

**KASSON TOWNSHIP
PLANNING/ZONING SPECIAL USE PERMIT
SUP RENEWAL STAFF REPORT AND FINDINGS OF FACT**

Applicant Name(s) **ELMERS REAL ESTATE CO, LLC**

Tax Parcel Numbers: See attached list

Date of Meeting **MONDAY, 1/15/24**

STAFF REPORT

On Thursday 1/11/24, Zoning Administrator Tim Cypher physically inspected the properties.

He was not accompanied on this inspection by Elmer's staff.

His observations were as follows:

SEE ATTACHED INSPECTION REPORT DATED 1/11/2024

REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE NO FORMAL COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP. HOWEVER, SEE ATTACHED LETTER FROM KYSON TRUST DATED JANUARY 12TH, 2024

*NO VIOLATIONS OBSERVED OTHER THAN SMALL GAP IN SCREENING DUE TO BAATZ ROAD REBUILDING PROJECT. **AS A CONDITION, ELMERS NEEDS TO CREATE SCREENING IN THE LOCATION.***

GENERAL FINDINGS OF FACT

The Commission finds that the site is located in Kasson Township, Leelanau County.

The Commission finds that the sites are approximately acres M/L in size.

The Commission finds that the sites are located in the Gravel Zoning District

The Commission finds that the proposed type of use of the property will be Gravel Mining and Extraction in nature.

The Commission finds that the proposed use as an earth removal, or quarrying, or gravel processing and mining operation is permitted in this District as a conditional use with a Special Use Permit.

The Commission finds that Section 7.3 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny the request for a Special Use Permit.

The Commission finds that Section 7.5.B of the Zoning Ordinance requires a Special Use Permit Application contain a Development Site Plan prepared in accordance with Chapter 8 of the Zoning Ordinance.

The Commission finds that Section 8.4 of the Zoning Ordinance delegates the Commission the authority to review and approve, approve with conditions, or deny a Development Site Plan...

The Commission finds that a Notice of Public hearing was published on December 28, 2023 in the *Leelanau Enterprise* as required by Sections 7.6.A.1 and 7.6.A.2 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).

The Commission finds that notice was mailed to all required parties on December 28, 2023 , as required by Sections 7.6.A.1 and 7.6.A.3 of the Zoning Ordinance and with Public Act 110 of 2006, as amended (MCL 125.3103).

The Commission finds that an affidavit of notice as to the manner and date of service to all required parties was filed with the Commission at or before the meeting at which the special use permit is being considered as required by Sections 7.6.A.4 of the Zoning Ordinance.

The properties covered by this Special Use Permit Application are described as: 10212 S. Coleman Road, 1033 W. Kasson Center, and 2272 W. M-72 Maple City, MI 49664

ITEM	STD MET?	FINDING(S):
SECTION 7.7 BASIS FOR DETERMINATION		
<p><i>Before approval (or extensions) of a Special Use Permit, the Commission shall establish that the standards specified in this Section, as well as applicable standards outlined elsewhere in this Ordinance, shall be satisfied. Each of the proposed special land uses on the proposed location shall:</i></p>		
<p><i>A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, as indicated in the Township Master Plan or other policies of the Township.</i></p>	<p>YES</p>	<p>The sites are located in the Gravel Zoning District. Other similar processing operations exist in the District, these operations being no different in character. Gravel extraction is indicated for this area on the Master Plan of the Township. Therefore, it is found that this requirement is met.</p>
<p><i>B. Not be hazardous or disturbing to existing uses in the same general vicinity, and will not have adverse effects on the market value of surrounding property and to the community as a whole.</i></p>	<p>YES</p>	<p>Elmers's operations are one of the largest in the Township. In the past, it is believed that when any issues arose with surrounding owners, those were resolved quickly. Therefore, it is found that this requirement is met. (see previous note)</p>
<p><i>C. Be served adequately by essential facilities and services, such as, but not limited to, highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.</i></p>	<p>YES</p>	<p>Since the operations will continue as they have for a number of years, it is not expected to have additional impact on surrounding properties and residents. Therefore, it is found that this requirement is met.</p>
<p><i>D. Not create excessive additional requirements at public costs for public facilities and services.</i></p>	<p>YES</p>	<p>Since the operations will continue as they have for several years, it is not expected to have additional impact on public costs for public facilities and services. Therefore, it is found that this requirement is met.</p>
<p><i>E. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by fumes, glare, noise or odors.</i></p>	<p>YES</p>	<p>Since the operations will continue as they have for several years, it is not expected to have additional impact on surrounding properties and residents for fumes, glare, noise or odors. Therefore, it is found that this requirement is met.</p>

<i>F. Will be in general compliance with the land use policies outlined in the Township Master Plan, the principles of sound planning, and will not jeopardize the economic welfare of the Township.</i>	YES	Based on past performance of the applicant who has other Special Use Permits, it is assumed and expected that the existing uses will continue to be in compliance, follow the principles of sound planning and not jeopardize the economic welfare. Therefore, it is found that this requirement is met.
<i>G. Will not directly or indirectly have a substantial adverse effect upon the natural resources of the Township. Including, but not limited to, prime or unique agricultural lands, water recharge areas, lakes, rivers, streams, forest, wetlands, wildlife areas and major sand, gravel or mineral deposits.</i>	YES	Obviously, the extraction of sand and gravel has an impact on the natural resources of the Township. However in the past, the operation has not been observed to have adverse impact on the other resources listed in this requirement. This land use has provided economic benefit to the Township and the region as a whole. Therefore, it is found that this requirement is met.
<i>H. Structures, landscaping, or other land uses, will not disrupt water drainage systems necessary for agricultural uses and will be in compliance with Leelanau County Drainage Commission requirements.</i>	YES	Since the nature of this mining operation is to create an area that is lower than the surrounding land, all drainage substances stay within the property. This pit does not collect groundwater that requires pumping and disposal offsite. Therefore, it is found that this requirement is met.

ATTEST:

FOR THE COMMISSION

FOR THE COMMISSION STAFF

Michael Lanham
Planning Commission Chairperson

Tim Cypher
Township Zoning Administrator