

KASSON TOWNSHIP PLANNING COMMISSION

April 20, 2015

MINUTES

Unapproved/Approved (without additions or corrections)

A regular meeting of the Kasson Township Planning Commission was held in the Kasson Township Hall on Monday, April 20, 2015 for the purpose of the meeting was to conduct the regular monthly business of the Commission and to conduct a series of public hearings on the renewal of Special Use Permits for gravel extraction, earth removal, quarrying, gravel processing, and mining, for the following organizations: Elmer's CR-669 Gravel Pit, Elmer's M-72 Gravel Pit, Benzie County Gravel Pit, Concrete Service Gravel Pit, Lake Leelanau Gravel Pit. In addition the Commission conducted a Public Hearing for the granting of a coffee roasting and packaging operation for Leelanau Coffee Roasters.

1. Call Meeting to Order/Pledge of Allegiance

The meeting was called to order at 7:00 P.M. by Chairperson Tad Carter. The Pledge of Allegiance was recited.

2. Recognition of Visitors and Roll Call of Commissioners

Visitors Present:

Mike Lanham (Township Zoning Administrator); Traci Cruz (Township Clerk); Fred Lanham (Township Supervisor); James Schettek, Steve Arens, Sharon Rosinski, Jerome Rosinski, Jack Morris (representing Elmer's), Mark Zientek, Ann Zientek, Loren Rinehart.

Commissioners present (roll call): Bob Johnson, Jim Anderson, Jim Moses, Tad Carter, Dana Boomer, and Gerry Roush.

Absent: Roger Noonan.

3. Consideration of Agenda: Additions or Deletions

Moved by: Anderson **Seconded by:** Roush to approve the agenda, as submitted.

Ayes: All.

Motion carried.

4. Declaration of Conflicts of Interest

Roush declared a conflict of interest on Agenda Item 5.f

5. Opening of the Public Hearings

Moved by: Boomer **Seconded by:** Anderson to open the Public Hearing Session for the consideration of renewing the Special Use Permits for Elmer's M-72 and CR-669 pits, Benzie County Pit, Concrete Service Pit, Lake Leelanau Excavating and a Special Use Permit for a coffee roasting and packing operation for Leelanau Coffee Roasters.

Ayes: All.

Motion carried.

a) Elmer's M-72 Gravel Pit

1) Report from the Zoning Administrator

Zoning Administrator Lanham reported that the application is in order and fees are paid. He still needs to check with the Township Clerk on an updated Letter of Credit. He conducted an inspection on April 16, 2015, accompanied by Jack Morris from Elmer's, and Dana Boomer from the Commission.

They discussed planting of trees on the berms to fill in where the original plantings did not take. Currently there is a driveway that is located less than the 300' from a residence that is required. They talked about their pile heights that are above height of their berms. The situation was brought to his attention by a Township resident. Lanham noted that there are other pits in the Township where pile heights exceed berm heights. Lanham said he could not find an ordinance provision that specifies pile height maximums. He said berms were described as "sight barriers", but for what – piles, equipment, or noise? Carter Asked Morris if the pile heights were usual – they've been there since day one. Morris replied that the location of piles change, but the height of the current piles are not unprecedented.

2) Public Comment

Loren Rinehart asked if Elmer's had been sued regarding pile height at the other end of the property and that they were taken down because of it? He noted he was not the one who made the complaint {that Lanham referred to, earlier}. He indicated numerous times that berms have been moved and trees removed. He made several comments about removal of trees, lowering of piles, moving of berms at unspecified times and places. He asked if there was a site plan showing the driveway that "is just inches from my house". He claimed that Lanham had told him about several things that were going to be done, but haven't. Says berms removed at his house and gets dust when winds out of the southwest. He stated that there is a road "just inches from his property".

Lanham indicated that Elmer's has a choice for screening of either a berm or trees. The trees on the back {west} side of Rinehart's property are the required screening. Further, the "berm" on west that was just removed was actually topsoil from the south part of the parcel, and placed at that location three years ago as temporary storage. Morris acknowledged removal of stockpile of topsoil.

Rinehart continued by bringing up several issues that predate the currently expiring {two year} SUP. He also indicated that when he moved to the property there was a different site plan. He also claimed that the driveway {near his home on the north end of the Elmer's property} was being used by haul trucks. He wondered how long it would be before trucks would be using Baatz Road to access the pit. Lanham showed Rinehart the current site plan showing the driveway, and that its current location will be addressed {to be in conformance with the plan}. That driveway is a secondary entrance and will never be used for truck traffic. Rinehart acknowledged the driveway was for moving equipment only, and asked that the driveway be blocked so that trucks cannot use Baatz Road.

Carter asked Rinehart what would make him happy. Because the berms seem to change day-to-day, he wants to know what things will be like five years from now, ten years from now. He wants to that the driveway will not be used for trucks coming in and out loaded with gravel onto Baatz Rd. He stated that when he moved there 25 years ago, they were aware of the gravel, and aware of the pits. Lanham stated that as far as he knows, Elmer's has no intention of using that entrance for anything but moving equipment to 669. Jack Morris from Elmer's stated that only once in last two years have they moved equipment using that driveway, and that's why the driveway was requested in the last site plan update. Rinehart replied, "Well, that's absolutely not true. That has been used many, many times when that road did not exist." Morse replied that the road is there so when heavy equipment has to be moved to/from the Hulbert Pit, only one permit is required {County}. Rinehart: "Can you put a stipulation in there that that's only used for equipment between pits?" Morse replied, "That would be fine by us."

Chairperson Carter asked about the pile heights – were they subject to a lawsuit. Morse replied he was not aware of any lawsuit, but it could be before his time. ZA Lanham said the same. Rinehart asked about dust control as part of the SUP – do they put something on the piles to keep dust from flying. Morse replied they do not. Most of their dust control is regulated by the Michigan DEQ. Rinehart said that there are provisions in their SUP for dust control, but did not elaborate on what those were.

3) Findings of Fact

Zoning Administrator Lanham stated that he has found no changes to the contents of the Findings of Fact. He noted no violations.

4) Discussion by the Commission

Anderson – Definitely they need to provide an updated letter of credit. Concerning the height, he is aware that they need dust control on roads and where machinery is working, but is unaware of dust control required for piles. He asked Lanham if he was aware of such requirements. Lanham replied he was not aware of any. Anderson asked Rinehart was it correct that there is only a single tree between his house and the pit. Rinehart replied there was an area where he thinks they are less than 90' feet but he has not measured it. He then described several times/places where Elmer's had taken out more trees. He says there he can see the whole operation from his back yard. Lanham said he would like to go back and check this situation more closely.

Commissioner Boomer referred to page 25 of the Zoning Ordinance which mentions six feet in height for sight screening.

Rinehart read from the ordinance the provision to manage dust created by machinery and truck traffic. Rinehart mentioned another time when a berm was being removed that the equipment was pounding on frozen soil to break it up and he could feel the vibrations in his house. He acknowledged that "it was there when we got there. I have no complaint about that." But he thought the pounding was unnecessary and rude.

Boomer thinks at a minimum condition {for granting renewal} is that all the trees on the 669 and Baatz Road berms that have died or been lost be replanted according to the standard. She asked Lanham if the driveway was 90' from the property line. Lanham could not say, but will check on it. Morris said that the road was never actually built. The movement of equipment thru that area just happened. So where the movement happened was not where the road is shown on the Site Plan. He will talk to Todd, the Pit Manager, and when the road is built (soon) that it will be built on the correct location (approval is needed from the County Road Commission first). He will make sure it will be built soon and will be located properly. Morris also added that there is a choice between trees with no lower foliage or a berm.

5) Vote

Moved by: Boomer **Seconded by:** Roush to approve the extension of the SUP for Elmer's gravel pit for two years, expiring on 4/20/17, with conditions:

- 1) Receipt of the updated line of credit letter
- 2) Tree plantings be brought up to standards on the berms on 660 and Baatz Road
- 3) The driveway [at the north end of the property] be relocated properly and be at Township and County standards
- 4) That the Zoning Administrator verify that berms/screening behind the Rinehart property be up to standard, and if not Elmer's will be required to rectify

The complete resolution will be found in Exhibit A of these minutes.

Ayes: All.

Motion carried.

b) Elmer's CR-669 Gravel Pit

1) Report from the Zoning Administrator

An inspection was made on April 16, 2015. Elmer's has begun reclamation on this site. There are woodchips, concrete, and asphalt that will need to be addressed. Their application is in order and fees are paid, but are still awaiting the updated Letter of Credit. Everything is in order at the site

2) Findings of Fact

There have been no changes to the operation from Findings of Fact that are on file.

3) Public Comment

None.

4) Discussion by the Commission

None.

5) Vote

Moved by: Anderson **Seconded by:** Roush to approve the extension of the SUP for Elmer's CR-669 gravel pit for two years, expiring on 4/20/17, with conditions:

1) Receipt of the updated line of credit letter. The complete resolution will be found in Exhibit B of these minutes.

Ayes: All.

Motion carried.

c) Benzie County Gravel Pit

1) Report from the Zoning Administrator

An inspection was made on April 16, 2015. There was not representative present at the meeting. Their application is in order and fees are paid. Everything is in order at the site. They depleted their stock of gravel last fall. Was told by Brad Schaub that Elmer's would be coming in to make a new stockpile for them. They are in compliance regarding a previous issue regarding trees. Since they are a governmental entity, no Letter of Credit is necessary.

2) Public Comment

None.

3) Findings of Fact

There have been no changes to the operation from Findings of Fact that are on file.

4) Discussion by the Commission

Boomer asked Lanham to clarify if they had operations in the last year. Lanham confirmed that they were pretty active last fall, depleting their current stock.

5) Vote

Moved by: Boomer **Seconded by:** Anderson to approve the extension of the SUP for Benzie County's gravel pit for two years, expiring on April 20, 2017 with no conditions. See complete resolution in Exhibit C of these minutes

Ayes: All.

Motion carried.

d) Concrete Service Gravel Pit

1) Report from the Zoning Administrator

He went to do an inspection on April 14, 2015 and no representative from the company appeared. Township Zoning Ordinance Section 4.6.4.g specifies that the Special Use Permit is cancelled, due to inactivity over 12 months. There has been no activity, therefore the SUP is now void. Lanham said that he will now work with them to reclaim their site.

Therefore, no additional action by the Commission is required.

e) Lake Leelanau Excavating Gravel Pit

1) Report from the Zoning Administrator

An inspection was made on April 24, 2015. Their application is in order and fees are paid. Everything is in order at the site. LLE does not use a Letter of Credit but has deposited funds with the Township that are held in a CD. There has been activity at the pit within the last 12 months.

2) Public Comment

None.

3) Findings of Fact

There have been no changes to the operation from Findings of Fact that are on file.

4) Discussion by the Commission

None.

5) Vote

Moved by: Anderson **Seconded by:** Moses to approve the extension of the SUP for Lake Leelanau's gravel pit for two years, expiring on April 20, 2017 without condition. See complete resolution in Exhibit D of these minutes.

Ayes: All.

Motion carried.

f) Leelanau Coffee Roasters Special Use Permit

1) Report from the Zoning Administrator

Their application is in order and fees are paid. Commission has been supplied with their documentation

2) Public Comment

Sherry Rosinski ("SR") had a number of questions since she knows nothing of the proposal. Her questions, and the answers supplied by Steve Arens of Leelanau Coffee Roasters ("SA")

SR – Is this an existing business? SA – Yes. Leelanau Coffee Roasters of Glen Arbor.

SR – You moving for what reason? SA – because we need more production area,

SR - Will you be cooking he beans? SA – Yes.

SR – How is that done? SA – It's essentially like a hot air corn popper.

SR – So there is a noise level? SA – Yes, inside the building. It is generally below where it is required for ear protection. Outside there is very little noise. You might hear a hum

SR – Am I correct that there are 400 degree ovens running? SA – There is a roaster whose input gets up to around 600 and the output around 475.

SR – Is that continually in motion? SA – No, only during the roasting process.

SR – How long is that? SA each roasting cycle is about 15 minutes

SR – What are the hours of operation? SA – 8-5

SR – So there will be no evening or early morning hours? SA – only if we have production problems. It's possible but unlikely. We are getting some larger equipment which allows us to process more.

SR – How do you cool those coffee beans? SA – There is a cooling tray that takes ambient air blown across cooling tray. It takes outside air then exhausts it back outside.

SR – Is there an impact on odor? SA – There will be a slight, like burned toast, odor.

SR – How large of an area does that... SA – It depends on the wind radius. You will smell it during about the last 12 minutes of the roasting cycle. We will be putting in a bigger roaster so it probably will only be fired up a couple times a day. Eventually the smaller one we have in Glen Arbor will be moved there.

SR – So this natural gas? SA – Yes. And there's an afterburner that burns off as much smell and smoke that might be associated with it.

SR – Do you have to have different lighting system other than the low-impact system that's in there now? SA – No. There will a different lighting inside but not outside.

SR – Is there a water system in case of fire when the ovens are going? SA – There are fire procedures to be followed. There is actually water inside the roaster that is part of fire protection.

SR – My concern is that there are a lot of pine trees close to the buildings, so I'm wondering about a buffer zone? SA – The system is totally enclosed, and there are safety features on it for that.

SR – Is there someone there when in operation? SA – Absolutely.

Chairman Carter asked if there were questions from the Commission. (none).

Pam Zientek ("PZ") – What kind of waste comes from this? SA – There will be a little chimney effluent similar to restaurant to what you might see from a restaurant. There is a chaff comes off coffee which is like sawdust. It is not released into the air; it is all contained within facility. PZ – And this is your business? SA – Correct.

Someone from the audience said in Ann Arbor it "smells all over." Arens replied they had only received two complaints in 20 years.

3) Findings of Fact

Chairman Carter indicated that the preliminary Findings had been sent to all the Commissioners and the Zoning Administrator. He asked if there was anything Commissioners wanted to add. He also indicated that the property is zoned Commercial.

Commissioner Boomer asked if anything could be done to mitigate the odors. Arens replied that the afterburner is the last stage of the process. It is about 1 million BTU to burn off

organic material, but there is some residual. But the majority is burned off. .But it is not odor free, there will be some of the burned toast smell.

Commissioner Carter asked if anyone in the audience knew the direction of the prevailing winds. North, Northwest, South, and Southwest were offered. He asked who lived downstream and how far was their house. The reply was “about 500 feet”. [The respondent did not identify themselves.]

See Exhibit F of these minutes for the Findings of Fact.

4) Discussion by the Commission

Commissioner Anderson asked Sherry Rosinski if she was satisfied with all the answers to her questions. Her concerns were about noise levels in the late evening from prior businesses and the nearby pine trees. The area is a dark area with minimal lighting impact and is very quiet at night. So yes, she has concerns, but she can't say she's against it until she knows what she is up against. Jerome Rosinski said his major concern was fire was because of a large number of pines on his property. Arens said the water in the roaster not only was a fire safety mechanism, but it was also used to cool the coffee at the end of the cycle. Anderson asked about any other fire suppression. Arens replied there will be CO2 fire suppression appliances around the roaster and the building. That's how it's operating in Glen Arbor and they have had no fires there.

5) Vote

Moved by: Boomer **Seconded by:** Anderson to adopt a resolution granting a Special Use Permit for Coffee Roasting Operations at 173 E. Kasson Rd., parcel number 007-023-005-00 See complete resolution in Exhibit F of these minutes.

Ayes: All.

Motion carried.

6. Closing of the Public Hearings

Moved by: Anderson **Seconded by:** Boomer to close the Public Hearing.

Ayes: All.

Motion carried.

The Public Hearing closed at 8:00 PM

7. Correspondence

None.

8. Approval of Minutes – April 14, 2015

Moved by: Anderson **Seconded by:** Moses to approve the minutes of April 14, except in the final page, “Hulbert” should be “M72”

Ayes: All.

Motion carried.

9. Reports

a) Township Board – Commissioner Noonan was absent.

b) Zoning Board of Appeals – Commissioner Johnson: None.

- c) Zoning Administrator's Report. During March he issued one Land Use Permit with a value of \$290,000. Lanham further reported that he took approximately 24 phone calls and 12 emails, wrote one response to alleged nuisance ordinance violation. Carter stated that forgot to bring a letter from neighbor of the Deering Nursing property he will send to ZA Lanham. Carter heard that County was at the Maple City residence where an unsightly condition exists.

10. Old Business

None.

11. New Business

None.

12. Comments from the Commissioners and Public.

No comment from Commissioners.

Township Supervisor Lanham referred to the gravel piles in the pits and suggests that Commission should look at a standard or guideline for {gravel} pile heights as it applies to blowing dust, rather than visual issues. Jack Morris related that earlier in the day that another pit has the same problem as Elmer's. Chairperson Carter said that personally he has no issue with pile height, but rather with the dust issue. Morris said he has given thought to dust control on the material piles. The only solution he could think of was for a crane with a sprinkler, and that is not practical to physically water all the stock piles. Water is used during the manufacture of the material, but that eventually evaporates, beginning at the top of the "cone" which is the highest point. Lanham said that this has never been an issue in the past. Carter said if there are no complaints that dust is affecting the neighbors, then there is no need to address the issue – unless complaints develop. The State DEQ and EPA worry about and regulate dust that occurs during processing. They have never questioned dust coming from the piles.

13. Next Meeting:

May 18, 2015, 7:00 PM, Township Hall.

14. Adjournment

Moved by: Anderson **Seconded by:** Boomer to adjourn the meeting.

Ayes: All.

Motion carried.

The meeting was adjourned at 8:15 P.M.



Chuck Schaeffer
Recording Secretary
Kasson Township Planning Commission

EXHIBIT A –

STATE OF MICHIGAN)
LEELANAU COUNTY) **SS)**
KASSON TOWNSHIP)

A RESOLUTION GRANTING AN EXTENSION OF A SPECIAL USE PERMIT FOR GRAVEL EXTRACTION ON PROPERTY TAX PARCELS 007-001-020-20, and 007-001-020-00

WHEREAS, Elmer’s Crane and Dozer, the owner of property located on W. Empire Hwy. (w/ Coleman Rd.) Maple City, MI, has filed an application for extension of a Special Use Permit to allow gravel extraction on the subject property, said property being zoned gravel and legally described as shown in on a Planning/Zoning Application and known as Tax Parcel 007-001-020-20, and 007-001-020-00.

WHEREAS, following due and proper notice by publication in the Leelanau Enterprise not less than fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property within 300 feet at least fifteen (15) days prior thereto, the Kasson Township Planning Commission (“the Commission”) conducted a public hearing on April 20, 2015, at which the petitioners presented evidence, testimony, and exhibits in support of the requested extension of a Special Use Permit, and zero persons testified in favor of the petition and zero in opposition thereto; and

WHEREAS, the Commission, having considered the evidence, testimony and exhibits presented at the public hearing, has made its findings of fact which are documented in the Findings of Fact of the Commission, and

WHEREAS, the Commission having considered the findings of fact and has determined that extending the Special Use Permit to allow the mining of gravel on the subject property is consistent with the requirements established by Chapter Seven of the Kasson Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

SECTION ONE: The Findings of Fact and Recommendation of the Commission, is hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Kasson Township Planning Commission

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby extended to allow the mining of gravel on property located on W. Empire Hwy. (w/ Coleman Rd.) and known as tax parcels 007-001-020-20, and 007-001-020-00.

SECTION THREE: This Special Use Permit is subject to the following conditions:

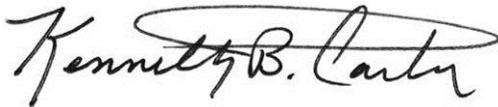
- 1) Renewal for .additional period not to exceed two years, subject to review and approval of the Kasson Township Planning Commission. Permit is extended to April 20, 2017.
- 2) Providing of an updated Letter of Credit, expiring on or after April 20, 2018.
- 3) Tree plantings be brought up to standards on the berms on 660 and Baatz Road
- 4) The driveway [at the north end of the property} be relocated properly and be at Township and County standards
- 5) That the Zoning Administrator verify that berms/screening behind the Rinehart property be up to standard, and if not Elmer’s will be required to rectify

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Special Use Permit, after issuance of this Special Use Permit, shall

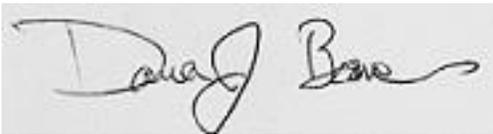
subject the owners or party in interest to the penalties set forth in Chapter 7 of the Kasson Township Zoning Ordinance.

PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS 20TH DAY OF April, 2015

Commissioners	Aye:	Nay	Abstain	Absent
Jim Anderson	X			
Tad Carter	X			
Bob Johnson	X			
Jim Moses	X			
Dana Boomer	X			
Roger Noonan				X
Gerry Roush	X			



Planning Commission Chairperson



Planning Commission Vice Chairperson

EXHIBIT B –

STATE OF MICHIGAN)
LEELANAU COUNTY) **SS)**
KASSON TOWNSHIP)

A RESOLUTION GRANTING AN EXTENSION OF A SPECIAL USE PERMIT FOR GRAVEL EXTRACTION ON PROPERTY TAX PARCEL 007-017-001-20

WHEREAS, ELMERS REAL ESTATE COMPANY LLC the owner of property located at 10212 S, Coleman Rd., Maple City, MI, has filed an application for extension of a Special Use Permit to allow gravel extraction on the subject property, said property being zoned gravel and legally described as shown in on a Planning/Zoning Application and known as Tax Parcel 007-017-001-20.

WHEREAS, following due and proper notice by publication in the Leelanau Enterprise not less than fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property within 300 feet at least fifteen (15) days prior thereto, the Kasson Township Planning Commission (“the Commission”) conducted a public hearing on April 20, 2015, at which the petitioners presented evidence, testimony, and exhibits in support of the requested extension of a Special Use Permit, and zero persons testified in favor of the petition and zero in opposition thereto; and

WHEREAS, the Commission, having considered the evidence, testimony and exhibits presented at the public hearing, has made its findings of fact which are documented in the Findings of Fact of the Commission, and

WHEREAS, the Commission having considered the findings of fact and has determined that extending the Special Use Permit to allow the mining of gravel on the subject property is consistent with the requirements established by Chapter Seven of the Kasson Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

SECTION ONE: The Findings of Fact and Recommendation of the Commission, is hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Kasson Township Planning Commission

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby extended to allow the mining of gravel on property located at 10212 S, Coleman Rd., Maple City, MI and known as tax parcel 007-017-001-20.

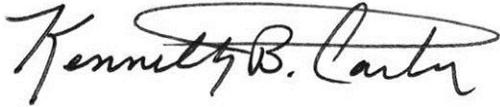
SECTION THREE: This Special Use Permit is subject to the following conditions:

- 1) Renewal for an additional period not to exceed two years, subject to review and approval of the Kasson Township Planning Commission. Permit is extended to April 20, 2017
- 2) Providing of an updated Letter of Credit, expiring on or after April 20, 2018.

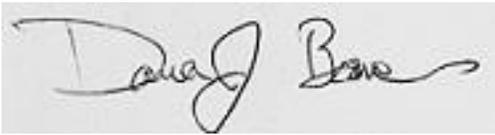
SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Special Use Permit, after issuance of this Special Use Permit, shall subject the owners or party in interest to the penalties set forth in Chapter 7 of the Kasson Township Zoning Ordinance.

PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS 20TH DAY OF April, 2015

Commissioners	Aye:	Nay	Abstain	Absent
Jim Anderson	X			
Tad Carter	X			
Bob Johnson	X			
Jim Moses	X			
Dana Boomer	X			
Roger Noonan				X
Gerry Roush	X			



Planning Commission Chairperson



Planning Commission Vice Chairperson

EXHIBIT C –

STATE OF MICHIGAN)
LEELANAU COUNTY) **SS)**
KASSON TOWNSHIP)

A RESOLUTION GRANTING AN EXTENSION OF A SPECIAL USE PERMIT FOR GRAVEL EXTRACTION ON PROPERTY TAX PARCEL 007-017-003-00

WHEREAS, Benzie County Road Commission, State of Michigan the owner of property located on S. Coleman Rd., Maple City, MI, has filed an application for extension of a Special Use Permit to allow gravel extraction on the subject property, said property being zoned gravel and legally described as shown in on a Planning/Zoning Application and known as Tax Parcel 007-017-003-00.

WHEREAS, following due and proper notice by publication in the Leelanau Enterprise not less than fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property within 300 feet at least fifteen (15) days prior thereto, the Kasson Township Planning Commission (“the Commission”) conducted a public hearing on April 20, 2015, at which the petitioners presented evidence, testimony, and exhibits in support of the requested extension of a Special Use Permit, and zero persons testified in favor of the petition and zero in opposition thereto; and

WHEREAS, the Commission, having considered the evidence, testimony and exhibits presented at the public hearing, has made its findings of fact which are documented in the Findings of Fact of the Commission, and

WHEREAS, the Commission having considered the findings of fact and has determined that extending the Special Use Permit to allow the mining of gravel on the subject property is consistent with the requirements established by Chapter Seven of the Kasson Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

SECTION ONE: The Findings of Fact and Recommendation of the Commission, is hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Kasson Township Planning Commission

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby extended to allow the mining of gravel on property located at S. Coleman Rd., Maple City, MI, and known as tax parcel 007-017-003-00

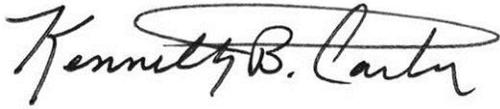
SECTION THREE: This Special Use Permit is subject to the following conditions:

- 1) Renewal for .additional period not to exceed two years, subject to review and approval of the Kasson Township Planning Commission. Permit is extended to April 20, 2017

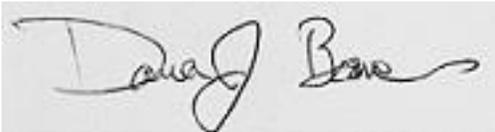
SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Special Use Permit, after issuance of this Special Use Permit, shall subject the owners or party in interest to the penalties set forth in Chapter 7 of the Kasson Township Zoning Ordinance.

PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS 20TH DAY OF April, 2015

Commissioners	Aye:	Nay	Abstain	Absent
Jim Anderson	X			
Tad Carter	X			
Bob Johnson	X			
Jim Moses	X			
Dana Boomer	X			
Roger Noonan				X
Gerry Roush	X			



Planning Commission Chairperson



Planning Commission Vice Chairperson

EXHIBIT D –

STATE OF MICHIGAN)
LEELANAU COUNTY) **SS)**
KASSON TOWNSHIP)

A RESOLUTION GRANTING AN EXTENSION OF A SPECIAL USE PERMIT FOR GRAVEL EXTRACTION ON PROPERTY TAX PARCEL 007-010-010-00

WHEREAS, LAKE LEELANAU EXCAVATING the owner of property located at 9310 S NASH RD, Maple City, MI, has filed an application for extension of a Special Use Permit to allow gravel extraction on the subject property, said property being zoned gravel and legally described as shown in on a Planning/Zoning Application and known as Tax Parcel 007-010-010-00

WHEREAS, following due and proper notice by publication in the Leelanau Enterprise not less than fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property within 300 feet at least fifteen (15) days prior thereto, the Kasson Township Planning Commission (“the Commission”) conducted a public hearing on April 20, 2015, at which the petitioners presented evidence, testimony, and exhibits in support of the requested extension of a Special Use Permit, and zero persons testified in favor of the petition and zero in opposition thereto; and

WHEREAS, the Commission, having considered the evidence, testimony and exhibits presented at the public hearing, has made its findings of fact which are documented in the Findings of Fact of the Commission, and

WHEREAS, the Commission having considered the findings of fact and has determined that extending the Special Use Permit to allow the mining of gravel on the subject property is consistent with the requirements established by Chapter Seven of the Kasson Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

SECTION ONE: The Findings of Fact and Recommendation of the Commission, is hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Kasson Township Planning Commission

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby extended to allow the mining of gravel on property located at 9310 S NASH RD. MAPLE CITY, MI and known as tax parcel 007-010-010-00

SECTION THREE: This Special Use Permit is subject to the following conditions:

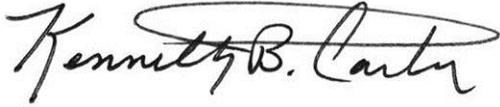
1. Renewal for .additional period not to exceed two years, subject to review and approval of the Kasson Township Planning Commission. Permit is extended to April 20, 2017

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Special Use Permit, after issuance of this Special Use Permit, shall subject the owners or party in interest to the penalties set forth in Chapter 7 of the Kasson Township Zoning Ordinance.

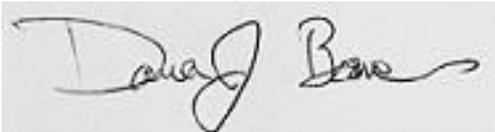
PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS 20TH DAY OF April, 2015

Commissioners Aye: Nay Abstain Absent

Jim Anderson	X			
Tad Carter	X			
Bob Johnson	X			
Jim Moses	X			
Dana Boomer	X			
Roger Noonan			X	
Gerry Roush	X			



Planning Commission Chairperson



Planning Commission Vice Chairperson

EXHIBIT E –

STATE OF MICHIGAN)
LEELANAU COUNTY) **SS)**
KASSON TOWNSHIP)

A RESOLUTION GRANTING SITE PLAN APPROVAL FOR A COFFEE ROASTING FACILITY ON PROPERTY TAX PARCEL 45-007-023-005-00

WHEREAS, Leelanau Coffee Roasters, the owner of property located at 173 E. Kasson Rd, has filed an application for a Special Use Permit to allow a coffee roasting, storage, finishing, packaging, and labeling on the subject property, said property being zoned Commercial and legally described as shown in on a Planning/Zoning Application plus associated addenda, and

WHEREAS, following due and proper notice by publication in the Leelanau Enterprise not less than fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property within 300 feet at least fifteen (15) days prior thereto, the Kasson Township Planning Commission (“the Commission”) conducted a public hearing on April 20, 2015, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no persons testified in favor of the petition and no in opposition thereto (although two people from the public asked questions of the petitioner); and

WHEREAS, the Commission, having considered the evidence, testimony and exhibits presented at the public hearing, has made its findings of fact which are documented in the Findings of Fact of the Commission, dated (hearing date), and are appended hereto as Exhibit "F"; and

WHEREAS, the Commission having considered the findings of fact and has determined that granting the Special Use Permit to allow (brief description of special use) on the subject property is consistent with the requirements established by Chapter Seven of the Kasson Township Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE KASSON TOWNSHIP PLANNING COMMISSION, COUNTY OF LEELANAU, STATE OF MICHIGAN as follows:

SECTION ONE: The Findings of Fact and Recommendation of the Commission, Exhibit "F" attached hereto, is hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the Kasson Township Planning Commission

SECTION TWO: Based on the findings of fact set forth above, a Special Use Permit is hereby granted to allow a coffee roasting, storage, finishing, packaging, and labeling on property located at 173 E Kasson Rd, and legally described as

L240 P186 L248 P841 L565 P664/01 L794 P579/04(CORRECTED L834 P703) PRT OF W 1/2 OF SW 1/4 SEC 23 COM SW COR SD SEC TH S 88 DEG 43'55" E ALG S SEC LN 825.00 FT TO POB TH N 01 DEG 16'05" E 132.00 FT TH S 88 DEG 43'55" E 165.00 FT TH S 01 DEG 16'05" W 132.00 FT TH N 88 DEG 43'55" W ALG S SEC LN 165.00 FT TO POB SEC 23 T28N R13W 0.5 A.

SECTION THREE: This Special Use Permit is subject to the following conditions:

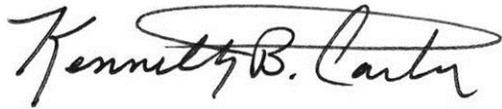
- 1) An initial term of one (1) year from the date of issuance. If construction or use has not been commenced and proceeded meaningfully toward completion by the end of this period, the Special Use Permit shall be null and void.

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Special Use Permit, after issuance of this Special Use Permit, shall

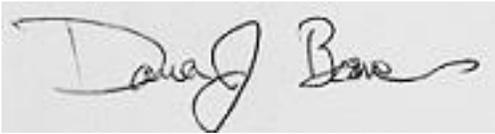
subject the owners or party in interest to the penalties set forth in Chapter 7 of the Kasson Township Zoning Ordinance.

PASSED BY THE KASSON TOWNSHIP PLANNING COMMISSION THIS 20th DAY OF APRIL, 2015.

Commissioners	Aye:	Nay	Abstain	Absent
Jim Anderson	X			
Tad Carter	X			
Bob Johnson	X			
Jim Moses	X			
Dana Boomer	X			
Roger Noonan			X	
Gerry Roush	X			



Planning Commission Chairperson



Planning Commission Vice Chairperson

**EXHIBIT F –
FINDINGS OF FACT**

Applicant: Leelanau Coffee Roasting Company
Tax Parcel Numbers: 007-023-005-00

Date of Meeting: April 20, 2015

GENERAL FINDINGS OF FACT
The Commission finds that the site is located in Kasson Township, Leelanau County.
The Commission finds that the site is .5 acres more or less in size.
The Commission finds that the site is located in the Commercial Zoning District
The Commission finds that the proposed type of use of the property will be commercial in nature.
The Commission finds that the proposed use is allowed in this District 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 March 26, 2015 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 March 17, 2015 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: open partially forested terrain

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		
1. The name, address, telephone number and signature of the property owner and applicant;	YES	
2. A full legal description of the property on which the proposed special use is to exist or be conducted, including the property tax parcel numbers(s), together with proof of property ownership and applicable options on the property, if any;		The Applicant has acquired title ownership of the Property.
3. Are any changes are being proposed from the formerly approved permit and site plan? If so, continue with #4, <u>otherwise skip to Section 7.7 on Page 3</u>	NO	
4. Project schedule and development plans	YES	
5. Vicinity map with north point indicated	YES	
6. Land uses and existing structures on the subject parcel and adjoining parcels within 300 feet	YES	
7. 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		The proposed Roasting Facility development will have little impact on existing infrastructure, traffic and road capacity.

ITEM	STD MET?	FINDING(S):
SECTION 7.5.B SITE PLAN DATA		
A site plan in accordance with Chapter 8 - Development Site Plan Review.		Attached. A Site Plan, Dated March 29, 2015 has been 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>		Two existing pole barn type buildings will be used for this commercial enterprise.
<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	
<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	
<i>D. Not create excessive additional requirements at public costs for public facilities and services.</i>		<p>There would be no impact on public services as the structures would be serviced by on site well and septic systems.</p> <p>There would be no anticipated impact on emergency services disproportional to any other similar use in the Township.</p> <p>The site is located on an existing County owned and maintained roads capable of supporting the proposed use. No public facilities should be impacted.</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>		This finding may require that adequate conditions may be placed on the facility.
<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>		The proposal reflects the commercial character of that part of the Township and conforms with the objectives of the Township Master Plan.

<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>The proposed planned development underlying the special land use preserves partially forested open space in the Township</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><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><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>The site plan has met these standards as reflected in Chapter 8 of the Zoning Ordinance. The Project will remain subject to approvals from appropriate agencies.</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

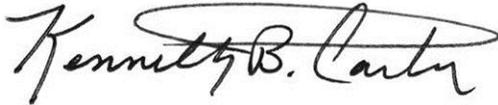
ITEM	STD MET?	FINDING(S):
SECTION 8.7		
<p><i>1 The site plans should be accurately drawn at the scale of at least 1" EQUAL 100' <u>showing the site and all land and structures within five hundred feet (500') of the site.</u> The Planning Commission may require details to be provided in a scale as great as 1" EQUAL 20'. If multiple sheets are used each must be labeled, dated and the preparer identified.</i></p>	YES	
<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>		<p>An Existing Conditions plan has been submitted that identifies, to scale, the existing property lines, with dimensions. The parcel legal description, tax numbers and setback information is presented on the submitted Site Plan.</p>
<p><i>3 A vicinity map drawn at a scale of a minimum of 1" equal 2000' with north-point indicated.</i></p>		<p>A vicinity map is included.</p>
<p><i>4 Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flows.</i></p>		<p>The topographic and drainage flows information is included on the submitted Site Plan.</p>
<p><i>5 The location and type of existing soils on the site and any certification of borings. (Site Investigation Report)</i></p>		<p>The following Soil Map, provided by the U.S. Department of Agriculture identifies the parcel as being dominated by a mix Kalkaska sands, and Leelanau-East Lake loamy sands. This material appears appropriate for septic systems and storm water retention basins.</p>
<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>Storm water drainage slopes toward East Kasson road.</p> <p>There are no watercourses, water bodies, county drains, flood plains, or wetlands located on the subject site.</p>
<p><i>7 Location of existing and proposed buildings and intended uses thereof.</i></p>		<p>The anticipated locations and sizes of all proposed buildings have been shown on the submitted Site Plan along with a listing of the commercial uses proposed.</p>
<p><i>8 Proposed location of accessory structures, buildings and other appurtenances, including, but not</i></p>		<p>The applicable proposed features have been shown on the submitted Site Plan.</p>

<i>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>		
<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>		The public roads, and right of ways have been shown on the submitted Site Plan. No easements are known to exist on the subject site.
<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>	NA	
<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>		The location of existing parking areas has been shown on the submitted Site plan. No site lighting is proposed.
<i>12 Location, size and characteristics of all loading and unloading areas. (Commercial)</i>		Shipping and receiving access will be via sectional doors on the buildings south side.
<i>13 Location and design of all trails, walkways, bicycle paths, and other areas for public use.</i>	NA	
<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>	NO	
<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>	NO	Existing Gas Main and Service line locations to be verified.
<i>16 Proposed location, dimensions and details of common open spaces and common facilities, such as</i>		No common open spaces or facilities are included in the project.

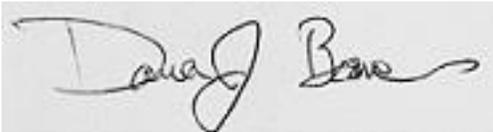
<i>community buildings or swimming pools, if applicable.</i>		
<i>17 Exterior lighting locations with areas of illumination illustrated, as well as the type of fixtures and shielding to be used. (Especially applicable to commercial).</i>	NO	
<i>18 Location and specifications for all fences, walls and screening features with cross sections.</i>	NO	No fences or free standing walls are proposed.
<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>	NO	Some deciduous trees are located on the site.
<i>20 Location and specifications for all proposed perimeter and internal landscaping and other buffering features.</i>	NO	
<i>21 Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities. (Especially applicable to commercial).</i>		Trash receptacle will be located between the buildings, which will serve effectively for visual screening.
<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>		<i>Act 245 of 1929 has been incorporated as Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act 1994, PA451, as amended (ACT 451) MCL 324.3101 et seq.</i> Nothing is proposed as part of this application that would apply to this requirement.
<i>23 Identification of any significant or unique site features.</i>	NO	
<i>24 Indication of any significant views onto or from the site.</i>	NO	
<i>25 The zoning classification of the site and adjacent properties.</i>	YES	The subject site and adjacent properties are zoned commercial on the north side of East Kasson road. To the south of East Kasson road is zoned forested.

26 <i>North arrow, scale and date of original submittal and all revisions.</i>	YES	The information is shown on the submitted plans.

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.



April 20, 2015
Tad Carter, Planning Commission Chairperson



April 20, 2015
Dana Boomer, Planning Commission Vice Chairperson