

**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 *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 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): |
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| 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. |
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| 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 |

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| <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> |

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| <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> |

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): |
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| 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. |

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| <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> |

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| <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></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> |
| <p><i>12 Location, size and characteristics of all loading and unloading areas. (Commercial)</i></p> | <p>Yes</p> | <p>The commission finds that the site does contain formal loading and unloading areas. Therefore, the commission finds that this requirement is met.</p> |
| <p><i>13 Location and design of all trails, walkways, bicycle paths, and other areas for public use.</i></p> | <p>N/A</p> | <p>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.</p> |
| <p><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></p> | <p>Yes</p> | <p>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.</p> |
| <p><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></p> | <p>Yes</p> | <p>The commission finds that the electric will be underground and therefore, it is found that this requirement is met.</p> |
| <p><i>16 Proposed location, dimensions and details of common open spaces and common facilities, such as community buildings or swimming pools, if applicable.</i></p> | <p>N/A</p> | <p>The commission finds that this requirement is not applicable to this application.</p> |
| <p><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></p> | <p>Met</p> | <p>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.</p> |

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| <p><i>18 Location and specifications for all fences, walls and screening features with cross sections.</i></p> | <p>Yes</p> | <p>PC is satisfied that the proposed screening is adequate to screen/buffer the site from the nearby residential uses. Verify</p> |
| <p><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></p> | <p>Yes</p> | <p>The commission finds these features are noted on the site plan. Therefore, it is found that this requirement is met.</p> |
| <p><i>20 Location and specifications for all proposed perimeter and internal landscaping and other buffering features.</i></p> | <p>Yes</p> | <p>PC is satisfied that the proposed screening is adequate to screen/buffer the site from the nearby residential uses. Verify</p> |
| <p><i>21 Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities. (Especially applicable to commercial).</i></p> | <p>Yes</p> | <p>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.</p> |
| <p><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></p> | <p>Yes</p> | <p>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.</p> |
| <p><i>23 Identification of any significant or unique site features.</i></p> | <p>N/A</p> | <p>The commission finds that there are no significant or unique site features.</p> |
| <p><i>24 Indication of any significant views onto or from the site.</i></p> | <p>N/A</p> | <p>The commission finds that there are no significant views onto or from the site.</p> |
| <p><i>25 The zoning classification of the site and adjacent properties.</i></p> | <p>Yes</p> | <p>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.</p> |

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| <p><i>26 North arrow, scale and date of original submittal and all revisions.</i></p> | <p>Yes</p> | <p>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> |
| <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>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> |

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| <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. 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>2. Ground cover shall be permeable to prevent erosion.</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>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>See previous section of these findings.</p> <p>TBD PC to discuss.</p> <p>TBD PC to discuss.</p> <p>TBD PC to discuss.</p> <p>TBD PC to discuss and make this a condition for final approval.</p> |
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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 wave 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