

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

January 14, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Ron Gilmore, Chairman

MEMBERS ABSENT

Also present: Judy Wright.

Chairman Gilmore called the meeting to order at 6:40 p.m.

#1 MOVED: by Arthur Brood, support by Gerda Frimberger, to approve the minutes of December 10, 2012. Motion carried.

#2 MOVED: by Gerda Frimberger, support by Arthur Brood, to approve the agenda with addition of discussion/approval of memo to Board. Motion carried.

OLD BUSINESS:

OPEN SPACE – A review of current ordinances revealed that definitions of greenbelts, buffer parks, and open spaces are covered in the Subdivision Control Ordinance, Ordinance #20, section 2.2 and the Master Plan. It is the consensus of the Committee that further definition or ordinances would not be needed at this time.

#3 MOVED: by Gerda Frimberger, support by Arthur Brood, to ask that the Township Board provide direction for further definition of Open Space if needed for grant application purposes. (Memo with supporting information is attached to these minutes.) Motion carried.

LOT SPLITS, LAND SALES, ETC. – It was discussed that these items should routinely be routed through the Planning Commission before the Township Board takes action.

There was a general discussion of items detailed in recent Zoning Bulletins and Township e-News pertaining to ordinances and enforcement.

NEW BUSINESS:

The Citizen Planner presentation will be postponed until new commission member and Board representative are appointed.

Meeting adjourned at 7:12 p.m.

Next meeting will be Monday, February 11, 2013, at 6:30 p.m.

Arthur Brood, Secretary

Minutes taken & typed by Judy Wright

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

February 11, 2013

4884 W. Curtis St.

Meeting Canceled

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

March 11, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Ron Gilmore, Chairman
Mike McMahon

Others Present:

Jim Moore, Township Supervisor
Carolyn Hall

Gerda Frimberger called the meeting to order at 6:35 p.m.

#1 MOVED: by Arthur Brood, support by Kathy Noel, to approve the agenda. Motion carried.

#2 MOVED: by Arthur Brood, support by Kathy Noel, to approve the minutes from January 14, 2013. Motion carried.

OLD BUSINESS:

Open Space: Some discussion, but no action taken in chairman Gilmore's absence.

NEW BUSINESS:

#3 MOVED: by Kathy Noel, support by Arthur Brood, to accept the Family Dollar Site Plan. Motion carried.

Master Citizen Planner Presentation: Postponed due to Chairman Gilmore's absence.

Meeting adjourned at 7:10 p.m.

Next meeting will be Monday, April 8th, 2013, at 6:30 p.m.

Arthur Brood, Secretary

Meeting Cancellation

The April 8, 2013, Planning Commission meeting is canceled.

The next regular meeting is scheduled for Monday, May 13, 2013, at 6:30pm.

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

May 13, 2013

4884 W. Curtis St., Kincheloe

MEMBERS PRESENT

Gerda Frimberger, Vice Chairman
Arthur Brood, Secretary
Kathy Noel, Trustee member
Mike McMahon
Richard Bernhardt

MEMBERS ABSENT

Others Present: Jim Moore, Township Supervisor and Judy Wright

Vice Chairman, Gerda Frimberger, called the meeting to order at 6:35 PM.

#1 MOVED: by Arthur Brood, support by Kathy Noel, to approve the minutes from March 11, 2013.
Motion carried.

OLD BUSINESS:

The following items were discussed as to their status:

- Civil Infractions
- Medical Marihuana
- New gravel pit regulations
- Definition of special use within the Zoning Ordinance
- M-80 road right-of-way
- Land swap with DNR to acquire property along Gaines Highway
- Formulation of capital improvement plan for all township departments

NEW BUSINESS:

#2 MOVED: by Gerda Frimberger, support by Arthur Brood, to elect Richard Bernhardt to the Chairman's position. Motion carried.

#3 MOVED: by Rick Bernhardt, support by Kathy Noel, to have current Vice Chairman, Frimberger, and current Secretary, Brood, continue to serve in those positions for the next year.
Motion carried.

Downtown Development Authority:

Trustee Noel informed the Commissioners that the Township would get extra points in the competition for grant funds if it had a DDA. Further information will be provided at a future meeting.

Rezoning of Township Parcels for Sale:

Supervisor Moore discussed the need to have vacant lots located on Watertower Drive, adjacent to the #13 fairway of the Oaks golf course, rezoned from recreational to enable the Township to more effectively market the lots for sale. Additionally, the Supervisor requested that the Planning Commission provide a listing of all Township properties complete with current zoning designations.

Request that the Township Board submit a request for rezoning of the seven parcels on the east side of Watertower Drive, north of Kincheloe Drive.

PUBLIC COMMENT:

What can be done about the junk that is left from the perpetual yard sale last year in the 10,000 block of Ploegstra Road?

Meeting adjourned at 7:45 PM.

Next meeting will be Monday, June 10, 2013, at 6:30 PM.

Arthur Brood, Secretary

Minutes taken and typed by Judy Wright

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

June 10, 2013

4884 W. Curtis St., Kincheloe

MEMBERS PRESENT

Gerda Frimberger, Vice Chairman
Kathy Noel, Trustee member
Mike McMahon
Richard Bernhardt, Chairman

MEMBERS ABSENT

Arthur Brood, Secretary

Others Present: Pat Mason and Judy Wright

Chairman Bernhardt called the meeting to order at 6:35 PM.

#1 MOVED: by Gerda Frimberger, support by Kathy Noel, to approve the agenda with the addition of discussion about the Zoning Board of Appeals. Motion carried.

#2 MOVED: by Gerda Frimberger, support by Kathy Noel, to approve the minutes from May 13, 2013. Motion carried.

PUBLIC COMMENT:

I am concerned about the possibility of an asphalt plant on property adjoining mine on Caldwell Road.

OLD BUSINESS:

Civil Infractions:

The Township Board needs to establish the Municipal Ordinance Violations Bureau to implement the Civil Infractions Ordinance (#1.132). It can be any administrative office personnel, in addition to the Township Treasurer, that would be authorized to accept payment of fines when someone does not want to dispute the violation charge. This would keep 100% of the fine money in the Township rather than having to pay a percentage to the district court.

#3 MOVED: by Kathy Noel, support by Gerda Frimberger, to recommend that the Township Board establish the Municipal Ordinance Violation Bureau and take appropriate steps to amend the non-zoning ordinances to convert them from misdemeanors to civil infractions. Motion carried.

#4 MOVED: by Kathy Noel, support by Gerda Frimberger, to request that the Township Board authorize the Planning Commission to hold a public hearing to convert all ordinances, that affect zoning, from misdemeanors to civil infractions. Motion carried.

Medical Marihuana:

The commission needs to **recommend that the Township Board enact the Medical Marihuana Ordinance** as previously presented and approved by attorney Charles J. Palmer.

New gravel pit regulations:

Although the Township's Quarrying Ordinance (#047A) does not specify where quarrying can be done, the Zoning Ordinance (#1.100) does do so. Current law prohibits the Township from restricting where quarrying can occur, but does not restrict protection of the health & safety of the Township's residents. The commission **recommends that the Township Board contact attorney Jim White to have him review the Quarrying & Zoning Ordinances for compliance with State law.**

Definition of special use within the Zoning Ordinance:

The Zoning Ordinance (#1.100) lists a number of activities that can happen within specific zoning districts if a special use permit is obtained. However there is no definition of the requirements to qualify for a special use permit. These requirements need to be objective and able to be applied to all special use requests uniformly. The commission will meet on Monday, June 24, 2013, at 6:30 PM for the purpose of determining what special uses should be listed and the requirements to obtain a permit.

Payne & Dolan's proposed asphalt plant on Caldwell Road might qualify for special use, or may require rezoning, depending upon the requirements that are developed. Chairman Bernhardt will compose a letter to Payne & Dolan, for the Township Supervisor's signature, that will affirm their ability to quarry at the current location and inquire as to their intentions regarding and asphalt batch plant.

M-80 road right-of-way:

The Commission **recommends that the Township Board pursue resolution of the M-80 right-of-way width issue, using legislative or other contacts,** in the interest of business development along the corridor.

Land swap with DNR to acquire property along Gaines Highway:

The Commission **recommends that the Township Board pursue the land swap with the Michigan DNR, using legislative or other contacts, for property on Gaines Highway related to the sewer and water easements that have already been secured.**

Formulation of capital improvement plan for all township departments:

The Commission **encourages the Township Board to develop a capital improvement plan for all departments to facilitate long-term asset and financial planning** in compliance with the Michigan Zoning Enabling Act.

Downtown Development Authority:

In pursuit of the formation of a DDA, the public needs to be aware that although a DDA can be a way of collecting additional taxes, the intent of the Commission is to use a DDA to further encourage development by qualifying for grants to assist community businesses and the Township with infrastructure improvements, etc. Many entities that award grants give extra weight to applicants who have a DDA.

NEW BUSINESS:

MTA “Hot Topics in Planning & Zoning” Seminar:

#5 MOVED: by Gerda Frimberger, support by Mike McMahon, to have Chairman Bernhardt attend one of the seminar’s sessions later this month and report back to the Commission.
Motion carried.

Zoning Board of Appeals:

A member of the Planning Commission is supposed to be a member of the Zoning Board of Appeals. Further research will be done to determine who the members of the ZBA are and who the Commission’s representative is.

Meeting adjourned at 8:10 PM.

Next meeting will be a special meeting to discuss “special uses” in the Zoning Ordinance on Monday, June 24, 2013, at 6:30 PM.

Arthur Brood, Secretary

Minutes taken and typed by Judy Wright

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING**

June 24, 2013

4884 W. Curtis St., Kincheloe

MEMBERS PRESENT

Gerda Frimberger, Vice Chairman
Kathy Noel, Trustee member
Arthur Brood, Secretary
Richard Bernhardt, Chairman

MEMBERS ABSENT

Mike McMahan

Others Present: Judy Wright

Chairman Bernhardt called the meeting to order at 6:35 PM.

Zoning Ordinance #1.100 - Definition of activities requiring special use permit:

In Section 3.19, Item 7 (Soil, Sand, Clay, Gravel, Stone or Similar Materials: Removal, Filling) delete "only in the Agricultural and Forest Recreation Districts," to comply with recent action by the State legislature allowing quarrying in any area of the State.

In Section 5.03 Uses subject to Special Approval: move items 1 (Home occupations) and 2 (Bed & breakfast facilities) to Section 5.02 Permitted Uses and Structures.

The members will review all sections of the ordinance for "uses subject to special approval" in each zoning district to determine if the uses should actually be permitted or moved into another zoning district for discussion at the next regular meeting.

It would be helpful to have a copy of the zoning map in the conference room for reference.

Civil Infractions Ordinance #1.132

There seems to be some confusion as to the amount of money the Township would receive from fines paid. It was noted that in Section 5, Paragraph B, Item (3)(a) should state that the alleged violator should also be able to request a formal hearing.

Zoning Board of Appeals

Secretary, Arthur Brood, will be the representative from the Planning Commission.

Meeting adjourned at 8:15 PM.

Arthur Brood, Secretary

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

July 8, 2013

4884 W. Curtis St., Kincheloe

MEMBERS PRESENT

Gerda Frimberger, Vice Chairman
Kathy Noel, Trustee member
Richard Bernhardt, Chairman

MEMBERS ABSENT

Mike McMahan
Arthur Brood, Secretary

Others Present: Supervisor Moore & Judy Wright

Excused Absent: Arthur Brood

Chairman Bernhardt called the meeting to order at 6:30 PM.

#1 Moved: by Kathy Noel, second by Gerda Frimberger, to approve the July 8, 2013, agenda with the addition of discussions about fireworks, asphalt plant, pawn shop & report about "hot topics in planning & zoning". Motion carried.

#2 Moved: by Gerda Frimberger, second by Kathy Noel, to approve the minutes of the regular meeting of June 10, 2013, and the special meeting of June 24, 2013. Motion carried.

PUBLIC COMMENT:

- It is the responsibility of local government to regulate fireworks displays and determine if the persons conducting the displays are competent.

- Frontier Renewable Resources has agreed to rescind the renaissance zone.

OLD BUSINESS:

Special Uses as defined in Zoning Ordinance #1.100:

As the zoning maps were not able to be located this discussion will be tabled until the August 2013 meeting.

Asphalt Plant:

Chairman Bernhardt will contact the DEQ/EPA about air quality standards that must be met. Supervisor Moore shared an email from MTA that their attorney said "From the plain language of the statute, I do not see anything that says that asphalt plants, boilers, etc., are protected activities and in any way exempt from zoning. ..."

Pawn Shop:

Supervisor Moore has contacted MTA about Patch Productions' resale/pawn shop and has received an email regarding their opinion. They suggest that the Township Board create a resolution setting the fee for the license and send a request for payment and application to the place of business. The license is to be issued by the Township Supervisor. The fee must be between \$50.00 and \$500.00.

NEW BUSINESS:

Hot topics in Planning & Zoning Workshop:

Land divisions – The Planning Commission normally does not get involved with the actual land division. The Commission will be consulted when the property owner actually wants to build on the property.

#3 Moved: by Kathy Noel, second by Gerda Frimberger, to recommend that the Township Board increase the land division fee as necessary to cover the cost of recording the land division, with the caution to the land division applicant that zoning approval must be received before construction can commence, with the County Clerk. Motion carried.

Municipal Civil Infractions – Chairman Bernhardt learned that MTA has information about implementing a municipal civil infractions system. Supervisor Moore will contact MTA about more information.

Right-to-Farm – It was stated at the workshop that the act only applies to zoning districts that currently allow agricultural activities.

Subdivision Control/Site Condominium Control Ordinances – The Township’s current subdivision control ordinance does not address site condominiums. We should develop an ordinance to insure that developers actually install features (water retention ponds, etc.) that are promised. MTA will be contacted to see if there is a sample ordinance and case law for reference.

Meeting adjourned at 8:00 PM.

Arthur Brood, Secretary

Minutes taken and typed by Judy Wright

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING**

Payne & Dolan's Operation of Asphalt Plant

July 22, 2013

4884 W. Curtis St., Kincheloe

MEMBERS PRESENT

Gerda Frimberger, Vice Chairman
Kathy Noel, Trustee member
Richard Bernhardt, Chairman
Arthur Brood, Secretary

MEMBERS ABSENT

Mike McMahan

Others Present: Supervisor Moore, Trustee Mitchell, Zoning Administrator Hall, Gery Hartmann of Payne & Dolan, Gary Collins of Arbor Ridge, & Judy Wright

Other Members of the Public: 7

Chairman Bernhardt called the meeting to order at 6:35 PM.

Mr. Hartmann stated that he had requested the meeting to clarify why they had received the letter dated June 17, 2013, from Supervisor Moore, given that Payne & Dolan had been open and forthright with the Planning Commission and Township about their intentions before purchasing the property from Frank Huyck & Son. He offered the following information:

- They have secured necessary permits from EPA, DEQ, etc.
- They had received approval from the Zoning Administrator in July 2012 for their operations.
- Copies of the approved zoning permit applications completed by both Payne & Dolan, Inc. and Frank Huyck & Son Co. were produced.
- The operation of an asphalt plant at a quarry is standard operating procedure within the industry. The liquid asphalt is trucked into the quarry site. Aggregate is dried and added to the liquid. The asphalt is then transported to the job location.
- The only processes that are actually done on site is the drying of the aggregate and mixing with the liquid asphalt. No other chemical processes take place at the quarry.
- It would be cost prohibitive to transport the aggregate to the plant manufacturing the liquid asphalt and then transport the road-ready asphalt to the job site.
- It is our intention to move the same physical plant to our Caldwell Road property that is currently being operated on Wilson Road, in Pickford Township.
- According to Zoning Ordinance #1.100 a special use permit for quarrying in an agricultural district would allow the asphalt plant as an accessory use.

Questions asked by members of the audience were:

- Why haven't the nearby property owners been advised of this operation?
- Do the DEQ, DNR & EPA know about this business?
- Why would someone purchase property knowing that it would have to be rezoned?

- This property is surrounded by state owned parcels intended for recreation and preservation. Are they okay with the operation of the asphalt plant here?
- What will be done about the noise and the odors associated with the operation of the plant?

Members of the Planning Commission stated the following:

- Public Act 113 of 2011 prevents a municipality from limiting where quarrying may be carried out.
- The Act does allow a local unit of government to establish reasonable regulations for the operation of such activities.
- It is currently the opinion of the Commission that the asphalt plant is not an extraction related associated activity but rather a manufacturing process.
- The subject property is zoned agricultural.
- Rezoning of the property was discussed at both the July 2012 and September 2012 Planning Commission meetings.
- It is the Commission's opinion that the property should be rezoned to an industrial classification to accommodate the manufacturing asphalt.
- The Commission does not have knowledge of a site plan and/or reclamation plan being filed, as required by Quarrying Ordinance #47A.
- Before a new quarry is opened a public hearing is supposed to be held.
- Rezoning requires a public hearing.

Meeting adjourned at 7:30 PM.

Arthur Brood, Secretary

Minutes taken and typed by Judy Wright

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

August 12, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Mike McMahon

Others Present:

Jim Moore, Township Supervisor
Gery Hartmann

Chairman Bernhardt called the meeting to order at 6:30 p.m.

#1 MOVED: by Kathy Noel, support by Arthur Brood, to approve the agenda. Motion carried.

#2 MOVED: by Arthur Brood, support by Kathy Noel, to approve the minutes from July 8, 2013, regular meeting and July 22, 2013, special meeting. Motion carried.

NEW BUSINESS:

Asphalt Plant Special Use Permit Application: Gery Hartmann, of Payne & Dolan, asked about the status of a proposed asphalt plant with the planned quarrying operation. He asked if he needed to pursue a request for rezoning. Communication from MTA attorneys indicated it would need to be rezoned as it does not meet criteria under special use in its current zoning.

#3 MOVED: by Kathy Noel, support by Gerda Frimberger, to deny request for a special use permit to Payne & Dolan as an asphalt plant is not a listed Special Use in an Agricultural Zone nor is it deemed an accessory use for a quarry. Motion carried.

Review of ordinances that would allow use for an asphalt plant was conducted. It was determined that Heavy Industrial (Ordinance 1.1, section 15) met qualifications. It was also determined by consensus of the Planning Commission that Light Industrial (Ordinance 1.1, section 14) could also qualify with a special use permit. No further action taken.

#4 MOVED: by Gerda Frimberger, support by Kathy Noel, to approve the Atwater Development (Family Dollar) site plan subject to verification of appropriate number of parking places as per ordinance. Motion carried.

OLD BUSINESS:

Zoning Ordinance Special Uses – Discussion was held with no formal action taken. Members were asked to review special uses that need to be eliminated or added.

Reminder of the public meeting scheduled for August 21, 2013, at 7:00 p.m.

Meeting adjourned at 7:45 p.m.

Next regularly scheduled meeting will be Monday, September 9, 2013, at 6:30 p.m.

Arthur Brood, Secretary

** Request that Judy Wright please include Atwater Development (Family Dollar) site plan drawing as part of the minutes.

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
QUARRY APPLICATION PUBLIC HEARING**

August 21, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Mike McMahon

Others Present: Deputy Supervisor Fred McClendon, Zoning Administrator Carolyn Hall, Trustee Dan Mitchell, Payne & Dolan staff, and Judy Wright

Attendance: 19

Chairman Bernhardt called the meeting to order at 7:00 pm.

Chairman Bernhardt informed the audience that due to recent Michigan legislation local governments are unable to prohibit quarrying activities in any geographic/zoning area. However the Township is able to regulate the operations through it's ordinances. Through the current Quarry Ordinance (#47A) and Noise Ordinance (#1.109) hours of operation, noise, etc. can be controlled. Additionally, quarry permits must be renewed annually. This would allow any deficiencies to be corrected before renewal permits are issued. It is the opinion of the Planning Commission that rezoning or at least a special use permit would be necessary for the operation of an asphalt plant at this location. Payne & Dolan has not applied for any zoning changes as of this date.

Comments & Concerns of the Public:

Rob Laitinen (of the Chippewa County Road Commission) – We are here in support of Payne & Dolan's application. The Mining Safety and Health Administration imposes more stringent regulations on quarries/gravel pits than most other governmental agencies. We have worked with Payne & Dolan for many years without incident and feel that their business would be a significant asset to the Township.

Jim McKinnon (resident) – Is the road going to be kept in better condition than it is now?

Bill Mason (resident) – Who will be enforcing the Township's ordinances? If there is not an asphalt plant, does this mean that the 6" natural gas line will not be installed down Caldwell Road? Why the public isn't made aware of what is happening earlier in the process?

Chuck Godin (resident) – What is this operation going to cost the Township?

Gary Collins (resident) – What procedure will have to be followed to put in an asphalt batch plant? How many violations can happen before the operation is closed down?

Kristin Mills (resident) – Are trees being removed from the property on the side closest to Arbor Ridge?

Wes Pierce (resident) – I would not want to have mining at night. I work nights and already have trouble sleeping during the day.

Cynthia Collins (resident) – What are penalties for violation of the noise ordinance?

Payne & Dolan attorney – Is there any provision in the township ordinance for a resident to initiate a suit against Payne & Dolan?

John Bartozek (Payne & Dolan Area Manager) – We fully intend to comply with Township ordinances and be a good neighbor. Because our current location is DNR owned property we are not able to do some things that we intend to do on Caldwell Road. We are putting in more berms than is required for sound buffering. There will not be any blasting, only excavation of sand & gravel, etc. We do not anticipate entering the water table with the excavation.

8:00 PM Adjourn

8:12 PM Reconvene and close public hearing

Commissioners reviewed the application and ordinance requirements. It was found that the applicant requested extended hours of operation (before 7:00 AM) and that these instances would be the exception rather than normal operating hours. Operations must comply with Noise Ordinance (#1.09) regulations whenever it is operating. It was noted that the berms and security fencing/gate are in place. The submitted site plan complied with ordinance requirements. The applicant was asked to provide copies of the soil erosion & sedimentation permit as well as a plan for dust control on Caldwell Road. It was confirmed that the Chippewa County Road Commission has no unresolved issues with a quarry at the stated location. One commissioner stated that it would be preferred to have no operations on Sundays. However there was no provision found in the ordinance to require a six day operation. It was stated that the Mining Safety & Health Administration regulations control dust as a byproduct of operations.

#1 MOVED: by Arthur Brood, support by Kathy Noel, to authorize and direct the Zoning Administrator to issue a quarry permit which complies with the Mining Safety and Health Administration's regulations with hours of operation to be 6:00 AM – 8:00 PM to Payne & Dolan, Inc. for the property located at 17777 S. Caldwell Road with the applicant supplying copies of the soil erosion and sedimentation permit and copies of DNR/DEQ permits as issued. Motion carried.

Meeting adjourned 8:45 PM.

Arthur Brood, Secretary

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

September 9, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Chairman Bernhardt called the meeting to order at 6:30 p.m.

#1 MOVED: by Kathy Noel, support by Arthur Brood, to approve the agenda, amended to include a report from the Zoning Bulletin news publication. Motion carried.

#2 MOVED: by Kathy Noel, support by Arthur Brood, to approve the minutes from August 12, 2013, regular meeting and August 22, 2013, public hearing. A correction was added to the August 12, 2013, minutes. It should have stated behind the double asterisk, *Request that Judy Wright please include Atwater Development (Family Dollar) site plan drawing at the proposed M80 location as part of the minutes.* Motion carried.

PUBLIC COMMENT: None

NEW BUSINESS:

A Public Hearing to consider the request from Payne & Dolan to rezone a portion of their property is scheduled for September 23, 2013. The steps necessary to rezone a parcel and the procedures that would be followed at the public hearing were discussed.

Gery Hartman, of Payne & Dolan, informed the committee that he has scheduled tours of the asphalt plant on Wilson Road for Thursday, September 12, 2013, from 1-6 p.m. and again on Friday, September 13, 2013, from 8-11 a.m. All tours will begin on the hour and will meet at the Malamute Saloon parking area. Interested parties should contact Gery Hartman with Payne & Dolan.

OLD BUSINESS:

The Atwater Development site plan was reviewed and determined that it meets the requirements for parking as established in the ordinance.

#3 MOVED: by Gerda Frimberger, support by Kathy Noel, to accept the Atwater Development site plan as presented. Motion carried.

September 9, 2013

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Zoning Ordinance Special Uses – Discussion was held with no formal action taken. Members continued to review sections that need to be updated, eliminated or added.

Reminder of the public hearing scheduled for September 23rd, 2013, at 7:00 p.m.

Meeting adjourned at 8:20 p.m.

Next regularly scheduled meeting will be Monday, October 14th, 2013, at 6:30 p.m.

Arthur Brood, Secretary

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING – PUBLIC HEARING**

September 23, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Also present Dep. Supervisor Fred McClendon, Payne & Dolan representatives John Bartoszek, Gery Hartmann, Brad Burnham, & Judy Wright. Public in attendance 20.

Chairman Bernhardt called the meeting to order at 7:00 PM. He described the steps involved in the rezoning process. He requested that the public identify themselves with their name, whether they were a property owner or renter, and their proximity to the site.

OPEN PUBLIC HEARING 7:10 PM

John Bartoszek, of Payne & Dolan, explained that they had invested a great deal of engineering time and money to have a natural gas line installed to the site in the belief that they were already in compliance with the Township's Zoning Ordinance, having received the Zoning Administrator's approval on their permit application on September 9, 2012. He gave a brief summary of the company's history of being a family owned business in operation since 1920 with offices in Sault Ste. Marie, Gladstone, and Gaylord. Payne & Dolan is committed to being a good neighbor often going above and beyond the requirements to insure the aesthetics and environmental quality of the areas in which they operate sites in Wisconsin, Michigan and Illinois. The application to have property rezoned as heavy industrial is presented at the suggestion of this committee stating that an asphalt batch plant would be allowed by right in such a zoning district within Kinross Township. Five acres was chosen rather than the 20 acres for an industrial park as specified in the Zoning Ordinance (#1.100 Section 16.02) so that if Payne & Dolan were to sell the property such a limited area would restrict the industries that would be able to operate on such a small parcel. A timely decision is critical to insure that the natural gas allocation is still available for the site.

No written comments regarding the rezoning application had been received at the Township office.

Residents making comments, who identified themselves, included: Patrick Mason, Jim McKinnon, Dave Karst, Eugene Thibert, Nancy Karst, Bill Lockhart, Mary Brinker, Paul Johnson, Paula Adams, and Harvey O'Brien.

Comments and questions presented by the public:

Odor is an issue with the current location on Wilson Road, in Pickford Township, especially when the wind is from the southeast or the air is heavy.

Why can't they put the plant in the existing industrial park?

How much additional traffic will be caused by having the asphalt batch plant at the quarry?

All property owners have the right to request that their property be rezoned.

Oxidizers can be added to the operation that will eliminate odors more quickly. They act like Fabreeze does on fabric eliminating, not masking the odors.

They have been in operation on Wilson Road for a year and a half and we get more noise from the prisons and the bars in the area.

Trees that surround the site act as a buffer for the sound and dust.

If the property is rezoned heavy industrial are there different decibel levels allowed?

It would be good to have access to natural gas in the area. It would reduce the cost of doing business as well as personal household expenses.

I took the tour of the plant. It eliminated the concerns that I had in the past.

Caldwell Road should be improved to handle the additional traffic. It is very narrow.

We live in a rural community. Odor from the asphalt plant is no worse than manure being spread or smoke from wood burning furnaces.

It is better to work with a company that provides employment in the community than to end up fighting in court.

RECESS 7:50 PM

RECONVENE 8:00 PM

Payne & Dolan has already been in discussion with the Chippewa County Road Commission about improving the road. The first we have heard about odor issues is when people began touring the current location. The odor issue is easily resolved.

PUBLIC HEARING CLOSED 8:05 PM

Gery Hartmann informed the commissioners that when the property was purchased from Frank Huyck & Sons Excavating all 160 acres were zoned agricultural and Mr. Huyck had a signed permit to operate an

asphalt plant at the quarry. Payne & Dolan had received both a signed zoning permit application and an email from the Zoning Administrator saying that they were in compliance.

Commissioners asked if the plant would be at ground level or below grade. They were told that there would be berming around it.

It was noted that Heavy Industrial (I-2) requires 20 acres and the reasoning behind the application requesting only five (5) acres. Heavy Industrial would allow any industry to locate on the property.

The issue of appropriate and inappropriate spot zoning was discussed. Spot zoning being defined as small size, inconsistent use, and of a special benefit to the property owner. Where the surrounding community would also benefit from such a zoning change the courts have ruled spot zoning was appropriate.

The possibility of issuing a special use permit and rezoning as Light Industrial (I-1) was discussed.

Provisions of the Master Plan for future development in the specified area do not include industrial zoning. It states that industrial development should be limited to areas with public services (water, sewer).

#1 MOVED by Kathy Noel, supported by Gerda Frimberger, to deny the Heavy Industrial (I-2) rezoning application, but to recommend that the Township Board consider issuing a special use permit for an asphalt batch plant in Light Industrial (I-1). MOVED by Rick Bernhardt, supported by Arthur Brood, to amend MOTION #1 to include that other zoning districts would be designated by the Planning Commission. Amendment carried. Original motion carried.

The Planning Commission will meet on Monday, September 30, 2013, to determine which zoning districts should allow asphalt batch plants as special uses. Representatives of Payne & Dolan were encouraged to attend this meeting as their input would be welcomed and very helpful.

Meeting adjourned 9:45 PM.

Arthur Brood, Secretary

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING – Rezoning Application Recommendations & Amending Special Uses**

September 30, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Also present Trustee Dan Mitchell, Payne & Dolan representative Brad Burnham & Judy Wright.

Chairman Bernhardt called the meeting to order at 6:30 PM.

A draft of recommendation to the Township Board regarding Payne & Dolan's rezoning application was reviewed.

#1 MOVED: by Kathy Noel, support by Gerda Frimberger, to forward the recommendation to the Township Board recommending that the rezoning request be denied. Motion carried.

A draft of recommendations regarding asphalt plants as ancillary uses located at quarrying sites was reviewed and discussed. It was discussed that as the Commissioners now understand more fully the operations of an asphalt plant at a quarry that the activity should indeed be a secondary activity which could be covered by a special use permit rather than rezoning parcels. This treatment would also comply with the current Master Plan.

#2 MOVED: by Arthur Brood, support by Gerda Frimberger, to recommend that the Township Board amend the Zoning Ordinance, by directing the Planning Commission, to list asphalt plants as a special use in zoning districts where quarrying is allowed, with requirements that are appropriate for each district. Motion carried.

Meeting adjourned 8:00 PM.

Arthur Brood, Secretary

Minutes taken & typed by Judy Wright

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

October 14, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Also present Payne & Dolan representative Gery Hartmann & Judy Wright.

Chairman Bernhardt called the meeting to order at 6:35 PM.

#1 MOVED: by Arthur Brood, support by Gerda Frimberger, to approve the agenda with the addition of the Special Land Use Permit Application under Old Business. Motion carried.

#2 MOVED: by Arthur Brood, support by Gerda Frimberger, to approve the minutes of the regular meeting of September 9, 2013, with the addition of a street address, parcel number or legal description for the proposed location of the Family Dollar Store site plan that was approved. Motion carried.

#3 MOVED: by Gerda Frimberger, support by Arthur Brood, to approve the minutes of the public hearing of September 2, 2013, with the correction of resident's name from *Dave Clark* to *Dave Karst*. Motion carried.

#4 MOVED: by Gerda Frimberger, support by Kathy Noel, to approve the minutes of the special meeting of September 30, 2013, as presented. Motion carried.

SPECIAL LAND USE PERMIT APPLICATION: It was discussed that the previous Township Board had neglected to act upon the recommendation of the approval of the redesigned Special Land Use Permit Application. There was additional discussion of the paragraph describing the correction of infractions. When the Township converts ordinances to Municipal Civil Infractions this form will need to be updated.

#5 MOVED: by Gerda Frimberger, support by Arthur Brood, to recommend that the Township Board approve the redesigned Special Land Use Permit Application. Motion carried.

Drafts of amendments to the Zoning (#1.100) and Quarrying (#47A) ordinances prepared by Mika Meyers Beckett & Jones attorney Ronald M. Redick were reviewed by members and Mr. Hartmann. Several issues were found with the Zoning Ordinance amendment draft.

Zoning Ordinance – Section 3.19 – Added: Item 9 Quarry Plants

Paragraph a.(ii.) has very restrictive conditions for the percentage of the products that must be produced from raw materials from the quarry. Mr. Hartmann informed the members that the mix of asphalt varies greatly from one job to the next. To require a specific percentage of raw materials would be very hard to enforce as well. Would it be an issue if a quarry plant was operated at an inactive quarry location?

Paragraph b.(i.) should not require all quarry plants to add oxidizer. Plants located in remote areas would not have neighbors that would be affected by odors. Language could state that oxidizer “May be required if complaints are received”, etc.

Paragraph b.(ii.) could be simplified by stating that all operations will comply with the Anti-Noise Ordinance #1.109.

Paragraph b.(iii.) requirements for roads are already covered in the Quarrying (#47A) ordinance.

Paragraph b.(iv.) references performance bonds for the repair of roads. Mr. Hartmann suggested that the Commission should check the legality of such a bond. It is good business practice for the company to maintain the roads as it preserves the company’s equipment.

Paragraph b.(v.) could state that “The Planning Commission may limit the hours or days of operation of the Planning Commission determines that such limitation is required in order to avoid adverse effects upon adjoining or nearby lands.”

Paragraph b.(vii.)’s setback requirements are already established by the Department of Natural Resources.

Paragraph b.(viii.)’s reference to drainage is already addressed in the Quarrying (#47A) ordinance.

No significant issues were noted with the draft amendment to the Quarrying Ordinance.

There was some discussion about the possibility of issuing permits for either one or multiple seasons. Members will continue to study the amendments and communicate questions, suggestions, etc. to other members by email before the next regular meeting on November 11, 2013.

Meeting adjourned 8:45 PM.

Arthur Brood, Secretary

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

November 11, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

none

Chairman Bernhardt called the meeting to order at 6:30 p.m.

#1 MOVED: by Arthur Brood, support by Kathy Noel, to approve the agenda. Motion carried.

#2 MOVED: by Kathy Noel, support by Gerda Frimberger, to approve the minutes from the October 14th, 2013 regular meeting. Motion carried.

PUBLIC COMMENT: None

NEW BUSINESS:

Budget Worksheet: Discussion was held on the budget worksheet. Recommended changes by the committee for the upcoming fiscal year are listed below:

- Reduce \$500 from PL COMM-CONSULTANT FEES and transfer that amount to PL COMM-LEGAL FEES as the committee anticipates revision of ordinances.
- Propose increasing PL COMM-EDUCATION to \$1500
- Propose reducing PL COMM-PUBLISHING to \$500

****The committee is advising the board that the amounts listed in the legal and education line items are minimum amounts and the committee may request additional funds.**

OLD BUSINESS:

Zoning Ordinance Special Uses: A draft version for a quarrying plant was discussed with proposed modifications to be brought to a public hearing at a future date.

- Performance Bonds – to be discussed at a future meeting.
- Temporary Special Uses for batch operations – to be discussed at a future meeting.

Meeting adjourned at 8:05 p.m.

Next regularly scheduled meeting will be Monday, December 9th, 2013, at 6:30 p.m.

Arthur Brood, Secretary

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

December 9, 2013

4884 W. Curtis St.

MEMBERS PRESENT

Richard Bernhardt, Chairman
Gerda Frimberger, Vice Chair
Arthur Brood, Secretary
Kathy Noel, Trustee member

MEMBERS ABSENT

Also present Supervisor Jim Moore and Judy Wright.

Chairman Bernhardt called the meeting to order at 6:40 PM.

#1 MOVED: by Arthur Brood, support by Kathy Noel, to approve the agenda. Motion carried.

#2 MOVED: by Kathy Noel, support by Gerda Frimberger, to approve the minutes from the November 11, 2013, regular meeting. Motion carried.

PUBLIC COMMENT:

The Township has listed the hotel for sale with real estate agent Barbara Hampton.

OLD BUSINESS:

Members reviewed language received to amend the Quarry Ordinance #47A to include Quarry Plants.

#3 MOVED: by Kathy Noel, support by Arthur Brood, to approve the language prepared to amend the Quarry Ordinance #47A. Motion carried.

Changes to the Zoning Ordinance #1.100 to define "quarry" and "quarry plant" as well as amend the locations of quarry plants were reviewed. There was a discussion of the addition of Forest/Recreational zoning district to Section 5, item 9a ii, iii, & iv. Chairman Bernhardt will contact the attorney about necessary changes.

#4 MOVED: by Gerda Frimberger, support by Arthur Brood, to approve the content of the amendments to the Zoning Ordinance #1.100 Motion carried.

Chairman Bernhardt will contact the attorney to finalize the legal language of both ordinance amendments. As soon as wording for publication is received a public hearing will be scheduled.

Meeting adjourned at 7:30 PM

Next regularly scheduled meeting will be Monday, January 13, 2013, at 6:30 PM.

Arthur Brood, Secretary

Minutes taken and typed by Judy Wright