

**KASSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Monday, January 15, 2024 7:00 p.m.
Kasson Township Hall, 10988 S. Newman Road, Maple City, MI 49664**

Minutes

1. Call Meeting to Order/Pledge of Allegiance
Chairman Lanham called the meeting to order at 7:00pm with the Pledge of Allegiance.
2. Roll Call of Commissioners and Staff/Recognition of Visitors
 - A. Present: Chairman – Mike Lanham; Zoning Board of Appeals- Dave Noonan; Vice Chairman- Jerry Roush; Secretary Thrasos Eftaxiadis
Absent: Township Board Rep- Tad Carter
 - B. Staff: Tim Cypher, Zoning Administrator; Marsha Wolf, Recording Secretary
 - C. Visitors present approximately 9 visitors.
3. Consideration of Agenda: Additions or Corrections
Chairman Lanham asked for a motion to approve the agenda as presented. Roush moved to approve the agenda as presented; Noonan seconded. All present in favor, motion carried.
4. Declaration of Conflicts of Interest- None
5. Approval of Minutes – December 18, 2023
Chairman Lanham asked for a motion to approve the minutes of December 18, 2023, as presented. Roush moved to approve the minutes as presented for December 18, 2023; Noonan seconded. All present in favor, motion carried.
6. Correspondence Received -
Cypher advised he will address correspondences in New Business
7. Public Comment – None
7. Area Reports
 - a. Chairperson – Commissioner Lanham – No Report
 - b. Secretary – No Secretary currently appointed – No Report
 - c. Township Board – Commissioner Carter – Absent- No Report
 - d. Zoning Board of Appeals – Commissioner Noonan - No Report
 - e. Zoning Administrator’s Report – ZA Cypher –

Cypher advised Enduro has filed suit, and it is currently in circuit court. Legal council is working on the briefs to submit for this week's deadline. Cypher emailed monthly report for December. Cypher advised there has been no correspondence regarding the housekeeping cabin park project. Cypher advised documentation/correspondence is being received close to the scheduled meeting time and reminded the commissioners to check emails for review prior to meeting.

8. New Business

A. Election of PC Secretary

Chairman Lanham asked for a motion for a nomination of the Planning Commission Secretary. Roush nominated Thrasos Eftaxiadis, Noonan seconded. All present in favor, motion carried.

B. Elmers Gravel Pit Renewals- Public Hearing (4 Pits)

Lanham asked for a motion to open the public hearing for the Elmers Gravel Pit Renewals. Noonan moved to open the public hearing for the Elmers Gravel Pit Renewals, Roush seconded. All present in favor, motion carried.

Cypher update on notices for Elmers Gravel Pit and Sleeping Bear Storage: Cypher advised legal notices went out for both Elmers Gravel Pit Renewals and Sleeping Bear Storage Special Use Permit published in the December 28th edition of Leelanau Enterprise. Legal notices were sent to neighbors within 300 ft of Elmers Gravel Pit and Sleeping Bear Storage. Cypher was notified that one neighbor for Sleeping Bear Storage did not receive legal notice (Attachment A) due to an old address in the database, the address has since been corrected for future mailings.

Cypher advised that consolidation of pit renewals (4 in total) for Elmers Gravel was previously approved.

Presentation by Applicant:

Tom Wolf was present as a representative for Elmers Gravel Pit as their Compliance Officer. Wolf advised that there are no changes for this renewal. Wolf mentioned there are a few finishing touches Elmers will be addressing along Baatz Road. Finishing touches include berms that were seeded in fall of 2023 and trees will be planted in the spring of 2024.

PC Questions/Discussion:

Secretary Eftaxiadis asked if Elmers Gravel tracks the origin of materials taken from job sites and moved to Elmers's locations. Wolf advised that Elmers does

track their projects and would be able to locate where materials came from if necessary. Roush asked if anyone else puts materials in Elmers pits. Wolf advised that subcontractors may also access facilities for such purposes.

Public Comment/Applicant's Response:

Dean Western, resident on 11977 South Gilbert, asked what mechanisms are in place to make sure construction material is taken away from site on Baatz Road. Western also asked about the state of the trees on Baatz Road. Wolf advised concrete and brick are hauled back to Elmers yard. Material is separated from the dirt used for reclamation. Elmers has a contract with Grand Traverse Nursery to plant trees and maintain them. Wolf advised that 80% of the trees planted previously are surviving. The trees are growing in sand, making the growth slow. Elmers put in a drip system on Baatz Road that will aid in the survival of the trees. Cypher advised there is an ongoing effort with the ZA and Elmers regarding restoration. Elmers has been proactive in finding solutions to restoring berms and trees.

Cypher advised he received an email (Attachment B) from the Kyser Trust, a neighboring property to Elmers Gravel Pit, with general concerns regarding hardwood trees that were removed were on her property and would like them replaced. Wolf advised that trees that were removed were on Elmers property. Simmer Surveying completed work in the fall and placed markers. Lanham asked if the national marker was put back in place. Wolf confirmed the national marker was put back in place. Cypher advised he will review the survey from Simmer Surveying when it is complete. Cypher advised if there is a property line dispute, it will need to be discussed between Elmers and Kyser Trust. Roush commented that property line disputes are civil and should not be part of the township as it is outside of jurisdiction. Eftaxiadis and Roush commented if trees were taken from right of way, the road commission would need to address the subject. Cypher advised upon review of survey; he will advise which jurisdiction it falls into.

Findings of Fact:

Cypher advised acreage was not added into the ZA Inspection Report (Attachment C). There are approximately 645 acres total for Elmers pits are in use. Elmers Pits Breakdown: 669 Pit; 75 acres, 45 within the setbacks. Baatz Road; 160 acres, 112 in use. Hulbert 170 acres, with 135 in use. M-72 240 acres, 200 in use. Cypher presented the SUP Renewal Staff Report and Findings of Fact (Attachment D). Cypher advised Elmers had a condition requiring screening in the location, pending the outcome of the survey.

Chairman Lanham asked for a motion to approve the renewal of the (4) Elmers Gravel Pits. Roush motioned to approve the renewal of (4) Elmers Gravel Pits with the condition that they fulfill the condition noted in the staff report; Noonan seconded. Roll call vote: Noonan (yes), Eftaxiadis (yes), Roush (yes), Lanham (yes). All present in favor, motion carried.

Chairman Lanham asked for a motion to close the public hearing for the Elmers Gravel Pit SUP renewal. Noonan moved to close the public hearing for the Elmers Gravel Pit SUP renewal; Roush seconded. All present in favor, motion carried.

C. Sleeping Bear Storage- Amend Special Use- Public Hearing

Lanham asked for a motion to open the public hearing for Sleeping Bear Storage Amended Special Use Permit. Eftaxiadis moved to open the public hearing for the Sleeping Bear Storage Amended Special Use Permit; Noonan seconded. All present in favor, motion carried.

Cypher advised this amendment is for modification to the special land use that was approved for Two Peas in February of 2022. Public notice was published in the Leelanau Enterprise and the 300 ft notices were sent on December 28, 2023. Cypher was contacted by Mark and Jennifer Patterson, neighbors within 300 ft that did not receive the notice. The address for the Patterson's has been updated in the system for future announcements.

Presentation by Applicant:

Jen Aragon and Michael Aragon, representatives for Sleeping Bear Investments LLC were in attendance via phone. Jen advised the Aragon's were under the impression that the property was 6.44 acres. A new survey showed the property consisted of 6.96 acres or approximately 23000 sq ft. that they are requesting the approval of adding building H, making the total number of structures 8 vs. the previously approved 7 buildings. The addition (building H) on the west side will be used for RV and mini storage. Sleeping Bear Storage is requesting to add 25 ft to buildings C and F to incorporate indoor climate-controlled storage for the extreme weather protection of Northern Michigan, and approval to increase the height of building B to 22 ft. Anticipated timeline is to gain approvals over the next couple months, then apply for permits, site work to begin in approximately March with completion in June. Construction of building, plumbing and electrical work will be complete in October 2024.

Michael advised the property will be landscaped per code to make the property appealing.

PC Questions/Discussion with Applicants:

Lanham asked if the new building will be accessible from the east side only. Jen advised that is correct. Lanham asked if the landscaping will be changed from the original application. Jen advised landscaping on the north side of the building will not be changed. Sleeping Bear would like to add more trees, flowers and bushes on the southern border that are not included on current site plan. Lanham asked if the current special land use permit includes a sign that meets the ordinance, Cypher stated the sign as proposed does not currently meet the standard but will have to meet the ordinance. Cypher advised the sample Sleeping Bear Storage submitted does meet ordinance and would have to be downlit and not illuminated from inside.

Roush asked how runoff will be controlled. Jen advised grading evaluations have been complete and there is a storm pipe.

Noonan suggested adding pine trees to obstruct views of the facility for the neighbors. If 22 ft, Noonan suggested to start with at least 12-15ft trees. Michael advised he has no issues putting in trees.

Roush asked if retention pond will be fenced in to prevent unauthorized access. Michael advised that if requested, they will comply.

Eftaxiadis asked if the facility will include a site where boats can be washed. Michael advised the facility will not include a site to wash boats.

Public Comment:

John Younkens of 3987 W. Gilbert Farm Lane expressed concerns of bright lights with the height of building being extended to 22 ft. and asked if construction of the building could be first when the project starts to minimize headlight disruption. Younkens also noted there are septic tanks on the premise and asked the purpose of the septic tanks and specifically if there would be RV dumping. Younkens inquired on what will be landscaped/planted on the other 3 sides of the property (not including M-72 side).

Butch Wilbert of 11393 W. Gilbert Farm Lane inquired on the number of trees that will be planted. Wilbert asked about the original application including the

gate closing at 6 for access to the facility and only motion lights would be seen after that time.

Michael Dibb of 3953 W. Gilbert Farm Lane advised he did not get the letter for this meeting and does not believe the type of facility Sleeping Bear Storage is proposing is needed in community. Dibbs expressed concerns on the 22ft high building, the lights from the sign and the original proposal showing the facility having white doors, which are now blue and not harmonious with the surroundings.

Dean Western of 1977 S Gilbert Road expressed concerns of safety engineering and color of building. Western stated the sewer and retention pond was not a part of the original proposal and is only in the site plan. Western stated the sign is internally lit and does not fit in with the surroundings.

Mark Patterson 1300 W. Empire Hwy expressed concern that this is a replan, not a modification. Patterson questioned the site plan accuracy and the proposal of sq ft that can be added. Patterson expressed concern in regards of erosion and that the retention pond will attract mosquitos. Patterson asked for the previous agreement with Kraus to plant more trees be put into effect.

Libby Western of 11977 S. Gilbert Road owns Sleeping Bear Bed & Breakfast. Western expressed concern the original plan was a dusk till dawn storage facility. Western stated the retention pond will disrupt the ambience and light and noise will be a distraction to guests at the B&B.

Oxana Yonkers of 3987 W. Gilbert Farm Lane stated the lights on the facility were disrupting and the original dusk till dawn is not being adhered to.

Applicant's Response to Public Comment:

Jen advised regarding the septic and well and the original plans had them in the SW corner, but they had to modify them to be in a different location. Sleeping Bear Storage is willing to put in additional trees to satisfy neighbors and code. There will be no RV dumping, plumbing is for office staff for restroom. Jen stated the paint color was chosen as a representation of the lakes. Safety and security cameras will have controlled access and hours will be controlled so they can monitor who is coming in and out of the facility. Sleeping Bear Storage is doing everything in line with the current ordinances. Jen advised setbacks and erosion are within ordinance. Hours are on website

and Sleeping Bear Storage will have controlled hours depending on the season. Flood lights have been addressed with contractors.

PC Discussion:

Cypher advised he did receive 2 letters: Patterson (Attachment E) and Western (Attachment A) and provided the SUP Renewal Staff Report and Findings of Fact (Attachment F).

Lanham suggested meeting next month to review all the documentation and concerns pertinent to this Amended Special Use Permit. Commissioners agreed to table the discussion and schedule a continuation of the public hearing for the Sleeping Bear Storage Amended Special Use Permit in the February 19, 2024 PC Meeting.

Lanham asked for a motion to table to Sleeping Bear Storage Amendment until February 19, 2024. Noonan motioned to table the Sleeping Bear Storage amendment of their special use permit until more information is received/reviewed; Roush seconded. Roll call vote: Noonan (yes), Eftaxiadis (yes), Roush (yes), Lanham (yes). All present in favor, motion carried.

Lanham asked for a motion to close the public hearing for the Sleeping Bear Storage Amended Special Use Permit. Roush moved to close the public hearing; Eftaxiadis seconded. All present in favor, motion carried.

9. Old Business

A. Zoning Ordinance amendments for PC review- None

10. Public Comment - None

11. Comments from the Commissioners -None

12. Next Meeting- Monday, February 19, 2024; Kasson Township Hall

13. Adjournment

Chairman Lanham asked for a motion to adjourn the meeting. Noonan moved to adjourn the meeting; Eftaxiadis seconded. All present in favor, motion carried. The meeting was adjourned at 9:02 pm.

Respectfully submitted,
Marsha Wolf
Kasson Township Recording Secretary

Approved

Attachment A and F

Dear Kasson Township,

I am writing to express my concerns regarding the proposed modification to the self-storage units on 72.

Thank you for your concerns and I am more than happy to address all issues. I would like to give a little background as we are not some random developers. My mom, Judy Aragon (Previously Warnes) grew up in Glen Arbor. My parents purchased a home in Glen Arbor and live there over half the year. I have spent my entire life visiting and now working in the Glen Arbor and Kasson County. We are sparing no cost in making sure to provide a beautiful facility that can bring positive growth and increased property values to the surrounding area.

1. **Notification:** I have heard from multiple local residents that they were not notified by mail of the meeting and proposed changes. Which does not give people adequate time to research their questions and concerns (and therefore favors the non-resident developer over the local residents). I suggest that the meeting be postponed until all the area residents have proper time to research their questions and provide concerns.

2. **Quality/skillset of the Developers:**
 - a. In their handout, bullet point 3 states: *"To be financially feasible, and to make this a Class A facility, we needed to add..."*
 - i. If the property was not financially feasible based on 6.44 acres and 7 buildings, then why did they purchase it. This calls into question not only their financial acumen at that time, but also their ability to financially manage the property in the future if they are unable to analyze basic projections of revenues and expenses.
 - ii. A "Class A" self-storage is generally defined in the industry as:
"Class A self-storage properties represent the highest quality facilities in their market and MSA. These are generally newer properties built within the last 15 years with relatively low vacancy rates. Class A self-storage facilities have prime locations within their market and typically command the highest rent with little or no deferred maintenance issues.
It is thus noted that a Class A facility is not dependent on "additional" buildings, nor does it need to include boat/rv storage, nor climate-controlled units. Therefore, for the developers to say that their request will make the property a "Class A" facility, is inaccurate at best and disingenuous at worst.

When we discovered there was an additional 23,060 SF we decided there was a better use of the layout and is why we added the additional building.

Class A can be defined multiple ways, we work with ISS and MSSA and they describe a class A facility as "In general, class-A self-storage facilities are newer, with modern designs, premium amenities and very strong curb appeal. They're also associated with five-star customer service and sophisticated security systems. These properties are often found in prime locations and along major thoroughfares."

3. **Future deforestation plans:** Exhibit A states "We will plant trees, both beautifying the area and providing important natural resources."
 - a. It was my understanding that the planting of trees was an original requirement. So, do they intend to plant more than was required? If so, what are these "additional" trees they intend to plant that will "beautify the area"? **We are following Kasson township's buffering requirements.**
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- b. The definition of natural resource is “materials or substances occurring in nature which can be exploited for economic gain”. Therefore, this raises the question, do they intend to cut down and sell the trees they plant in the future for economic gain? **The trees are being planted as a buffer and to beautify, non will be cut down nor sold.**

Both these points make me question what they plan to do. Or question if they are just insincerely trying to portray themselves in a favorable light.

4. **Aesthetics:** Note that the other nearby storage facilities took into account their surrounding environment when choosing their design materials.

a. **Manitou self-storage:**

Note the tan & green color scheme which blends with the surrounding environment:



b. **Glen Lake Storage:**

Note the tan & green color scheme with brown roofs. Which all are in keeping with the surrounding area. Also, worthy of note, the distance from Benzonia Hwy. Plus the mature trees creating a visual buffer.



c. **Glen Lake Storage Recreational Condominiums:**

Note the choices the developer used with red and green color schemes in keeping with the surrounding area. Also of note, Note the mature trees buffering the property.



d. **Glen Craft Marine Boat Storage:**

A predominant green color scheme. Which blends with the surrounding area. Also of note, is the multiple layers of pine trees which help the aesthetics of the area. So that instead of a visitor thinking they are in an “industrial/warehouse” township they are in a beautiful rural area.





By contrast the "Sleepy Bear Investments" has made no similar consideration to their surroundings as they have chosen a bright blue color which is not reflective of the area. And appear to have instead (what can only be assumed) either a) chosen the lowest cost colors showing which implies that they choose personal profits over being good neighbors, or b) did not care at all what color was utilized which also lends credence to the consideration that they are not good neighbors as they gave no thought to the area. And if they are not "good neighbors" now then it is safe to assume that they will not be "good neighbors" in the future.

One last point on aesthetics. I recall being at the original approval meeting when Mr. Krause stated that his other storage properties "have won awards for how attractive they are". I distinctly recollect this because I have worked in commercial real estate for over two decades and have never heard of there being "awards" for attractive self-storage. I also well recall someone on the planning board being impressed and that this was "good to know". Given what has been built to date I would now like to ask the board (no disrespect intended, though sarcasm is acknowledged) what "awards" do they think this facility will be winning.

I cannot speak to Mr. Krause nor anything pertaining to his work. I can tell you that we are investing heavily into Glen Arbor and now Kasson townships. If you would like to see some of our other work I will happily meet you at our other properties so you can see that everything we do is high quality and to add value to these towns we love.

5. **Safety/Topography:** if they expand their property to the west and remove more of the slope this has the potential to jeopardize the safety of the residents to the west. As their driveway borders that side. Has an engineering study been done to show that the property to the west will be unaffected?

If an engineering study is not performed and the neighboring property is affected due to changes that destabilize the slope) will the developer, or township, or planning board be subject to civil liability. And God forbid someone were hurt because the neighboring property or driveway is destabilized would the developer, township, or planning board be subject to criminal liability?

We have previously received all necessary permits including SESC. Our engineer has followed zoning guidelines and SESC will be contacted again to signoff so all erosion and runoff is accounted for.

6. **Sewer & Retention Pond: This** was never in the original proposal. A Sewer and retention pond presents a number of questions and concerns including:
- a. The proposal makes no mention of how said "sewer & retention pond" will be maintained.
 - i. Will it be lined to prevent seepage? Proposal does not address this.
 - ii. Will it be filled with sewage? It is labeled as a "sewer & retention pond". Again, the proposal does not address this.
 - b. A permanent pond of water (the definition of a retention pond) creates a breeding ground for mosquitoes. And a location for nuisance animals to take residence. There is nothing in the proposal for how it will be designed to prevent this from transpiring. Nor what type of regular maintenance will be proposed to prevent said problems from developing. Will there be a fence
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around this sewer & retention pond? Will they use chemicals to prevent unwanted plants and mosquitoes? Without knowledge of the pesticides, insecticides, or herbicides to be used how will the surrounding residents be assured that the groundwater not become contaminated by unknown chemicals. Who would be liable in such a circumstance if the groundwater was poisoned*. I understand if this sounds alarmist. But to make no verbal mention of a "sewer & retention pond" other than to just draw it on the site map, within a few hundred feet of surrounding residences, and have no accompanying information is worthy of alarm.

**Regarding a Sewer pond - Per the University of Missouri: "Drinking water contaminated with sewage can cause health problems such as diarrhea, nausea, cramps, dysentery and hepatitis." Of note the latter two are life-threatening illnesses.*

We have already received permits from the Health Department and the proposed changes do not alter anything the Health Department has approved.

- 7. Signage:** An internally lit sign: wow, I am astounded this is even being proposed. I mean talk about something not in keeping with the surrounding area. It would be stand out like a sore thumb. And would set a horrible precedent for what is otherwise a more naturally designed signage landscape. To even propose such a request reflects someone who has not visited the area and considered what would be in keeping with the immediate area.

Please consider nearby signage: Almost all are wood, notably small, and simply designed.



Signage will be in accordance with the Kasson Townships Zoning Ordinance – Chapter 9

8. **Lighting:** One final point. I would encourage the planning commission to propose that any property lighting not only be downward/nightsky but also to only be motion activated. As the property was approved for only dusk to dawn access. There would be no need for lighting to be on all night long. And this would help maintain a "rural" tranquil environment.

Lighting will be in accordance with the Kasson Townships Zoning Ordinance

Thank you,

Deane & Elizabeth Western – Kasson Township Residents

Approved

Attachment B

January 12, 2024

Kasson Township Planning Commission – Public Hearing
Monday, January 15, 2024

RE: Elmer’s Crane and Dozer, Inc.

We are unable to attend this public hearing so we would like to submit the following comment(s) in reference to Elmer’s Permit Renewal of Kasson Township Zoning Ordinance for Special use Permit with an active “Performance Guarantee” as our parcel is within 300’ of their gravel business.

We requested copies of the renewal application and have not yet received it from Mr. Tim Cypher.

As we have stated in the prior renewal, we would like to emphasize the importance of following the zoning rules to their gravel mining business as per Kasson Township Ordinance and Standards:

- Setbacks –
- Sight and Sound Barriers – Trees, berms, etc. Unfortunately, it was not stipulated in the original zoning what size trees be used to truly give sight-sound barriers, so seedlings have been used.
- Reclamation –
- Standards controlling Reclamation –
- Regular Maintenance –
- Etc.

With the *Performance Guarantee*, we hope that the area on Baatz Road that has had trees cut into our property be restored, as well as the required barriers, setbacks, etc. be restored in the Spring. This has been discussed with Mr. Cypher. There was never permission given to enter our property.

As a gravel mining business, our continued hope is for a follow through and maintenance of the required ordinances established by the Township.

We appreciate Mr. Tim Cypher, currently the Kasson Township Zoning Administrator, monitoring and confirming that rules and standards be followed; that accountability and restoration required be completed.

It is understood that gravel mining is a for profit business, but it can be done in the spirit of excellence with regard and respect, with benefit to its neighbors and community.

Thank you for the opportunity to submit our comments and requests.

Sincerely,

Ruth Rivera
For Edith Kyser (Edith Kyser Trust)

Hello Tim,

Thank you for your time via phone this past Monday, December 4th, in discussing the NPS monument (marker) at the center of the road that was removed for the project and the cut trees on our Kyser/Elmer boundary on Baatz Road.

Please let me know what you find out on the NPS monument information you are checking into. It marks the property line of NPS/Kyser boundary. I appreciate you following up on this.

Below are a few pictures of the area where trees were cut. This is what I was referring to in our conversation on Monday and back in February. This happened over a year ago. I don't know if it was done to have a clear line of sight for studies needed on the Elmer's project proposal, but the set back trees (buffer) were taken out all the way into our property.

We hope this will be addressed with the planting of hard woods to reestablish the wooded area on our property and set back boundary. We do not want pines planted as they were not the trees lost. The trees should be of reasonable height so that it creates adequate foliage to fill in the gap. We realize this will not happen until next spring, when the building of berms etc. along the road is completed as required by the Township, but want to make sure this is taken care of at that time.

Thank you for your attention and assistance in this matter. If you have any questions or want to discuss this further, please let me know.

Respectfully,

Ruth Rivera

Approved



AP



APR



AP

Attachment C

**KASSON TOWNSHIP
ZONING ADMINISTRATOR INSPECTION REPORT**

SPECIAL USE PERMIT RENEWAL – GRAVEL TAX #'s SEE ATTACHED

A. ADDRESS OR BUSINESS NAME: ELMERS PITS - APPROX. ACRES + or -

B. INSPECTION BY: TIMOTHY A. CYPHER KTZA **DATE & TIME:** THURSDAY, 1/11/24,

C. NAMES OF OWNER / REPRESENTATIVE PRESENT: N/A

D. NAMES OF PUBLIC OFFICIALS PRESENT: KTZA, TIMOTHY A. CYPHER

E. NAMES OF MEMBERS OF THE PUBLIC PRESENT: N/A

F. CONDITIONS OBSERVED/CONVERSATIONS: REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE AND NO CHANGES FROM PREVIOUS SUBMITTAL. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP. (SEE KYSOR TRUST LETTER)

G. VIOLATIONS OF ORDINANCE OR SPECIAL USE PERMIT OBSERVED: NO VIOLATIONS OBSERVED (REPLANTING COMMON PROPERTY LINE SECTION DUE TO BAATZ ROAD.

H. RECOMMENDATIONS MADE TO OWNER: MAINTAIN PRESENT COURSE OF ACTION AND IMMEDIATELY NOTIFY ZA CYPHER OF ANY CHANGES IN THE STATUS OF APPROVALS. ZA CYPHER FEELS A GOOD RELATIONSHIP IS IN PLACE AND LOOKING TO CONTINUE THE SAME IN THE FUTURE.

I. NOTES FOR THE FILE OR FOLLOW UP: APPLICANT PROVIDING ELECTRONIC DOCUMENTS TO UPDATE TOWNSHIP'S DATA BASE.

SIGNED BY: *Timothy A. Cypher, 1/11/2024*

IF MORE ROOM IS NEEDED, PLEASE ATTACH ADDITIONAL SHEET(S) AND NOTE THE SECTION LETTER FROM WHICH YOU ARE CONTINUING.

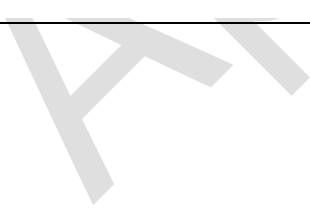
Attachment D

**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 <i>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</i> <i>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.</i>



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 <i>Leelanau Enterprise</i> 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		
<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>		
<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>	YES	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.
<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>	YES	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)
<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>	YES	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.
<i>D. Not create excessive additional requirements at public costs for public facilities and services.</i>	YES	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.
<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>	YES	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.

<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

APR

Attachment E

From: mjd Patterson <mjdpatterson@gmail.com>

Date: Monday, January 15, 2024 at 1:18 PM

To: tim@allpermits.com <tim@allpermits.com>

Subject: Re: 12.12.2023_Draft_Modification of Development Site Plan_Kasson_3722_Sleeping Bear Storage[31].pdf

Hi Tim,

The following are our concerns that we would like to address with the complete re-design (not modification) of the Sleeping Bear Storage plans:

1. Site plan changes:

They have "gained" 35' in the width of their site plans, but are trying to add a 45' deep storage building and 20' pad to the West side of their property. Somehow this does not add up How do you gain 35' but add something that is 65', and they cannot shift the existing building to the East to recover any more space

If they are going to cut further into the hill to accomplish this we have concerns about that the appropriate slope at 26 degrees is adhered to. I am not sure with the appropriate slope or the new building size (and keeping the setback) that they will have enough room. Also, we are concerned about runoff and the erosion issues this creates and the minimum controls in place to handle this we feel are not enough.

The site plan also shows the building H to be 220' l x 40' d, which is different than exhibit F which shows it to be 150'l x 45'. What is the correct one? How accurate is this site plan? The depth of building H on the plans is 40' but in actuality in exhibit F is 45' That makes them even closer to the West and could affect the impervious soil calculations.

2. Site setback and impervious soil:

It appears that they are also very close the East side of the property and will not have enough room to enter the new C and F buildings from the East side without using the 35' setback area. The original plan showed much pad space to allow for access.

With the enlargement of some of proposed buildings F and C, and the addition of building H, we are also concerned with the impervious soil percentage.

3. Climate Control:

Have they provided any documentation on the actual need for climate controlled units and more RV and boat storage? There is a boat storage facility just down the road that is not full and there are storage barns right next door for RV storage. I am concerned about the impact of adding more storage than needed.

Also, we discussed at a previous meeting about the possibility of people living in the units, but that was downplayed because they were not heated.. Now with the addition of climate controlled units I think this is something that needs to be discussed again. Affordable housing is a real issue as we know and this just adds another complication to what could happen.

4. Quiet enjoyment:

Noise pollution is another concern with the climate controlled units. How loud with the heating and cooling units be with residential properties right next door?

Outdoor lighting was not originally supposed to be part of this facility to my understanding. It was to be a dusk til dawn storage unit. We would like to see plans and lighting lumen impact studies for any proposed site lighting. There is nothing showing what and where the lights will be and that could have an impact on the surrounding properties. This also includes the lighting of the roadside signs. A fully illuminated bright sign would not be appropriate.

5. Residential buffering:

We are concerned that with our property being zoning of mixed use - residential and commercial, that they provide an adequate buffer of trees as allotted for along the sides of their property that are next to residential properties on our side as well. There will be people residing at this property so the appropriate screening needs to be provided. Especially if they plan on erecting a taller building at West side of their property.

Will the roof height of building H cause reflection/glare to the adjoining property to the West? Has anyone addressed the possibility of this?

6. Final comments:

The excuse that to be financially feasible they have to make these changes does not make any sense. Why did they purchase it if it did not make financial sense with what they had planned to begin with?

They were aware of the increase in size when they re-surveyed the property during excavation last spring.

They also did not consider the impact to the environment of the surrounding areas and natural feel of the community with their loud choice of building colors. It ruins the aesthetics of a rural area.

This is a complete plan re-design and not a minor modification to the existing plans. Minor would be adding one more building the same as what they have to the West side, not completely changing the size and height of all building but the two that are currently on the site.

Thank for your time and consideration of our comments,

Mark and Jennifer Patterson

Attachment F

**KASSON TOWNSHIP
SPECIAL USE PERMIT FINDINGS OF FACT
January 15, 2024**

Applicant Name(s). Jennifer Aragon

Owner Name(s) **Sleeping Bear Investments, LLC**

Tax Parcel Number **45-007-019-008-12**

Date of Meeting: **Monday, January 15, 2024**

GENERAL FINDINGS OF FACT
The property covered by this Special Use Permit Application is described as: PT SW 1/4 SEC 19 COM SW COR SD SEC TH S 87 DEG 30'05" E 467.41 FT TO POB TH N 00 DEG 57'05" E 660 FT TH S 87 DEG 30'05" E 460 FT TH S 00 DEG 57'05" W 660 FT TH N 87 DEG 30'05" W 460 FT TO POB (A/K/A PARCEL B) SEC 19 T28N R13W 6.98 A M/L 2023 SPLIT FROM 007-019-008-00 Also known as 3722 W. Empire Hwy., Empire, MI 49630
The Commission finds that the site is located in Kasson Township, Leelanau County.
The Commission finds that the site is 6.98 +/- acres in size.
The Commission finds that the site is located in the Commercial Zoning District (Section 4.)
The Commission finds that the proposed type of use of the property will be Commercial in nature, specifically for the operation of a commercial self-service storage facility.
The Commission finds that the use is permitted with a Special Use Permit in this District (Commercial), that the applicant has requested a Special Use Permit amendment because of the commercial nature of the business.
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 <i>Leelanau Enterprise</i> 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 Planning Commission makes the following findings of fact as required by Chapter Seven of the Zoning Ordinance for each of the standards and requirements listed in Chapter Seven: Special Uses

ITEM	STD MET?	FINDING(S):
SECTION 7.5.A REQUIRED APPLICATION DATA		
<i>1. The name, address, telephone number and signature of the property owner and applicant;</i>	Yes	An Application containing this information was submitted. Therefore, it is found that this requirement is met.
<i>2. A full legal description of the property on which the proposed special use is to exist of be conducted, including the property tax parcel numbers(s), together with proof of property ownership and applicable options on the property, if any;</i>	Yes	The commission finds that the full legal description of the property was submitted. Ownership information was verified thru Leelanau County Tax Records. Therefore, it is found that this requirement is met.
<i>3. A detailed description of the proposed special use for which the permit is requested</i>	Yes.	The commission finds that information on the applicant’s submittal packet, dated December 12, 2023, specifically in the document “KT Addendum Special Use Application” was determined complete by the ZA on December 23, 2023. Therefore, it is found that this requirement is met.
<i>4. Project schedule and development plans</i>	Yes	The applicant has proposed an amendment with a single phase which is adding 1 additional storage building & office to an existing approved Special Land Use. (Two Peas -February 2022 – 7 buildings) The plan is reconfigured from the original approval Therefore the commission finds that the proposed project schedule and development plan is applicable.
<i>5. Vicinity map with north point indicated</i>	Yes	The commission finds that the item is found on the Site Plan. Therefore, it is found that this requirement is met.
<i>6. Land uses and existing structures on the subject parcel and adjoining parcels within 300 feet</i>	Yes	The commission finds that the item is found on the Site Plan. Therefore, it is found that this requirement is met.

7. <i>Written statements relative to project impacts on existing infrastructure, including but not limited to, traffic, capacity of roads, schools and existing utilities, and upon the natural environment</i>	Yes	The commission finds that the project has no effect on school attendance. Existing utilities have been serving the area and the applicant is proposing to install all electrical underground. Correspondences from Cedar Area Fire & Rescue, MDOT, Health Dept. and Leelanau County Drain Commission, are pending the outcome of the township approval however, no adverse impact to their services are anticipated or expected. Therefore, have ZA confirm prior to Land Use approval.
ITEM	STD MET?	FINDING(S):
SECTION 7.5.B SITE PLAN DATA		
<i>A site plan in accordance with Chapter 8 - Development Site Plan Review.</i>	Yes	Attached. A Site Plan, Dated September 21, 2023 was submitted, containing all the information required by Section 8.7. The checklist for this information is found later in this finding of fact. Therefore, it is found that this requirement is met.
ITEM	STD MET?	FINDING(S):
SECTION 7.7 BASIS FOR DETERMINATION		
<i>Before approval 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>		
<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>	Yes	The commission finds that the proposed project has been designed, and will be constructed, operated and maintained to be harmonious and appropriate to the existing character of the general vicinity, as there are existing storage units on two properties directly east and the use has been in place for years. Therefore, it is found that this requirement is met.
<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>	Yes	The commission finds that the proposed project will not be disturbing to existing uses in the general vicinity as there will be screening / buffers along the property line to the adjoining residential uses to the north. PC to discuss screening / buffers.... Are they satisfactory ? Proposed 2" Pine trees/staggered in 2 rows 18 Per row

<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>The commission finds that the proposed future use will have no impact on schools. Refuse disposal is proposed, but will have no impact on existing services. Private water and sewage facilities are proposed. Obtain a letter from Cedar Area Fire and Rescue that there will be no additional facilities and services required. Have ZA confirm this prior to issuance of a Land Use Approval.</p>
<p><i>D. Not create excessive additional requirements at public costs for public facilities and services.</i></p>	<p>Yes</p>	<p>The commission finds that no need for excessive additional requirements for public costs, 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>There is no proposed exterior storage other than temporarily when stored items are being moved in or out. Should the PC agree that the Storage facility developer/operator shall be permitted to stage storage items outdoors to facilitate efficient loading and unloading of storage building as deemed practical by the storage developer/operator. Items may also be staged outdoors for pick up by item owners. Any storage items staged outdoors, shall be kept clear of all fire lanes and property line set standards within the CD. Items shall NOT be staged outdoors for more than 1 day.</p>
<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></p>	<p>Yes</p>	<p>The commission finds that the proposed use will be in general compliance with the land use policies contained in the Township Master plan, to the principles of sound planning, and will not jeopardize the economic welfare of the Township. Therefore, it is found that this requirement is met.</p>
<p><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></p>	<p>Yes</p>	<p>The commission finds that these plans are judged sufficient to protect the natural resources of the Township subject to Soil Erosion approval already obtained. Therefore, it is found that this requirement is met.</p>

<p><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></p>	<p>Yes</p>	<p>The site plan shows sufficient detail to reasonably expect that the soil and ground contour provides for adequate flow of water away from the buildings. Further it is not expected that the proposed use will disrupt any drainage systems necessary for commercial uses. Therefore, it is found that this requirement is met.</p>
<p><i>I. Phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.</i></p>	<p>Yes</p>	<p>The applicant states that the project will be built in a single phase. Therefore, it is found that this requirement is met.</p>
<p><i>J. Phases of development must also be in compliance with the requirements of the district in which it is proposed and all other standards in this Ordinance, as well as with the requirements of the County Road Commission, County Building Inspector, County Drain Commissioner, District Health Department, Soil Erosion Officer, Agricultural Soil Conservation Service, area fire departments, the DNR and other applicable township, county, state and federal statutes.</i></p>	<p>TBD</p>	<p>The applicant states that the project will be built in a single phase. No communications have been received from other agencies regarding phasing of the project.</p>

Appri

The Planning Commission makes the following findings of fact as required by Chapter Eight, Section Seven that the following required items are included on the detailed site plan review for major projects

ITEM	STD MET?	FINDING(S):
SECTION 8.7		
<p><i>1 The site plans should be accurately drawn at the scale of at least 1" = 100' <u>showing the site and all land and structures within five hundred feet (500') of the site.</u> The Planning Commission may require details to be provided in a scale as great as 1" = 20'. If multiple sheets are used each must be labeled, dated and the preparer identified.</i></p>	Yes.	The commission finds the site plan dated 9/21/2023 meets this requirement.
<p><i>2 The location of proposed or existing property lines, dimensions legal descriptions, tax parcel numbers, setback lines, utility easements and monument locations:</i></p>	Yes	The commission finds the required items on the site plan.
<p><i>3 A vicinity map drawn at a scale of a minimum of 1" equal 2000' with north-point indicated.</i></p>	Yes	The commission finds an adequately detailed vicinity map is provided.
<p><i>4 Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flows.</i></p>	Yes	The commission finds elevations are shown as required.
<p><i>5 The location and type of existing soils on the site and any certification of borings. (Site Investigation Report).</i></p>	Yes	The commission finds that this requirement is present on the Site Plan.

<p><i>6 Boundaries and elevations of existing and proposed water courses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands within one thousand five hundred (1500') feet of the project site and proposed erosion control measures.</i></p>	<p>N/A</p>	<p>The commission finds that no water features, as detailed in the requirement, exist within 1500 feet of the site. Therefore the commission finds that this requirement is not applicable to this application.</p>
<p><i>7 Location of existing and proposed buildings and intended uses thereof.</i></p>	<p>Yes</p>	<p>The commission finds that the proposed locations and uses of the buildings are specifically indicated on the site plan. Therefore, it is found that this requirement is met.</p>
<p><i>8 Proposed location of accessory structures, buildings and other appurtenances, including, but not limited to, all flag poles, light poles, bulkheads, docks, storage, sheds, transformers, air conditioners, generators, and similar equipment and the method and details of screening, where applicable. (Commercial)</i></p>	<p>Yes</p>	<p>Applicant states that no other structures, buildings and appurtenances are anticipated in the future. Location of proposed buildings and appurtenances are shown on the site plan. Therefore, it is found that this requirement is met.</p>
<p><i>9 Location of existing public roads and streets that abut or cross the site, plus, rights-of-way and private easements of record.</i></p>	<p>Yes</p>	<p>The commission finds that the location of existing public roads and streets are shown. Location of underground utilities are shown. There are no private rights-of-way. Therefore, it is found that this requirement is met.</p>
<p><i>10 Location of and dimensions of proposed streets, drives, curb cuts, ad access easements, as well as acceleration, deceleration and passing lanes or tapers (if any) serving the development. Details of entryway and entryway sign should be separately depicted with elevations views.</i></p>	<p>Yes</p>	<p>The commission finds that the location of the features required by this section are shown on the site plan. Therefore, it is found that this requirement is met.</p>

<i>11 Location, design and dimensions of existing and proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces, method of surfacing and striping), fire lanes and all lighting and signing thereof. (Especially applicable to commercial).</i>	Yes	The commission finds that the location of the features required by this section are shown on the site plan. Therefore, it is found that this requirement is met.
<i>12 Location, size and characteristics of all loading and unloading areas. (Commercial)</i>	Yes	The commission finds that the site does contain formal loading and unloading areas. Therefore, the commission finds that this requirement is met.
<i>13 Location and design of all trails, walkways, bicycle paths, and other areas for public use.</i>	N/A	The commission finds that there are no trails, walkways, bicycle paths, or other public use areas on the site. Therefore, the commission finds that this requirement is not applicable to this application.
<i>14 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.</i>	Yes	The commission finds that the property owner will be installing a water well for irrigation of the proposed trees and a new proposed onsite bathroom. A septic system will also be installed for onsite sewage. Other items of this requirement do exist but will be handled through the Soil Erosion Control Health Department offices.
<i>15 Location and routing of all other utilities on the site including, but not limited to, natural gas, electric, cable TV, telephone and steam.</i>	Yes	The commission finds that the electric will be underground and therefore, it is found that this requirement is met.
<i>16 Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools, if applicable.</i>	N/A	The commission finds that this requirement is not applicable to this application.
<i>17 Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used. (Especially applicable to commercial).</i>	Met	The commission finds that there is exterior lighting proposed and will be controlled by photo-cells. Therefore, the commission finds that this requirement is met.

<i>18 Location and specifications for all fences, walls and screening features with cross sections.</i>	Yes	PC is satisfied that the proposed screening is adequate to screen/buffer the site from the nearby residential uses. Verify
<i>19 General location and type of significant existing vegetation, including the location and size of all existing trees with a trunk of six (6") inches or more in diameter, four and one-half (4 ½) feet above the ground if not located in a forest. Forest and larger vegetation areas to be preserved shall be de-marked and designated so.</i>	Yes	The commission finds these features are noted on the site plan. Therefore, it is found that this requirement is met.
<i>20 Location and specifications for all proposed perimeter and internal landscaping and other buffering features.</i>	Yes	PC is satisfied that the proposed screening is adequate to screen/buffer the site from the nearby residential uses. Verify
<i>21 Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities. (Especially applicable to commercial).</i>	Yes	The commission finds that trash receptacles for the operation are not necessary; however, the property owner has stated there will be trash receptacles and that they will be screened from public view. Therefore, it is found that this requirement is met.
<i>22 Location and specifications for any existing, proposed or required above, or below ground storage facilities for any chemicals, salts, flammable or hazardous materials as well as any containment structures or clear zones required by government regulations and a Pollution Incident Prevention Plan as required by government regulations as required by Act 245 program.</i>	Yes	The commission finds that there are no existing, proposed or required above, or below ground storage facilities for any chemicals, salts, flammable or hazardous materials as well as any containment structures or clear zones required by government regulations. However, the property owner has agreed to hazardous materials placarding requirements as defined in Attachment C of the Public Hearing minutes.
<i>23 Identification of any significant or unique site features.</i>	N/A	The commission finds that there are no significant or unique site features.
<i>24 Indication of any significant views onto or from the site.</i>	N/A	The commission finds that there are no significant views onto or from the site.
<i>25 The zoning classification of the site and adjacent properties.</i>	Yes	The commission finds that the zoning classification of the subject property and adjacent properties are shown on the site plan. Therefore, it is found that this requirement is met.

26 North arrow, scale and date of original submittal and all revisions.	Yes	The commission finds that all items are shown on the plan dated November 30, 2021. Therefore, it is found that this requirement is met.
<p>Section 4.9.3 C. C. PERIPHERAL AREAS OF COMMERCIAL DISTRICT 1. Unless peripheral areas abutting highways and arterials contain existing mature trees, a mixture of indigenous species trees shall be planted to provide visual and noise screening to the area. Trees must be 1.5” inch caliper minimum at the time of planting. 2. Peripheral areas should have lower density uses, including where appropriate light manufacturing or warehousing, with large open areas to define the edges of the commercial park development. 3. Peripheral areas may be used for agricultural purposes or forests, as long as the uses are not nuisances to the commercial / community facilities/institutional/ religious building use area. 4. Natural vegetation and other existing attractive natural features within peripheral and within commons or green areas shall be properly maintained.</p> <p>Section 4.9.4 Performance Standards A. All uses in this district shall be subject to Chapter 8, Development Site Plan Review. B. Any use allowed in this district shall be so situated and operated that it shall not become a nuisance to the neighbors. C. All commercial activities and operations shall be carried on within an enclosed structure unless specifically permitted to do otherwise by a Special Use Permit.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>TBD</p> <p>Met</p> <p>TBD</p> <p>TBD</p>	<p>PC to discuss</p> <p>PC to discuss</p> <p>PC to discuss</p> <p>PC to discuss</p> <p>PC to discuss</p>

<p>Section 5.17 Landscaping, screening, greenbelts, buffers, and fencing</p>		
<p>A. The intent of this section is to promote the public health, safety, and general welfare.</p>		<p>See previous section of these findings.</p>
<p>Generally, landscaping shall at least equal surrounding landscaping in newer areas and tend toward upgrading older areas. Landscaping needs will be determined by using the standards set forth in this Section, and other applicable sections of this Ordinance.</p>		
<p>B. The following standards shall be followed:</p>		
<p>1. Additional landscaping shall be added to the retained natural landscaping features, to reduce the apparent mass and height of buildings, to visually break expanses of paving, to reduce the visibility of paved areas from adjacent roadways and properties, and to provide an attractive appearance from both within and without the site.</p>	<p>TBD</p>	<p>PC to discuss.</p>
<p>2. Ground cover shall be permeable to prevent erosion.</p>	<p>TBD</p>	<p>PC to discuss.</p>
<p>3. Areas that are intended to be landscaped shall be provided with a minimum depth of topsoil of four (4) inches and mulched appropriately.</p>	<p>TBD</p>	<p>PC to discuss.</p>
<p>4. All plantings shall be maintained in a vigorous, healthy, and weed-free state. Any dead or diseased plants shall be removed and replaced.</p>	<p>TBD</p>	<p>PC to discuss and make this a condition for final approval.</p>

NOTE: The Planning Commission may require such other data as may be required to ensure that the purposes of Chapter 8 are satisfied. The Commission shall state for the record its reasons for taking such action. Further, the Planning Commission may waive a requirement or requirements in Section 8.7 if not deemed necessary for a thorough review. The Commission shall state for the record its reasons for taking such action.

ATTACHMENTS TO FINDINGS OF FACT: Have Applicant’s guidelines for renters submitted to Township ZA