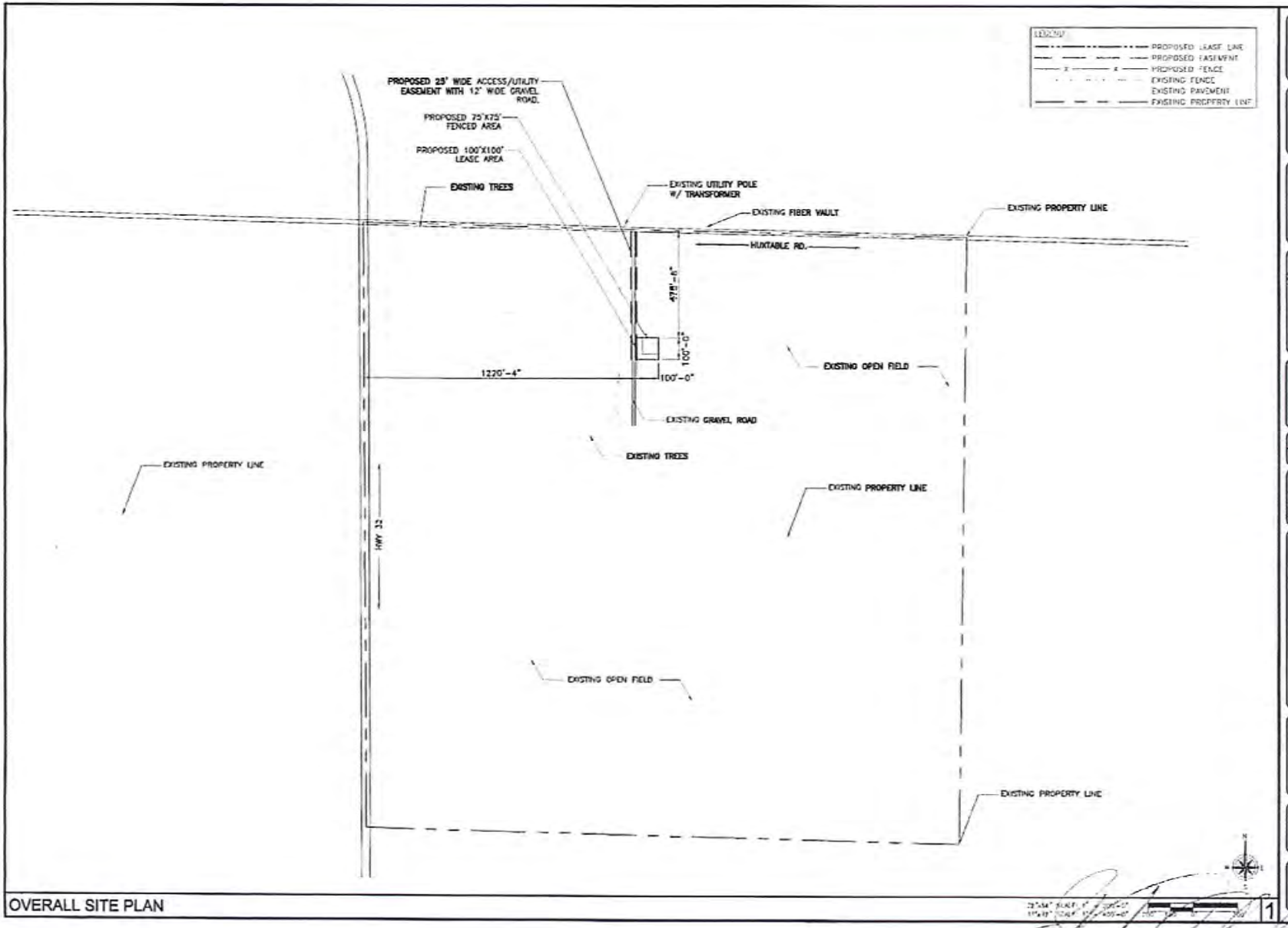
A parcel of land on part of the Northwest 1/4 of Section 26, Town 31 North, Range 4 West described as commencing at the Northwest corner of said Section 26; thence South 00 degrees 15 minutes 03 seconds West, 1337.96 feet along the West line of said Section 26 to the point of beginning; thence South 88 degrees 04 minutes 18 seconds East, 1360.00 feet along the North 1/8 line of said Section 26; thence South 01 degrees 55 minutes 42 seconds West 220.00 feet; thence North 88 degrees 04 minutes 18 seconds West, 680.26 feet; thence North 00 degrees 15 minutes 03 seconds East, 120.09 feet; thence North 88 degrees 04 minutes 18 seconds West, 673.30 feet; thence North 00 degrees 15 minutes 03 seconds East 100.00 feet along the West line of said Section 26 to the point of beginning.

The Premises are described and/or depicted as follows

[SEE ATTACHED OVERALL SITE PLAN]

Notes:

1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY TENANT.
2. ANY SETBACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE APPLICABLE GOVERNMENT AUTHORITIES.
3. WIDTH OF ACCESS ROAD SHALL BE THE WIDTH REQUIRED BY THE APPLICABLE GOVERNMENT AUTHORITIES, INCLUDING POLICE AND FIRE DEPARTMENTS.
4. THE TYPE, NUMBER AND MOUNTING POSITIONS AND LOCATIONS OF ANTENNAS AND TRANSMISSION LINES ARE ILLUSTRATIVE ONLY. ACTUAL TYPES, NUMBERS AND MOUNTING POSITIONS MAY VARY FROM WHAT IS SHOWN ABOVE.



OVERALL SITE PLAN

1

at&t

TILLMAN INFRASTRUCTURE

LCC TELECOM SERVICES

IRISH TOWER

LEASE EXHIBIT
NOT FOR CONSTRUCTION

DRAWN BY: DL
CHECKED BY: JRG

REV	DATE	DESCRIPTION
A	02/28/2018	[illegible]

FA #
14431273
SITE NAME:
TBD
SITE ADDRESS
4554 HUXTABLE RD
GAYLORD, MI 49735

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
LE 1

X

EXHIBIT 3

ENVIRONMENTAL DISCLOSURE

Landlord represents and warrants that the Property, as of the Effective Date, is free of hazardous substances except as follows:

1. None.

EXHIBIT 4

STANDARD ACCESS LETTER

[FOLLOWS ON NEXT PAGE]

DATE: 3/14/18

Stephen C. Reckker
343 S. Main Street
Romeo, MI 48065

Re: Authorized Access granted to Tillman Infrastructure

To Whom it May Concern:

Please be advised that we have signed a lease with Tillman Infrastructure ("Tillman") permitting them to install, operate and maintain telecommunications equipment at the property. The terms of the lease grant Tillman and its representatives, employees, agents and subcontractors ("representatives") 24 hour per day, 7 day per week access to the leased area.

To avoid impact on telephone service during the day, Tillman or its representatives may be seeking access to the property outside of normal business hours. Tillman and its representatives have been instructed to keep noise levels at a minimum during their visit.

Please grant the bearer of a copy of this letter access to the property and to leased area. Thank you for your assistance.

Landlord Signature

EXHIBIT 5

MEMORANDUM OF LEASE

[FOLLOWS ON NEXT PAGE]

Prepared by and return to:

Chris Mularadelis
Tillman Infrastructure LLC
157 W 57th Street
New York, New York 10019
Site No. _____

Fixed Asset No. _____
Market; _____
Cell Site Number: _____
Cell Site Name: _____

MEMORANDUM
OF
LEASE

This Memorandum of Lease is entered into on this ____ day of _____, 2017, by and between Stephen C. Reckker, Trustee of the Stephen C. Reckker Revocable Living Trust under Agreement dated May 7, 1997, as amended on February 26, 2009 having a mailing address of 343 S. Main Street, Romeo, MI 48065 (hereinafter referred to as "**Landlord**") and Tillman Infrastructure LLC, a Delaware limited liability company, having an address at 152 W. 57th Street, New York, New York 10019 (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into a certain Option and Lease Agreement ("**Agreement**") on the _____ day of _____, 20____, for the purpose of installing, operating and maintaining a communication facility and other improvements. All of the foregoing is set forth in the Agreement, concerning real property located at 5374 W M-32, Gaylord, MI 49735, in the County of Otsego, State of Michigan (the "Real Property), and as is more particularly described on **Exhibit 1** hereto

2. Tenant exercised the option pursuant to the Option and Lease Agreement and the initial lease term will be Ten (10) years commencing on the effective date of written notification by Tenant to Landlord of Tenant's exercise of its option, with Eight (8) successive automatic Five (5) year options to renew.

3. The portion of the Property being leased to Tenant and associated access and utility easements are described in **Exhibit 2** annexed hereto.

4. The Agreement gives Tenant a right of first refusal in the event Landlord receives a bona fide written offer from a third party seeking any sale, conveyance, assignment or transfer, whether in whole or in part, of any property interest in or related to the Premises, including without limitation any offer seeking an assignment or transfer of the Rent payments associated with the Agreement or an offer to purchase an easement with respect to the Premises.

5. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

6. This Agreement may be signed executed in any number of Counterparts, each of which shall, when executed, be deemed to be an original and all of which shall be deemed to be one and the same instrument.

-SIGNATURE PAGE TO FOLLOW-

IN WITNESS WHEREOF, the parties have executed this Memorandum of Lease as of the day and year first above written.

"WITNESSES"

Kathleen M Crawfis
Name: Kathleen M Crawfis

Susan L Tipp
Name: Susan L. Tipp

_____
Name: _____

_____
Name: _____

"LANDLORD"

The Stephen C. Reckker Revocable Living Trust under Agreement dated May 7, 1997, as amended on February 26, 2009.

Signed: Stephen C. Reckker
By: Stephen C. Reckker
Its: Trustee
Date: 3/14/18

TILLMAN INFRASTRUCTURE LLC,
a Delaware limited liability company

By: _____
Name: _____
Its: _____
Date: _____

[ACKNOWLEDGMENTS APPEAR ON NEXT PAGE]

TENANT ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

On the ____ day of _____ in the year of 2017, before me, the undersigned, a Notary Public in and for said state, personally appeared_____. Authorized Signatory of Tillman Infrastructure LLC, a Delaware limited liability company, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the individual or the entity upon behalf of which the individual acted, executed the instrument.

WITNESS my hand and official seal.

Signature:_____
My Commission Expires: _____
Commission Number:_____

LANDLORD ACKNOWLEDGMENT

STATE OF MICHIGAN_____)
) ss.
COUNTY OF Otsego)

The foregoing instrument was acknowledged before me this 14th day of March, 2018, by Stephen C. Reckker, Trustee of the Stephen C. Reckker Revocable Living Trust under Agreement dated May 7, 1997, as amended on February 26, 2009.

Notary Public Kathleen M Crawfis
My Commission Expires:
Acting in the County of _____
WITNESS my hand and official seal.

Kathleen M. Crawfis, Notary Public
Otsego County, State of Michigan
My Commission Expires 3/31/2021
Acting in Otsego County, Michigan

EXHIBIT 1

Description of Real Property

The Property is legally described as follows:

In the Township of Elmira, County of Otsego, State of Michigan:

NE 1/4 of NW 1/4 of Section 26, T31-R4W.

NW 1/4 of SE 1/4 and the S 1/2 of the NW 1/4

of Section 26, T31-R4W

A parcel of land on part of the Northwest 1/4 of Section 26, Town 31 North, Range 4 West described as commencing at the Northwest corner of said Section 26; thence South 00 degrees 15 minutes 03 seconds West, 1337.96 feet along the West line of said Section 26 to the point of beginning; thence South 88 degrees 04 minutes 18 seconds East, 1360.00 feet along the North 1/8 line of said Section 26; thence South 01 degrees 55 minutes 42 seconds West 220.00 feet; thence North 88 degrees 04 minutes 18 seconds West, 680.26 feet; thence North 00 degrees 15 minutes 03 seconds East, 120.09 feet; thence North 88 degrees 04 minutes 18 seconds West, 673.30 feet; thence North 00 degrees 15 minutes 03 seconds East 100.00 feet along the West line of said Section 26 to the point of beginning.

Exhibit 2

DESCRIPTION OF PREMISES AND ACCESS AND UTILTY EASEMENT

Page _____ of _____

to the Memorandum of Lease dated _____. 20___, by and between Stephen C. Reckker, Trustee of the Stephen C. Reckker Revocable Living Trust under Agreement dated May 7, 1997, as amended on February 2, 2009, as Landlord, and Tillman Infrastructure LLC, a Delaware limited liability company, as Tenant.

The Premises are described and/or depicted as follows

[SEE ATTACHED OVERALL SITE PLAN]

Notes:

1. THIS EXHIBIT MAY BE REPLACED BY A LAND SURVEY AND/OR CONSTRUCTION DRAWINGS OF THE PREMISES ONCE RECEIVED BY TENANT.
2. ANY SETBACK OF THE PREMISES FROM THE PROPERTY'S BOUNDARIES SHALL BE THE DISTANCE REQUIRED BY THE APPLICABLE GOVERNMENT AUTHORITIES.
3. WIDTH OF ACCESS ROAD SHALL BE THE WIDTH REQUIRED BY THE APPLICABLE GOVERNMENT AUTHORITIES, INCLUDING POLICE AND FIRE DEPARTMENTS.
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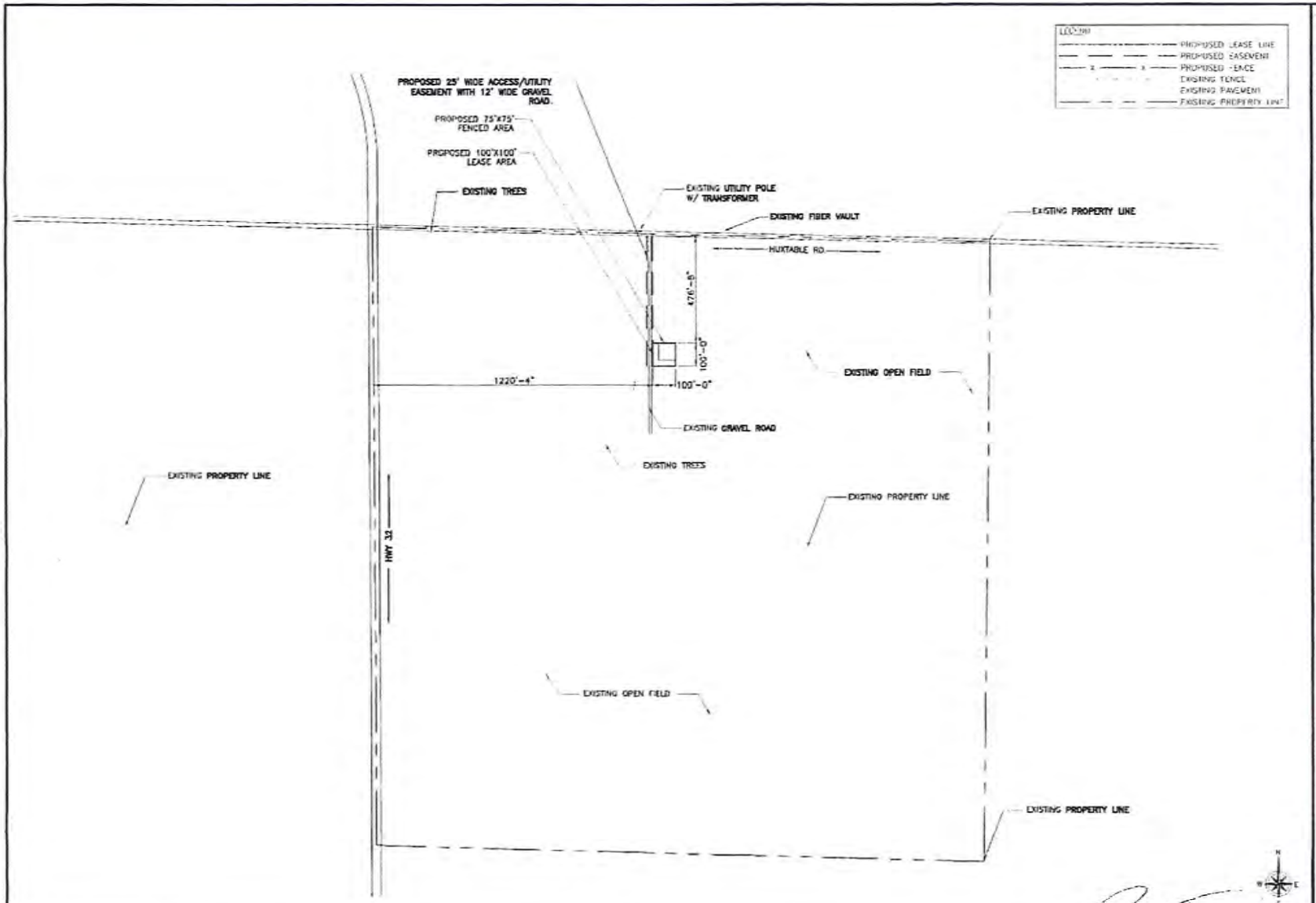


OVERALL SITE PLAN

1

at&t

TILLMAN INFRASTRUCTURE

LCC TELECOMSERVICES

IRISH TOWER

LEASE EXHIBIT
NOT FOR CONSTRUCTION

DRAWN BY:
CHECKED BY: JP

REV	DATE	DESCRIPTION
A	01/28/2019	LEASE EXHIBIT

FA #
14431273
SITE NAME:
TBD
SITE ADDRESS:
4554 HUXTABLE RD
GAYLORD, MI 49735

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
LE 1

X

FNF file No: _____
Customer Reference: _____

AFFIDAVIT OF NOTARY

I, Kathleen M Crawfis (please print name as commissioned), the undersigned Notary Public, do hereby affirm and attest to Fidelity National Title Insurance Company one of the following (please check one) is an accurate statement:

- I am a Bancserv notary (and by checking this box I certify I was assigned by Bancserv for this notary service); or

- I am an FNF-approved notary on the FNTG Field Compliance Approved Third Party list; or

✓ I am a licensed attorney or a notary working under the supervision of a licensed attorney. Insert lawyer or law firm: Topp law, PLC; or

- I am a notary working in a bank or credit union (this option is only applicable for notaries at banks {FDIC insured} and credit unions {NCUA insured} and is not applicable for notaries at mortgage companies or mortgage brokers).

Bank or credit union name: _____

Bank/credit union employee title: _____

Branch name or street address: _____

Telephone number of bank or credit union: _____

3-14-18
Date

Kathleen M Crawfis
Notary Public signature

(989) 731-4014
Telephone contact

_____
Notary # or Seal for identification purposes

Kathleen M. Crawfis, Notary Public
Otsego County, State of Michigan
My Commission Expires 3/31/2021
Acting in Otsego County, Michigan

OTSEGO COUNTY
PLANNING COMMISSION

PUBLIC HEARING NOTICE
May 20, 2019

The Otsego County Planning Commission will hold three (3) public hearings on Monday, May 20, 2019 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) Daystar Properties, owner, represented by Northern Michigan Engineering Inc, David Drews, request a Special Use Permit/Site Plan Review for property located in Elmira Township at 4422 M-32 W Gaylord, MI 49735. The proposed use of the property is to create a site condominium for the construction of sixteen (16) single family dwellings. The property is located in a R3/Residential Estates Zoning District.

Parcel identification number: **060-035-400-005-01**
4422 M-32 W
Gaylord, MI 49735

Legal Description:
PART OF THE SE¼ OF SEC 35: BEG AT THE S¼ COR, TH N00°46'04" W 1346.81FT ALG THE N/S¼ LN; TH S89°09'07" E 780.93FT ALG S¼ LN OF SEC; TH S00°51'27" E 1345.72FT; TH N89°14'10" W 783.01FT ALG THE S LN TO POB. SEC 35 T31N R4W PARCEL A OF 1994 SPLIT FROM 060-035-400-005-00

2) Hugo A Noeske, owner, has requested a Special Use Permit/Site Plan Review for property located in Corwith Township at 7290 Old 27 North Vanderbilt, MI 49795. The proposed use of the property is to construct a forty (40) unit mini-storage building. The property is located in a B2 / General Business Zoning District.

Parcel identification number: **042-027-300-005-04**
7290 Old 27 North
Vanderbilt, MI 49795

Legal Description:
PARCEL A: COMM AT S¼ COR OF SEC 27, TH N00°03'24"W 1315.20FT ALG N-S¼ LN TO POB; TH N88°13'32"W 1170FT ALG S¼ LN, TH N00°03'24"E 304FT, TH S88°13'32"E PAR TO S¼ LN 1170FT, TH S00°03'24"W 304FT ALG N-S¼ LN TO POB. SEC 17 T32N-R3W CONT 8.26 ACRES M/L *****AND*****
PARCEL B: COMM S¼ COR OF SEC 27, TH N00°03'24"W 1315.20FT ALG N-S¼ LN, TH N88°13'32"W 1170FT ALG S¼ LN TO POB; TH N88°13'32"W 540.16FT ALG S¼ LN, TH N03°22'07"E 533.93FT, TH S88°13'32"E 358.24FT, TH S00°03'24"E 230FT, TH S88°13'32"E 150FT, TH S00°03'24"W 304FT TO POB. SEC 17 T32N-R3W CONT 5.53 ACRES M/L 1998 SPLIT OF 042-027-300- 005-01

3) Stephen Reckker, owner, represented by LCC Telecom Services, Mike Bienick, for Tillman Infrastructure request a Special Use Permit/Site Plan Review for property located in Elmira Township at 4754 Waldrast Dr Gaylord, MI 49735. The proposed use of the property is to construct a 179' Wireless Communication Tower. The property is located in a R3/Residential Estates Zoning District.

Parcel identification number: **060-026-200-015-05**
4754 Waldrast Dr
Gaylord, MI 49735

Legal Description:
NW¼ **EXC:** COM AT N¼ COR, TH S00°12'28"W 1341.14 FT ALG N-S ¼ LN, TH N88°04'21"W 634 FT ALG N¼ LN TO POB; TH S01°55'39"W 297 FT, TH N88°04'21"W 297 FT, TH N01°5'39"E 297 FT, TH S88°04'21"E 297 FT TO POB. SEC 26 T31N-R4W 99 SPLIT OF 060-026-200-015-02

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

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

Exhibit 8

July 12, 2018

Christine Boyak-Wohfeil
Zoning Officer – Otsego County

RE: Tillman/AT&T Site Number: 14431273

Dear Christine:

Mike Bieniek, agent on behalf of Tillman, presented to the Elmira Township Board the application for a special use permit for the proposed new tower at 4754 Waldrast Drive, Gaylord, MI 49735- The site is located in Elmira Township

The Elmira Township Planning Commission reviewed the application at their June 26, 2018 meeting and approved the concept as presented, provided that the project will not affect neighboring parcels. The County ZBA would act on any variances that might be needed.

Diane Purgiel made a motion that the Elmira Township Board recommends to the Otsego County Planning Commission to approve the special use permit for the Tillman/AT&T Site Number: 14431273 with the concept as presented, provided that the project will not affect neighboring parcels. Seconded by Dale and carried unanimously.

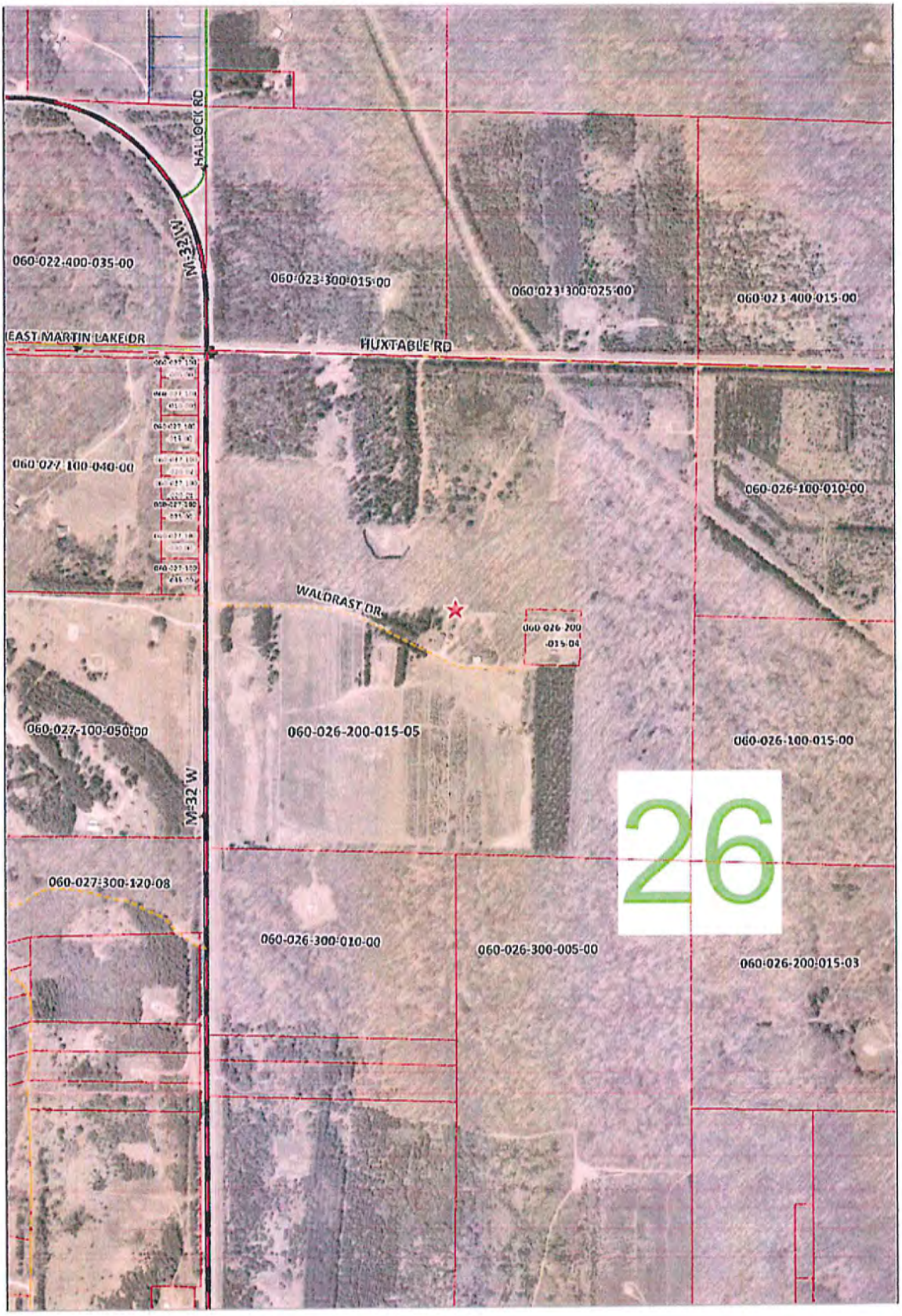
Sincerely,
Susan Schaedig, Clerk

PZSU19-004 060-026-200-015-05 4754 WALDRAST DR

OWNERS WITHIN THREE HUNDRED FEET (300')									
Parcel Number	Property Address	Owner	Mailing Address				Record Acres	Zoning Code	Class
060-026-200-015-05	4754 WALDRAST DR	RECKKER, STEPHEN TRUST	5374 M-32 WEST	GAYLORD	MI	49735	160.83	R-3	401
060-022-400-035-00		GIEM, DANIEL K & ERMA M TRUST	PO BOX 562	FARWELL	MI	48622	33.24	RR	402
060-023-300-015-00		SCHROEDER, DAVID & IMELDA	909 E CASS ST	ST JOHNS	MI	48879	39.08	RR	402
060-023-300-025-00	4560 HUXTABLE RD	POTTER, RICHARD	4560 HUXTABLE RD	GAYLORD	MI	49735	41.24	FR	401
060-023-400-015-00	2102 ORDWAY RD	HAY, THERESE ANN	2102 ORDWAY RD	GAYLORD	MI	49735	38.55	FR	401
060-026-100-010-00		ROPPOSCH, JAMES L ET UX	PO BOX 595953	FORT GRATIOT	MI	48059-5953	39.96	R-3	402
060-026-100-015-00/ 060-026-200-015-04	4648 WALDRAST DR	KLECKNER, LYNN D ET AL/ KLECKNER FAMILY TRUST	PO BOX 1274	GAYLORD	MI	49734	39.72/ 2.02	R-3/ R3	402/ 401
060-026-200-015-03/ 060-026-300-005-00/ 060-026-300-010-00		FONS, DAVID A	991 WELLSLEY CT	BLOOMFIELD HILLS	MI	48304	39.95/ 78.32/ 31.10	R-3/ R3/ RR	402/ 402/ 402
060-027-100-005-00	5031 EAST MARTIN LAKE DR	RALSTON, THERESA ET AL	8722 S M-37 HWY	HASTINGS	MI	49058	0.46	RR	401
060-027-100-010-00/ 060-027-100-040-00	5361 EAST MARTIN LAKE DR	PAWLOSKI-STUDY	5081 EAST MARTIN LAKE DR	GAYLORD	MI	49735	0.92/ 30.96	RR/ RR	402/ 401
060-027-100-015-00	5455 M-32 WEST	BERRY, NEIL EDWARD	5455 M-32 WEST	GAYLORD	MI	49735	0.92	RR	401
060-027-100-020-01	5433 M-32 WEST	STONE, CHRISTOPHER WILLIAM	6357 HOLLY HOCK TRL	BRIGHTON	MI	48116	0.58	RR	401
060-027-100-020-02	5447 M-32 WEST	SIDES, TANAYA M TRUST	623 MATELSKI RD W	GAYLORD	MI	49735	0.58	RR	401
060-027-100-025-00	5419 M-32 WEST	MEADOWS - GRENKE	11435 PANNERVILLE RD	KALEVA	MI	49645	0.46	RR	401
060-027-100-030-00	5401 M-32 WEST	BARRIS, KEVIN J	268 GLENWOOD TRL	GAYLORD	MI	49735	0.98	RR	401
060-027-100-035-00	5385 M-32 WEST	ANTHONY FILIPPIS COMPANY	2845 CROOKS RD	ROCHESTER	MI	48309	0.91	RR	401
060-027-100-050-00	5361 M-32 WEST	CAMP SANCTA MARIA / BOUSAMRA,TOM	PO BOX 338	GAYLORD	MI	49734	75.37	RR	708
060-027-300-120-08		GLASSER, NANCY TRUST	16861 LANDING LN	SPRING LAKE	MI	49456	14.04	RR	401

Exhibit 11

PZSU19-004 LCC TELECOM SERVICES/TILLMAN INFRASTRUCTURE
4754 WALDRAST DR 060-026-200-015-05



060-026-200-015-05	060-027-300-120-08	060-027-100-005-00	060-027-100-035-00
060-026-200-015-04	060-027-100-050-00	060-027-100-010-00	
060-026-100-010-00	060-027-100-040-00	060-027-100-015-00	
060-026-100-015-00	060-022-400-035-00	060-027-100-020-01	
060-026-200-015-00	060-023-300-015-00	060-027-100-020-02	
060-026-300-005-00	060-023-300-025-00	060-027-100-025-00	
060-026-300-010-00	060-023-400-015-00	060-027-100-030-00	

Exhibit 11

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

Otsego COUNTY MICHIGAN
ESTABLISHED 1875

Paid By:

TILLMAN INFRASTRUCTURE LLC

10700 W HIGGINS RD STE 240

ROSEMONT, IL 60018

RECEIPT NUMBER

01317616

05/09/2019

Type	Record	Category	Description	Amount
Permit	PZSU19-004	ADMIN ZONING	SPECIAL USE PERMIT/PC	$ 700.00

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

Exhibit 12

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-004
Special Use Permit/Site Plan Review
060-026-200-015-05

GENERAL FINDING OF FACT

1. This is a proposal for a one hundred seventy-nine foot (179') wireless communication tower. *Exhibit #1, Exhibit #5*

2. The property is located in a R3/Residential Estates Zoning District. *Exhibit #2*

3. The proposed use is a permitted use subject to special conditions in a R3/Residential Estates Zoning District. *Exhibit #3*

4. The proposed property is 158.00 acres. *Exhibit #4*

5. The proposed project area is 0.93 acres. *Exhibit #5*

6. The proposed project area meets the requirements of the Article 17 Schedule of Dimensions. *Exhibit #3, Exhibit #5, Exhibit #6*

7. The property is currently under the ownership of Stephen Reckker. *Exhibit #4*

8. The owner is being represented by Mike Bienick, LCC Telecom Services per Letter of Authorization dated May 2, 2019 and Lease Agreement dated March 14, 2018. *Exhibit #7*

9. LCC Telecom Services is representing Tillman Infrastructure. *Exhibit #1,*

10. An address has been obtained from the Equalization Department. *Exhibit #*

11. The Public Hearing Notice will be published in the Herald Times on May 3, 2019. *Exhibit #8*

12. The requirements of Article 27 of the Otsego County Zoning Ordinance have been met. *~~Exhibit #9~~, Exhibit #10*

13. All property owners within three hundred (300') feet were properly notified of the public hearing. *Exhibit #11*

14. 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*

15. The required fees have been collected by Otsego County Land Use Services. *Exhibit #12*

16. Letters from the FAA (Federal Aviation Administration), MDOT (Michigan Department of Transportation, and Gaylord Regional Airport have been received. *Exhibit #15, Exhibit #16, Exhibit #17*

17. The site plan requirements of Article 23 have been reviewed by Otsego County Land Use and all requirements pertaining to the proposed development have been addressed by the Applicant/Representative. *Exhibit #4, Exhibit #5, Exhibit 8, Exhibit #11, Exhibit #13, Exhibit #14...*

OTSEGO COUNTY
PLANNING COMMISSION

PZSU19-004
Special Use Permit/Site Plan Review
060-026-200-015-05

SPECIFIC FINDING OF FACT

FINDINGS UNDER ARTICLE 6:

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 fifty (150) feet or less in height, self-supporting (lattice) or guyed [Permit criteria includes Article 21.46]

6.2.7 Unlisted property uses if authorized under Article 21.44

6.2.8 Wireless Telecommunications Towers and Facilities one hundred seventy-nine (179) feet or less in height, without lights [Permit criteria include Article 21.46]

*****Permitted Use Subject to Special Conditions**

FINDINGS UNDER ARTICLE 21/SECTION 21.46

SECTION 21.46 WIRELESS COMMUNICATIONS:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 21.46.1 DEFINITIONS:

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

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

SECTION 21.46.2 WIRELESS COMMUNICATIONS TOWERS OF ONE HUNDRED SEVENTY-NINE (179) FEET OR LESS AND RELATED FACILITIES:

Construction of Wireless Telecommunication Antenna Towers of one hundred seventy-nine (179) 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 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 SEVENTY-NINE (179) FEET AND RELATED FACILITIES:

Construction of Wireless Communications Towers over one hundred seventy-nine (179) 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 seventy-nine (179) feet. Where the independent evaluation shows that service can be provided by a one hundred seventy-nine (179) foot or lower tower no tower in excess of one hundred seventy-nine (179) 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.

*****Wireless Communications requirements met**

ARTICLE 23 SITE PLAN REVIEW

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Article. The intent of this Article is to provide for consultation and cooperation between the land developer and the Zoning Administrator so that beneficial utilization of the land is achieved at the same time that adverse effects upon the surrounding land uses are minimized consistent with the requirements and purposes of this Ordinance. Through the application of the following provisions, the attainment of the Comprehensive Plan of Otsego County will be assured and its communities will develop in an orderly fashion.

SECTION 23.1 SITE PLAN REVIEW REQUIRED

Site plan review is required for the following uses:

23.1.1 Any use or development for which the submission of a site plan is required by any provision of this Ordinance.

23.1.2 Any development for which off-street parking areas in excess of five (5) spaces are provided as required in this Ordinance.

Any use in a B1, B2, B3 and Industrial zone.

Any Special Land Use (See Article 19).

(Note: An application for a zoning permit for a land use not requiring Site Plan Review shall contain a Plot Plan as outlined in Article 25.3.3.)

SECTION 23.2 APPLICATIONS FOR SITE PLAN REVIEW

An application for site plan review shall be obtained from the Zoning Administrator. The completed application and site plan shall be submitted to the Zoning Administrator along with fifteen (15) copies of each for distribution. The application, site plan and copies shall be submitted at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission, in order to have the site plan review scheduled for that meeting. The applicant shall also meet requirements of Article 27 Township Participation in County Zoning. The application for site plan review and the site plan shall contain the following information:

23.2.1 The application shall, at a minimum, include the following information:

23.2.1.1 The applicant's name, address and phone number in full

23.2.1.2 Proof of property ownership and whether there are any options on the property or any liens against it

23.2.1.3 A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf

23.2.1.4 The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s)

23.2.1.5 The address and or parcel number of the property

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

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

23.2.1.8 Project title

23.2.1.9 Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided and related information as pertinent or otherwise required by the ordinance

23.2.1.10. A vicinity map drawn to with North point indicated

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

23.2.1.12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels

23.2.1.13. Project completion schedule/development phases

23.2.2 The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 50 or fewer feet or less for sites of less than three (3) acres and 1"= 100 or fewer feet or less if the site is larger than three (3) acres. The site plan shall show the site and all land within fifty (50) feet of the site. If multiple sheets are used, each shall be labeled and the preparer identified. All site plans shall be sealed by a professional engineer, surveyor, architect or landscape architect and each site plan shall depict the following:

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

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

23.2.2.3 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.

23.2.2.4 Location and type of significant existing vegetation

23.2.2.5 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

23.2.2.6 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

23.2.2.7 Proposed location of accessory structures, buildings and uses, including all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable

23.2.2.8 Location of existing public roads, rights-of-way 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.

23.2.2.9 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.

23.2.2.10 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

23.2.2.11 Location, size and characteristics of all loading and unloading areas

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

23.2.2.13 Location of water supply lines and/or wells, including fire hydrants and shut off valves and 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

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

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

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

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

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

23.2.2.19 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.

23.2.2.20 Location, size of all trash receptacles and other solid waste disposal facilities

23.2.2.21 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.

23.2.2.22 Identification of any significant site amenities or unique natural features

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

23.2.2.24 North arrow, scale and date of original submittal and last revision

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

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 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 _____, except for the following items: (list known variations from the ordinance)

23.2.3 All projects requiring a site plan shall also require that the professional in charge of the project inspect and certify that the project has been constructed in accordance with the approved plans. The following format shall be used:

FORM FOR CONSULTANT'S CERTIFICATE

Date_____

Project name_____

Section _____, T ___ N, R ___ W, _____Township,

Otsego County, Michigan.

I hereby certify that construction of

_____

is complete and that:

(seal)

1. I have personally directed the supervision or inspection of the construction.

2. To the best of my professional knowledge, understanding and information, all improvements to date have been installed in accordance with the special use permit.

3. The project meets all requirements of the Otsego County Zoning Ordinance.

Signed_____

Registered Professional Engineer (or Surveyor, Architect or Landscape Architect)

23.2.4 The Planning Commission or Zoning Administrator may waive any site plan submittal requirement when any of the following circumstances are found to be in existence:

23.2.4.1 The data will serve no useful purpose. Circumstances have not significantly changed on the property since the last time detailed information on the site was submitted. Another reasonable circumstance or condition exists (not including the cost of complying).

23.2.5 Application fees must be paid when the application is submitted and sufficient escrow accounts may be established to cover the projected review costs.

SECTION 23.3 PRE-APPLICATION CONFERENCE

A pre-application conference is not mandatory, but it is strongly advised. During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with existing development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Zoning Administrator and such other representatives as described in the Planning Commission bylaws. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the Ordinance for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

SECTION 23.4 AGENCY REVIEW

The applicant shall submit a copy of required site plans and a blank comment form supplied by the Otsego County Zoning Administrator to designated Federal, State and Local agencies and departments for review as determined and requested by the Planning Commission or Zoning Administrator.

The applicant may be requested to submit site plans to one or more of the following agencies: the Otsego County Road Commission; the Michigan Department of Transportation; the Michigan State Police, the Otsego County Sheriff; the Otsego County Conservation District; the District Health Department; the Fire Department having jurisdiction; the Michigan Department of Natural Resources; the Michigan Department of Environmental Quality; the Otsego County Airport; or any other agency or department deemed necessary. After delivery of the application, site plans and comment forms the applicant should submit proof of delivery to the Otsego County Zoning Administrator. Comments not received from reviewing agencies by the Zoning Administrator within fifteen (15) of days of delivery shall be considered approved without comment.

SECTION 23.5 APPROVAL AUTHORITY

The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If he/she determines that all required information has not been supplied, a written notification to the applicant will be sent, citing the deficiencies. The application for site plan review cannot proceed until all requirements have been satisfied.

The Zoning Administrator shall review and act upon site plans except where a Special Use Permit is required. Site plans for Special Use Permit shall be forwarded by the Zoning Administrator to the Planning Commission for review and action. In addition, at the request of the Zoning Administrator or Planning Commission, a site plan for a Principal Permitted Use may be submitted for Planning Commission review before final action by the Zoning Administrator. The Zoning Administrator and

Planning Commission have the authority to approve, deny or grant conditional approval for any site plan submitted under the provisions of this ordinance. The Zoning Administrator may hold or the Planning Commission may table a site plan, pending further information or addition, reasonably needed to complete a site plan or comply with requirements of this Ordinance.

SECTION 23.6 CONDITIONAL APPROVALS

23.6.1 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of this ordinance.

23.6.2 The Planning Commission or Zoning Administrator may condition approval of a site plan on conformance with the standards of another local, county or state agency, including a Water and Sewer Department, County Drain Commission, County Road Commission, State Highway Commission or Natural Resources Department. They may do so when such conditions:

23.6.2.1 Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;

23.6.2.2 Would protect the natural environment and conserve natural resources and energy;

23.6.2.3 Would insure compatibility with adjacent uses of land, and would promote the use of land in a socially and economically desirable manner.

23.6.3 The Planning Commission and/or Zoning Administrator may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of Article 21.10 and 21.18of this Ordinance and may collect a performance guarantee consistent with the requirements of Article 23.8, to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:

23.6.3.1 That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;

23.6.3.2 that absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

SECTION 23.7 DISTRIBUTION OF APPROVED SITE PLAN

When a site plan is reviewed and approved or disapproved by the Planning Commission or Zoning Administrator, and all steps completed, two (2) copies of the site plan will be marked by the Planning Commission for the following distribution.

23.7.1.1 One (1) copy returned to the applicant signed by the Chairperson of the Planning Commission or by the Zoning Administrator including any conditions of approval.

23.7.1.2 One (1) copy forwarded to the Zoning Administrator including any conditions of approval.

SECTION 23.8 CONFORMITY TO APPROVED SITE PLAN REQUIRED

Following final approval of a site plan by the Zoning Administrator or the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved plan.

Failure to do so is a violation of this ordinance and subject to the sanctions provided herein.

SECTION 23.9 SITE PLAN EXPIRATION AND REVOCATION

23.9.1 Failure to initiate construction of an approved site plan within three hundred sixty-five (365) days of approval shall require the applicant to appear before the Planning Commission and demonstrate why the approval should not be revoked. After this appearance the Planning Commission may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:

23.9.1.1 An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;

23.9.1.2 Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;

23.9.1.3 A change in state law, local charter, or other local ordinance affecting the previous approval has occurred;

23.9.1.4 Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

23.9.2 Thirty (30) days prior to expiration of an approved site plan, an applicant may make application for a one year extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted. If the original approval of the site plan was by the Planning Commission, the applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission.

23.9.3 Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The Building Inspector shall also be notified to withhold any building permit until a new site plan is approved.

23.9.4 Any subsequent re-submittal shall be processed as a new request with new fees, except for minor amendments pursuant to Subsection 23.11 below.

SECTION 23.10 PERFORMANCE GUARANTEE REQUIRED

In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety and welfare of the residents of Otsego County and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission or Zoning Administrator may require the applicant to deposit a performance guarantee as regulated by Article 25.6. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping and any other required improvements.

SECTION 23.11 MINOR AMENDMENTS TO APPROVED SITE PLANS

Minor Amendments to a site plan may be approved by the Zoning Administrator provided that such changes conform to the Zoning Ordinance and the applicant agrees. No additional fees will be charged for minor amendments. Minor changes to an approved site plan may be approved by the Zoning Administrator before or after construction has begun provided no such change results in any of the following:

23.11.1.1 A change in the use or character of the development

23.11.1.2 An increase in overall coverage of structures

23.11.1.3 An increase in the intensity of use

23.11.1.4 A reduction in required open space

23.11.1.5 A reduction in required off-street parking and loading

23.11.1.6 A reduction in required pavement widths or utility pipe sizes

23.11.1.7 An increase in traffic on public streets or an increase in the burden on public utilities or services

23.11.2 The following are minor amendments:

23.11.2.1 Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s) - Relocation of building entrances or exits, or shortening of building canopies

23.11.2.2 The changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided

23.11.2.3 Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or a reduction of aisle width below ordinance requirements

23.11.2.4 Moving of ingress and egress drives a distance of not more than one hundred (100) feet if required by the appropriate state, county or other local road authority with jurisdiction

23.11.2.5 Substituting landscape plan species provided a nurseryman, landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects

23.11.2.6 Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary

23.11.2.7 Increase peripheral yards

23.11.2.8 Changing the location of an exterior building wall or location not more than ten (10) feet because of a natural impediment or hazard such as bedrock or muck soils, provided that in so doing no setback requirement of the Ordinance is violated and no significant reduction in safety or in the amount of open space is thereby affected

23.11.3 If a proposed amendment to an approved site plan does not qualify as a minor change, a new site plan and application and fees in accordance with the provisions of Article 23 must be submitted. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

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

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

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

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

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

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

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

19.7.7 If the proposed special land use includes more than fifteen thousand (15,000) square feet of impervious surface, then the storm water management system employed by the use shall (i) preserve the natural drainage characteristics of the site and enhance the aesthetics of the site to the extent possible, (ii) employ storm water disposal through evaporation and infiltration when reasonably possible, (iii) shall not discharge storm water directly to wetlands or surface waters unless there is no other prudent or reasonably feasible means of discharge, (iv) shall not serve to increase the quantity no rate of discharge leaving the property based on 25-year storm criteria, (v) shall be designed using Best Management Practices identified by the DNR or its successor agency, and (vi) shall identify the party responsible for maintenance of the storm water management system.
HAS – HAS NOT BEEN MET

19.7.8 The proposed special land use complies with all specific standards required under this Ordinance applicable to it.
HAS – HAS NOT BEEN MET

SECTION 19.8 - CONDITIONS

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

19.8.1 Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed special land use and the community as a whole.

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

19.8.3 Be necessary to meet the intent and purpose of the zoning ordinance, be rated to the standards established in the ordinance for the special land use under consideration and be necessary to insure compliance with those standards.

Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-AGL-6820-OE

Issued Date: 05/04/2018

Donna-Marie Stipo
Tillman Infrastructure, LLC
152 West 57th Street
8th Floor
New York, NY 10019

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower Gaylord MI - 14431273
Location:	Gaylord, MI
Latitude:	45-03-23.25N NAD 83
Longitude:	84-46-16.02W
Heights:	1370 feet site elevation (SE) 199 feet above ground level (AGL) 1569 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part 1)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 11/04/2019 unless:

(a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
(b) extended, revised, or terminated by the issuing office.
(c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

Exhibit 15

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (718) 553-4199, or Dianne.Marin@FAA.GOV. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AGL-6820-OE.

Signature Control No: 361753361-364370575 (DNE)
Dianne Marin
Technician

Attachment(s)
Case Description
Frequency Data
Map(s)

cc: FCC

Case Description for ASN 2018-AGL-6820-OE

Installation of a self support lattice tower and compound

Frequency Data for ASN 2018-AGL-6820-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

AERONAUTICS COMMISSION
J. David VanderVeen, Chairman
Pete Kamarainen, Vice Chairman
Russ Kavalhuna
Roger Salo
Rick Fiddler
Kirk T. Steudle
MG Gregory J. Vadnais
Keith Creagh
Col. Kristie K. Etue
Mike Trout, Commission Director

STATE OF MICHIGAN

Rick Snyder, Governor

Michigan Department of Transportation
2700 Port Lansing Rd Lansing, MI 48906
Phone: 517-335-9949 Fax: 517-886-0366

July 5, 2018

Donna-Marie Stipo
Tillman Infrastructure, LLC
152 West 57th Street, 8th Floor
New York, NY 10019

Re: The Michigan Department of Transportation review of the following proposal:

The Michigan Department of Transportation has conducted a review of the following proposal:

FAA Airspace Case #:	**2018-AGL-6820-OE**
Description:	**Antenna Tower**
Height Above Ground:	**199**
Overall Height:	**1569**
Geographic Coordinates:	**45d3m23.25sN / 84d46m16.02sW**

Michigan's Tall Structure Act (Act 259, P.S. 1959, as amended by Act 28 P.A. 2016), places authority for review of construction proposals which may affect Michigan airspace with the Michigan Aeronautics Commission. The Michigan Aeronautics Commission has delegated its authority for airspace reviews and approvals to the Michigan Department of Transportation's Office of Aeronautics.

After review of the study listed above, it has been determined that no permit is required for the referenced application. However, this notice concerns the effect on air navigation specific to the Michigan Tall Structure Act and does not relieve the proponent of any compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If any changes are made to either the location or overall height, the application must be re-submitted for re-evaluation.

I can be contacted at telephone number 517-335-9418 or email address MDOT_Tall_Structures@michigan.gov if you have any questions or comments.

Hilary Hoose

Hilary Hoose
Aeronautics Analyst
Michigan Department of Transportation

DonnaMarie Stipo

From: Matthew Barresi <mbarresi@otsegocountymi.gov>
Sent: Friday, March 15, 2019 1:53 PM
To: DonnaMarie Stipo
Subject: RE: Tillman Tower - 190-feet (OH 199 w/appurtenances) 14431273

Hi Donna-Marie,

We concur with the FAA and MDOT-Aero findings and this project does not obstruct local aviation zoning ordinances. We have no objections to your request as outlined. For Antenna Tower Gaylord MI – 14431273.

Please do not hesitate to contact me if you have any questions.

Matt Barresi
Gaylord Regional Airport Director
Phone: (989) 732-4218
mbarresi@otsegocountymi.gov
Airport Welcome Video Link: CLICK HERE
Airshow Recap Video Link: CLICK HERE

GAYLORD REGIONAL AIRPORT

AIRSHOW NORTHERN MICHIGAN GAYLORD 15-16 JUNE 2019

AT&T Zoning Maps for OML03412

RF Design 03/29/2018

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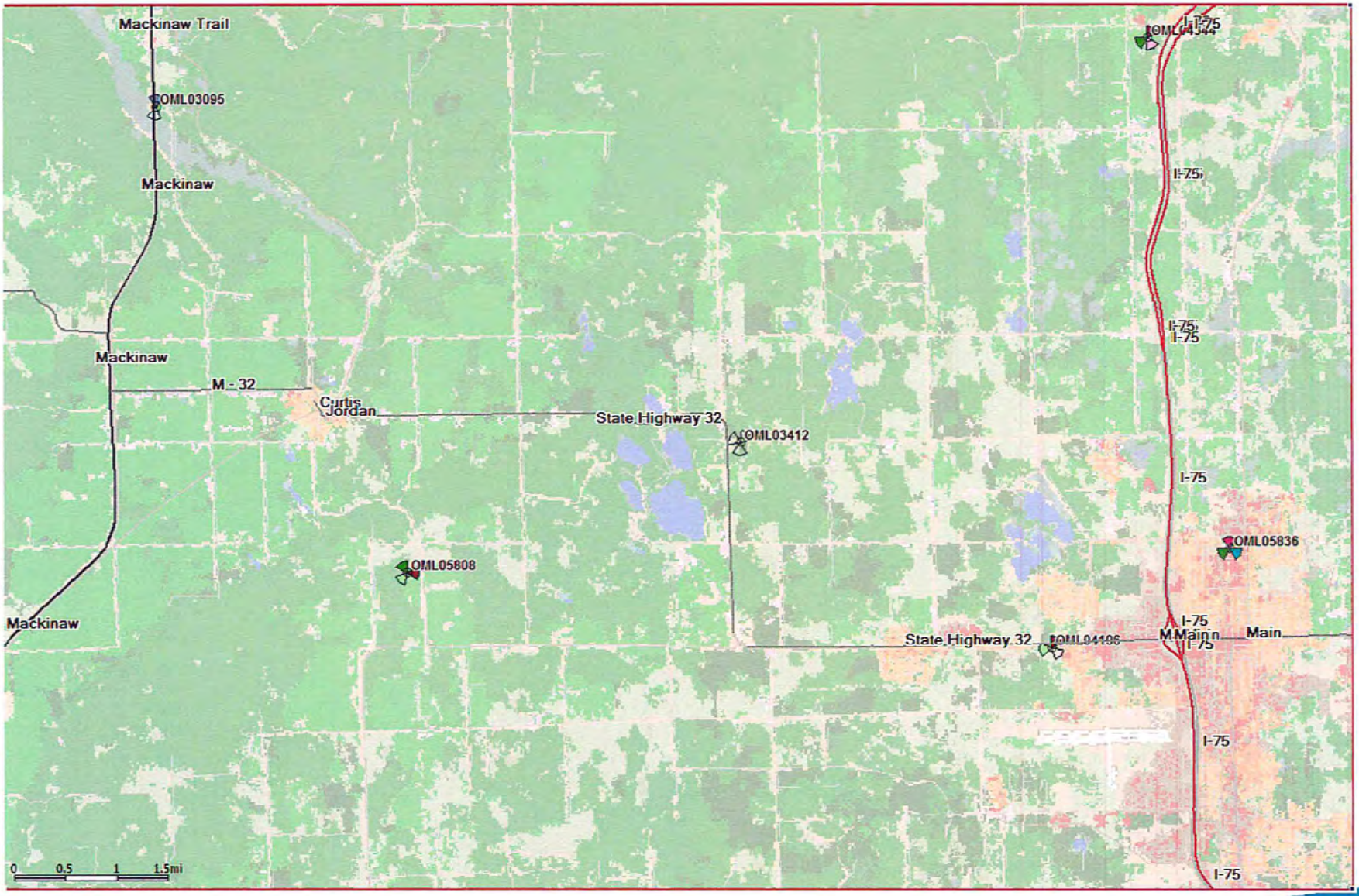
Exhibit 18

Surrounding sites and clutter



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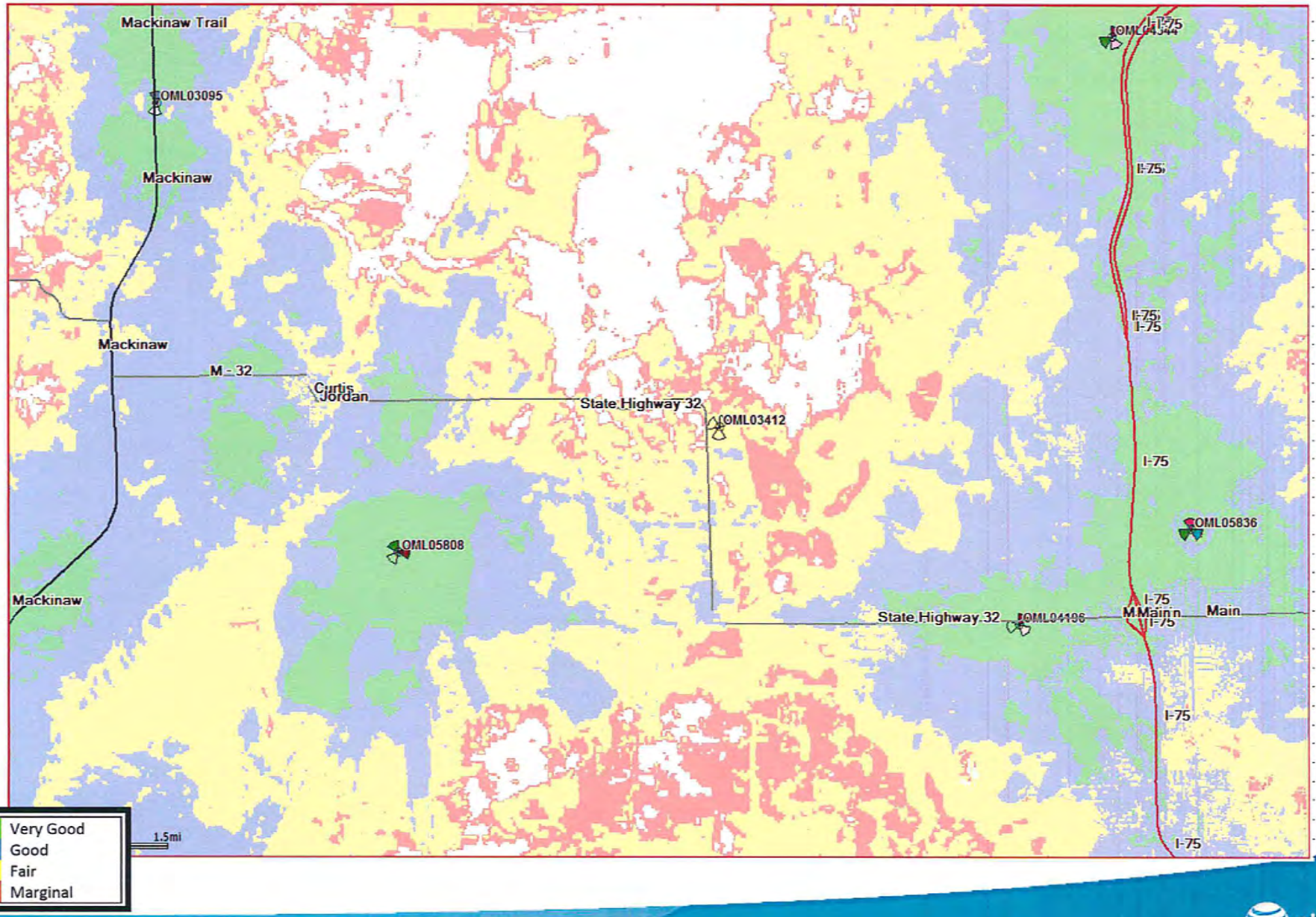
AT&T In door LTE 700 MHz Existing Coverage



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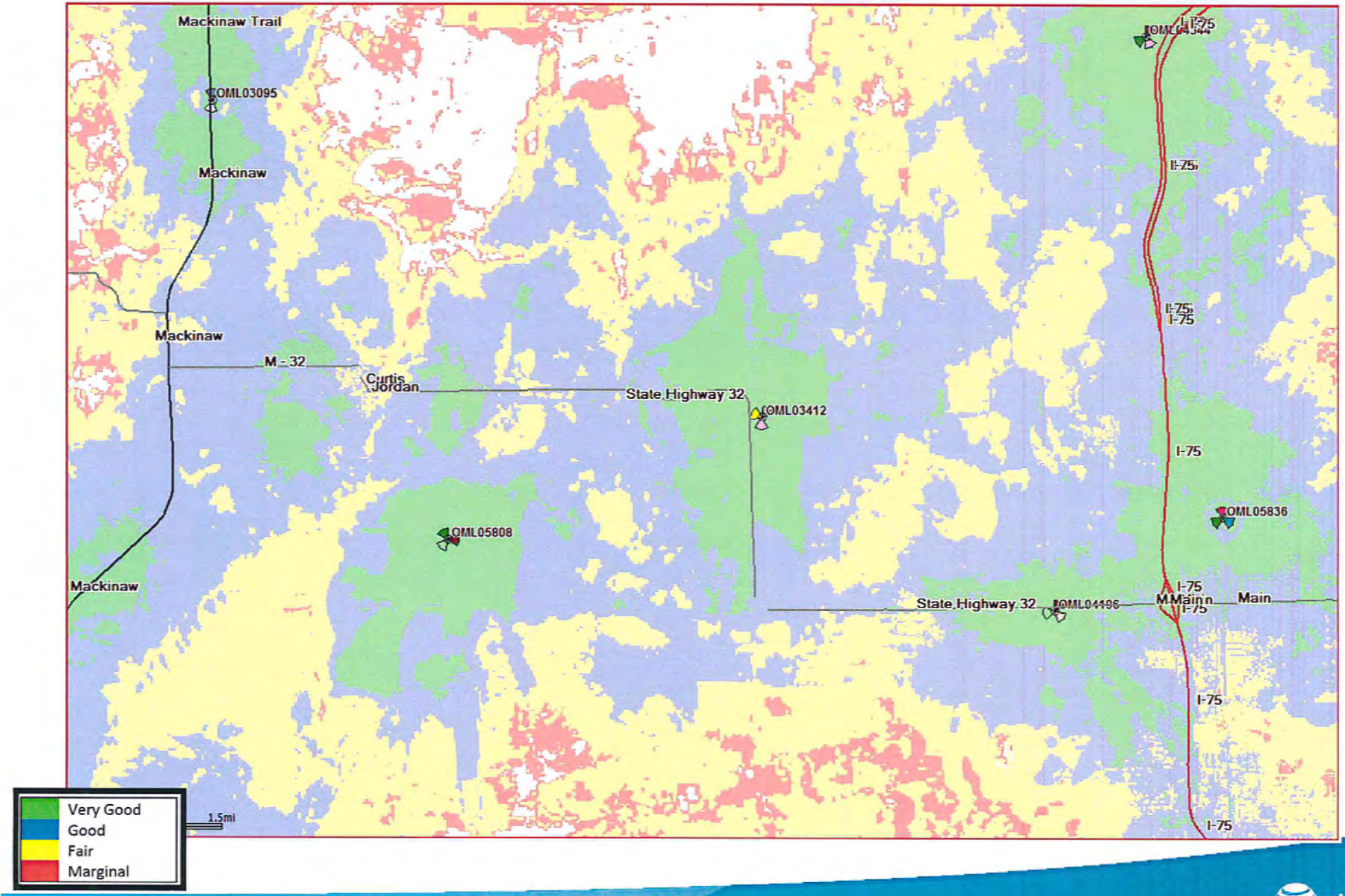
AT&T In door LTE 700 MHz Coverage After OML03412 Active



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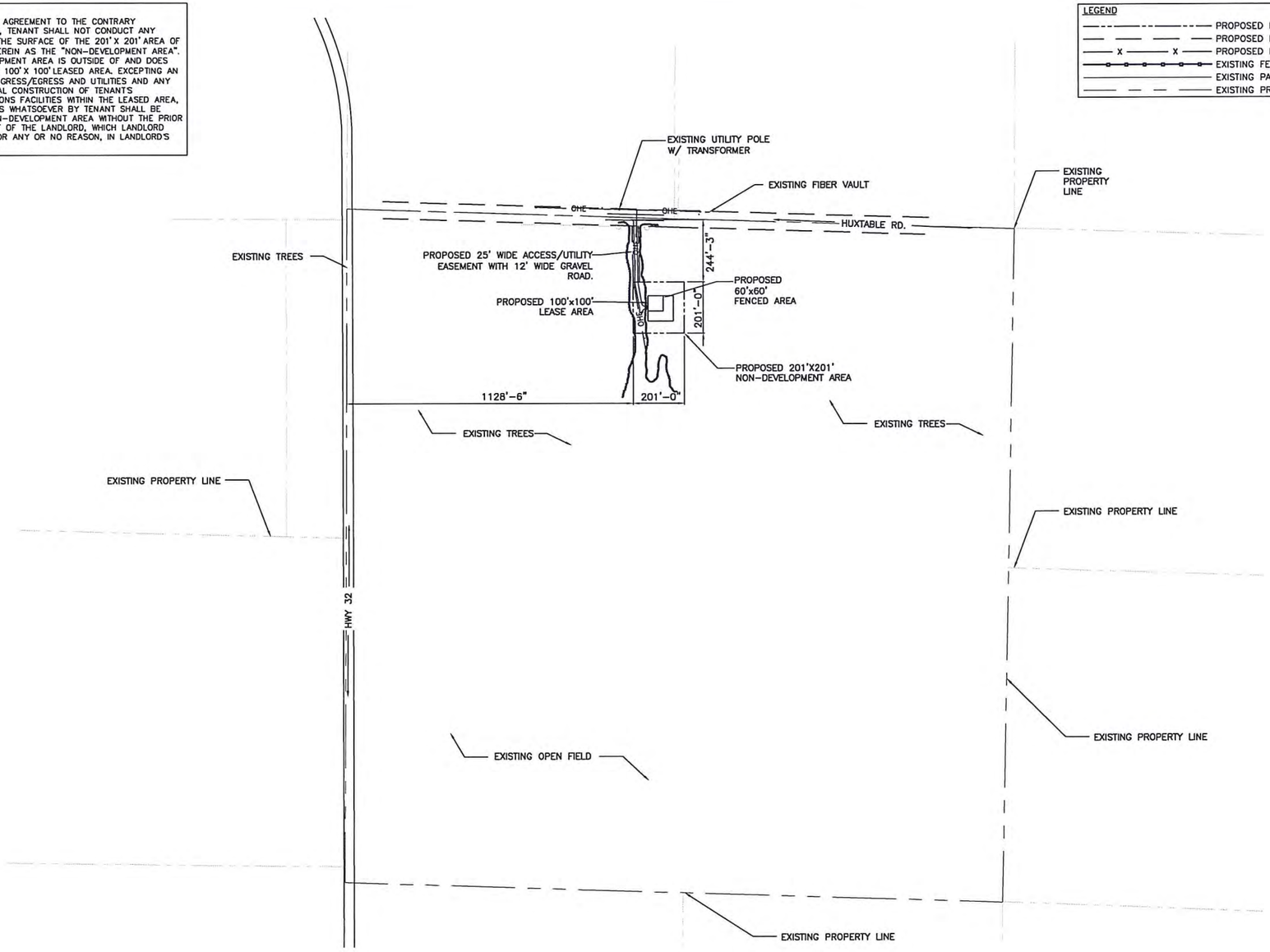
NOTE:
ANYTHING IN THE AGREEMENT TO THE CONTRARY NOTWITHSTANDING, TENANT SHALL NOT CONDUCT ANY OPERATIONS ON THE SURFACE OF THE 201' X 201' AREA OF LAND LABELED HEREIN AS THE "NON-DEVELOPMENT AREA". THE NON-DEVELOPMENT AREA IS OUTSIDE OF AND DOES NOT INCLUDE THE 100' X 100' LEASED AREA. EXCEPTING AN EASEMENT FOR INGRESS/EGRESS AND UTILITIES AND ANY USE DURING INITIAL CONSTRUCTION OF TENANT'S TELECOMMUNICATIONS FACILITIES WITHIN THE LEASED AREA, NO SURFACE USES WHATSOEVER BY TENANT SHALL BE MADE IN THE NON-DEVELOPMENT AREA WITHOUT THE PRIOR WRITTEN CONSENT OF THE LANDLORD, WHICH LANDLORD MAY WITHHOLD FOR ANY OR NO REASON, IN LANDLORD'S SOLE DISCRETION.

LEGEND
- PROPOSED LEASE LINE
- PROPOSED EASEMENT
- PROPOSED FENCE
- EXISTING FENCE
- EXISTING PAVEMENT
- EXISTING PROPERTY LINE



OVERALL SITE PLAN

22"x34" SCALE: 1" = 200'-0"
11"x17" SCALE: 1" = 400'-0"
200' 100' 0' 200'

1

at&t

TILLMAN INFRASTRUCTURE

LCC TELECOM SERVICES

IRISH TOWER
GENERAL CONSTRUCTION | ENGINEERING | PROJECT MANAGEMENT
4603 Bermuda Drive, Sugar Land, TX 77479
Voice: (281) 796-2551 | Fax: (866) 588-3136
IrishTower.com

LEASE EXHIBIT
NOT FOR CONSTRUCTION

DRAWN BY:	DL
CHECKED BY:	JRG

REV	DATE	DESCRIPTION
A	02/28/2018	LEASE EXHIBIT
B	03/19/2018	LEASE EXHIBIT-ADDRESS
C	07/10/2018	LEASE EXHIBIT-LEASE AREA
D	03/22/2019	LEASE EXHIBIT-NOTE

FA #
14431273
SITE NAME:
SITE ADDRESS:
4754 WALDREST DR.
GAYLORD, MI 49735

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
LE-1

Exhibit 5