

APPROVED
KASSON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING
Monday, November 20, 2023; 7:00 pm
Kasson Township Hall
10988 S. Newman Road, Maple City, MI 49664
MINUTES

I. Call Meeting to Order/Pledge of Allegiance

Chairman Roush called the meeting to order at 7:00 pm with the Pledge of Allegiance.

II. Roll Call of Commissioners and Staff

A. Present: Jerry Roush, Chairman; Mike Lanham, Vice Chairman; Tad Carter, Township Board Rep; Dave Noonan, Commissioner

B. Absent: Chuck Schaeffer, Secretary

C. Staff: Tim Cypher, Zoning Administrator; Dana Boomer, Township Clerk (acting as Recording Secretary)

III. Consideration of Agenda

Roush asked for a motion to approve the agenda as presented. **Noonan moved to approve the agenda as presented; Lanham seconded. All in favor, motion carried.**

IV. Declaration of Conflicts of Interest – None

V. Approval of Minutes – October 16, 2023

Roush asked for a motion to approve the minutes of October 16, 2023 as presented. **Noonan moved to approve the minutes of October 16, 2023 as presented, Lanham seconded. All in favor, motion carried.**

VI. Correspondence Received - None

VII. Public Comment

VIII. Area Reports

A. Chairperson - Chairman Roush – No report

B. Secretary - Commissioner Schaeffer – Absent

C. Township Board - Commissioner Carter – No report

D. Zoning Board of Appeals - Commissioner Noonan – Noonan reported regarding the ZBA meeting for the Enduro event. The ZBA determined to affirm the decisions of the Planning Commission and Zoning Administrator.

E. Zoning Administrator – ZA Cypher – Cypher reported that the ZBA will be setting another meeting to approve the minutes from today's meeting. There is no further movement on the housekeeping cabin park. Cypher's ZA reports had been previously emailed to the PC, and will

be available on the website. Lanham asked whether the determination on the ZBA case means that the PC could move ahead with the changes to the Zoning Ordinance. Cypher stated that he will check with legal counsel, but he believes the PC should continue to table the pertinent ZO changes until the Enduro matter has exhausted all appeals.

IX. New Business

A. Leelanau Redi-Mix Public Hearing (Renewal) –

Carter moved to open the public hearing at 7:08 pm; Lanham seconded. All in favor, motion carried.

Mark McKellar, attorney for the applicant, spoke regarding the application for renewal for Leelanau Redi-Mix. There have been no substantial changes since the last approval. There are no proposed changes to the site plan, and the escrow funds are on deposit with the township. Cypher has conducted a site visit and distributed the results to the Planning Commission – no major findings were noted and no changes found (see attached). He recommended that the PC adopt the findings of fact and inspection report as presented.

There was no public comment. Carter asked Cypher about the lack of screening noted in his report. Cypher reported that the tree cover is somewhat sparse on some of the berms, but this has been the case since prior to the 2021 approval. Additional trees have been planted since the 2021 approval. Cypher summarized the findings of fact he had previously prepared (see attached).

Noonan moved to approve the renewal of the Special Use Permit for Leelanau Redi-Mix for two years with existing conditions, through November 2025. Lanham seconded. All in favor, motion carried.

Carter moved to close the public hearing at 7:19 pm. Lanham seconded. All in favor, motion carried.

- B. Newman Gravel Pit Initial Meeting (Renewal) – Tim Cypher summarized the application for the renewal of the Newman Gravel Pit. They are requesting a public hearing at the December meeting. Tim Newman is present as the legal agent for Duane & Mary Newman, the applicants. There are no changes proposed to the special use permit. **Lanham moved to accept the application and hold a public hearing for the Newman Gravel Pit renewal on December 18, 2023; Noonan seconded. All in favor, motion carried.**

X. Old Business

A. Zoning Ordinance Amendments for PC Review

Cypher reiterated that the sections listed in the ZBA matter should likely still be tabled until the Enduro matter is completed. One issue that could be discussed as part of the changes is the allowed uses in the Forested district. Cypher summarized the existing allowed uses and standards for the Forested district. However, discussion of this issue should also be postponed until after the Enduro matter is completed.

There are some definitions and other issues that can be discussed at this time, including work on other zoning district sections and the private road section. Cypher and Grier have not yet had time to dig further into other sections. With a new member starting in January and another gravel hearing in December, Cypher recommended waiting until January to start a deep dive into Zoning Ordinance amendments. There may need to be additional work done on items like the housekeeping cabin parks and how to incorporate “glamping” and “glampgrounds” into the current Zoning Ordinance. Cypher will be working with the Building Code Office and Grier to investigate definitions and requirements surrounding these issues. The PC briefly discussed the issues. Cypher stated that the PC could also discuss issues related to lot coverage, especially in the smaller lots in the village of Maple City.

Roush asked if other townships have ordinances that deal with some of the issues that Kasson is dealing with? Cypher stated that other townships have sections that deal with many of these issues. The main focus should be making sure that the changes match up with the changes made to the Master Plan. The PC and Cypher briefly discussed; no action was taken.

XI. Public Comment – None

XII. Comments from the Commissioners – Noonan said that this is an ever-changing world, and the Master Plan is a recommendation document. People need to be involved, and keep being involved, in order to know what’s going on.

Carter thinks the PC should look at language in the Zoning Ordinance that is open to interpretation, and could be tightened.

XIII. Next Meeting - Monday, December 18, 2023 at 7:00 p.m.

IX. Adjournment

Chairman Roush asked for a motion to adjourn the meeting. **Lanham moved to adjourn the meeting, Noonan seconded. All in favor, motion carried.** The meeting was adjourned at 7:42 pm.

Respectfully submitted,
Dana Boomer
Township Clerk

**KASSON TOWNSHIP
ZONING ADMINISTRATOR INSPECTION REPORT**

SPECIAL USE PERMIT RENEWAL – GRAVEL TAX #'s 007-028-003-00 & 007-027-006-00

A. ADDRESS OR BUSINESS NAME: *LEELANAU REDI MIX - APPROX. 80A + or -*

B. INSPECTION BY: *TIMOTHY A. CYPHER KTZA* **DATE & TIME:** *FRIDAY, 11/10/23 2 PM*

C. NAMES OF OWNER / REPRESENTATIVE PRESENT: *NO OWNER REP PRESENT*

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. ZA CYPHER CONFIRMED SCREENING LACKING ON ROADSIDE OF 007-027-006-00. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP*

G. VIOLATIONS OF ORDINANCE OR SPECIAL USE PERMIT OBSERVED: *NO VIOLATIONS OBSERVED ALTHOUGH SCREENING WAS LACKING/SPARSE AS NOTED IN F.*

H. RECOMMENDATIONS MADE TO OWNER: *ADD MORE SCREENING ON WEST PROPERTY LINE OF 007-027-006-00. ALSO MAINTAIN PRESENT COURSE OF ACTION AND IMMEDIATELY NOTIFY ZA CYPHER OF ANY CHANGES IN THE STATUS OF APPROVALS.*

I. NOTES FOR THE FILE OR FOLLOW UP: *ZA TO OBTAIN ELECTRONIC DOCUMENTS TO UPDATE TOWNSHIP'S DATA BASE.*

SIGNED BY: *Timothy A. Cypher, 11/10/23*

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

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

Applicant Name(s) **LEELANAU REDI MIX**

Tax Parcel Number 007-027-006-00
007-028-003-00

Date of Meeting MONDAY, 11/20/23

STAFF REPORT

On Friday 11/10/23, Zoning Administrator Tim Cypher physically inspected the property.

The ZA completed the inspection with no staff from Leelanau Redi Mix.

His observations were as follows:

SEE ATTACHED INSPECTION REPORT DATED 11/15/21

REVIEWED PREVIOUS RENEWAL. SITE CONDITIONS CONFIRMED COMPLIANCE AND NO CHANGES FROM PREVIOUS SUBMITTAL. ZA CYPHER CONFIRMED VEGETATION LACKING ON THE TOP OF THE BERM ALONG WEST ROADSIDE OF PARCEL 007-027-006-00 HOWEVER IT WAS DETERMINED BY THE PLANNING COMMISSION THAT THIS WAS A GRANDFATHERED STATUS. NO COMPLAINTS RECEIVED SINCE AUGUST 1, 2019 WHEN ZA CYPHER STARTED HIS DUTIES WITH KASSON TOWNSHIP.

GENERAL FINDINGS OF FACT

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

The Commission finds that the site is 80 acres M/L in size.

The Commission finds that the site is 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 October 21st , 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 October 21st ,2021 , 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 property covered by this Special Use Permit Application is described as:
12488 S. Newman Road Maple City, MI.

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>	YES	<p>This site is located in the Gravel Zoning District. Other similar processing operations exist in the District, this operation 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>	YES	<p>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.</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>	YES	<p>Since the operation will continue as it has 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>	YES	<p>Since the operation will continue as it has 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>	YES	<p>Since the operation will continue as it has 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 another Special Use Permit, it is assumed and expected that the existing use 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

 Planning Commission Chairperson

Tim Cypher
 Township Zoning Administrator

Chuck Schaeffer
 Planning Commission Secretary